

Report: Yakama court dysfunctional

TOPPENISH (AP) — A 52-page report by the National Indian Justice Center describes the Yakama Nation's tribal court system as dysfunctional and lacking leadership, the Yakima Herald-Republic reported.

The Justice Center, based in Santa Rosa, Calif., is an Indian-owned, nonprofit agency that assists tribes with improving their justice systems. The tribe commissioned the probe, which was completed last fall, but the newspaper didn't obtain a copy until last week.

The report revealed conflicts of interest, daily breaches of confidentiality and security, a mounting backlog of cases and a lack of any appeals process.

Tribal prosecutors and public defenders refused to be interviewed and public defenders were not representing clients in court during the inspection conducted by the Justice Center, the report said.

Tribal Council Chairman Louis Cloud told the newspaper for a story Saturday that the tribe would address the issues but that he could not comment on the findings before consulting with the tribe's Law and Order Committee.

Officials at the Justice Center also would not comment, citing contractual obligations with the tribe.

The Yakama tribal court has four judges, four clerks, and

hears up to 300 cases a month involving driving infractions to civil disputes, according to the report.

Tribal member Louis Gunnier, embroiled in a child custody case in tribal court, said the Tribal Council sought the probe after he complained how his case was handled.

All major decisions about the tribe are made at the General Council meeting, where tribal members elect the 14-member Tribal Council. The Tribal Council oversees daily operations for the tribe.

Gunnier said he was awarded custody of his children in 2001 but discovered last May that the court had reversed its decision

and awarded custody to his ex-wife.

Court documents show that a judge in April 2004 authorized the custody change, but it wasn't enforced until a year later. Gunnier said he was told that the order was found sitting in a file a year after the decision.

Gunnier thinks the order was dishonestly backdated, and is calling for the ouster of both the tribe's chief judge and children's court judge.

With the tribe's appeals court not functioning, Gunnier says he has no recourse.

"Appeals aren't being processed," Gunnier said. "My argument to my people is this shouldn't be happening."

Geothermal energy project under consideration

KLAMATH FALLS (AP) — Controversy is brewing over a plan to develop a \$200 million geothermal energy project at the Medicine Lake Highlands, a collapsed large shield volcano.

Since the 1980s, a series of developers have proposed drilling geothermal wells at Medicine Lake and transmitting energy over power transmission lines.

Proponents tout geothermal energy as a clean alternative to other sources of electricity, such as fossil fuels, coal and nuclear energy. The work includes pumping naturally generated water from underground sources, using the water to generate power and then pumping the water back into the ground to be reheated and reused.

Some studies show that the Medicine Lake Highlands has the largest identified geothermal resource in the lower 48 states.

But Indian tribes are opposed to the idea. They say the caldera has been used for spiritual, ceremonial and healing purposes for more than 10,000 years by the Pit River, Modoc and Shasta tribes.

Some Puyallups question monthly payments to tribal members

TACOMA, Wash. (AP) — The Puyallup Tribe of Indians takes the direct approach with profits from its Emerald Queen Casino. Every one of the tribe's 3,450 members gets a monthly check for \$2,000.

Since the program began in 2002, the Puyallups have paid

out \$280 million.

But as the tribal population increases, the payments have become a topic of heated debate.

Puyallup leaders say there's no problem, citing the casino's healthy profits.

But a group of concerned

members says the payments have put the Puyallups on an economic treadmill they can't keep up with and can't get off.

Members of the group, who declined to be identified by name, told The News Tribune newspaper that the tribe recently restructured more than \$130 million in

loans so that only interest payments will be made over the next five years. The tribe then will face a balloon payment.

"The tribe is essentially operating on a paycheck-to-paycheck basis," said a member of the group, which calls itself Full Circle of the Puyallup Nation.

"There is no consideration given to long-term debt. They have no idea how they're going to come up with the money to pay that balloon in five years."

David Peterson, hired by the tribe as its head accountant, would not discuss the details, but said restructuring is a normal

part of business. The payments to tribal members are part of a large and complex business plan — well-thought-out and entirely above board, he said. "Some people start scurrilous rumors and blow up situations beyond recognition," said John Bell, the tribe's top attorney.

Air quality: varies widely on the rez

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"I take the lowest reading in Oregon, the highest reading in the Northwest and also the whole western region," Shipp said. "I get pretty good comparison of the air quality here, around the region and the whole west coast."

The town of Burns, for instance, was the highest in particulates in Oregon for a week or so. "They have a lot of wood stoves, and they have stagnant air over there too," said Shipp.

Warm Springs, he said, has generally good air quality, with indices under 50, which is considered good. "It's probably among the best regions. It's comparable to Bend, and Bend is hardly ever in the moderate range," he said.

"Once in a while, they get a temperature inversion, like in Los Angeles, where warm air is above the cold air and it holds on like a lid. You get all these wood stoves going and it'll crank it up."

"It was definitely in the moderate range and unsafe for certain sensitive groups for a while, but that was unusual. Typically, it's usually in the good range, with an index of 50 or below."

Even so, air quality isn't something to be taken for granted. Factors like traffic, both coming through Warm Springs on U.S. 26 and in certain places in the Warm Springs community, and wood stove smoke can compromise air quality.

Along with the monitor at Fire Management, which is away from major vehicular traffic, in the next few weeks, Shipp will place another monitor near the Hollywood Street-Tenino Road intersection, near several major traffic spots, including the Community Center, the tribal Admin-

istration building, the Early Childhood Education Center and the Warm Springs Indian Health Services Clinic.

"In south Warm Springs, you have more cars, so this new monitor we're going to put over by the health clinic. That will give us readings on the south side," he said. "I have a small portable monitor, and I've been getting very high readings almost every day in the moderate range, much higher than what they have at Fire Management. How long it's going to stay in the good range I'm not going to know until I get my continuous monitor."

It is interesting, he said, that the air by the clinic really isn't the same as the air at Fire Management. "The air here (at the clinic) tends to stagnate more. Over there, you get the air carried away toward the east. It carries away to the east here, and when it gets over here it stagnates."

The new monitor will be es-

pecially helpful, he said, because it will help him determine trends in air quality, help find where the particulate matter comes from — whether it's from vehicular traffic in the mornings and afternoons or woodstove smoke at night.

"It'll be interesting to see what happens. This new monitor will show day and night, what the peaks are at night and at certain times of the day,"

Shipp has been an air quality specialist for the Confederated Tribes since 2002. He was previously the Warm Springs environmental sanitarian. He said the moderate particulate level, at over 50, is not necessarily harmful by itself, but there may be other factors to consider, such as acute exposure one may have at home, where there may be a wood stove or material like radon.

"We haven't done any radon studies, which is unfortunate," he said. "We have a person who works at Natural Resources. His

mother has lung cancer and she hasn't been a smoker, and we don't know what the problem is. A lot of times the air near the tribal garage is much higher (in particulates) than at the clinic. For some reason, it just kind of stays around there, and people living near there are at higher risk than people who live out by Tenino."

He said he would, in fact, favor an epidemiological study in Warm Springs.

"We need to work with Indian Health Service to look at all the statistics, such as the number of people who are visiting the clinic for respiratory distress. We want to see the areas where most of these people are living — is it north Warm Springs, or is it south Warm Springs, and within those areas, where are you getting most of the reports of respiratory problems?" he said. "Then we can narrow it down — are they living close to the tribal garage or closer to Tenino? A lot needs to be done, as far as investigation of health

statistics. We're looking to do that in the next year."

Of course, Shipp said, "there are people who smoke, and they are at high risk anyway. And there are many other factors, a number of risk factors people need to know about."

The mill at Warm Springs Forest Products Industries contributed to bettering the air quality when it began operating its new boiler unit.

The new boiler has a smoke scrubber to draw out impurities before the smoke leaves the smokestack. Also, smoke from the mill tends to blow away from the Warm Springs community, he said.

A lot of work has been done to help monitor the air quality, he said, and having the new monitor in South Warm Springs will help as will the daily bulletins posted in various spots, including the Administration Building, the Warm Springs Market, the Community Center and at the Natural Resources complex.

Stwyer: encouraged since childhood

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"That was given to me by my 'Nana' Aurolyn Stwyer. She gave it to me during her son's name-giving. And then my stepfather re-did everything, hair-ties, the bag, everything that goes with it. It was all re-done and it was a shock to everybody. They thought it was the original outfit but it was all re-done."

While she doesn't do much beadwork, she can sew, and is learning to sew with a sewing machine. She also made her own jingle dress, "which took me a very long time," she said.

"It took me nine months. It was a project in school in Native Arts and Crafts Class," she said. "My teacher helped me out. It was one of my goals before the end of the school year that I would make a jingle dress with moccasins and leggings."

Stwyer said she was encouraged to try out for the Miss Warm Springs title when she was a child by her grandfather and her uncle. "It was an inspiration from my grandpa Herbert Stwyer Sr.,

and my uncle Jimmy, who are both deceased. I was really young, and they said they would like to see me be Miss Warm Springs."

Her aunt Pearl Stwyer and cousin Aurolyn Stwyer were Miss Warm Springs before her.

Stwyer said she is excited at the opportunities that are before her, as she anticipates her year of representing the tribes all over the Northwest, at powwows and other events.

"I'm excited," she said, "because it's a different kind of experience from the first time I was a queen. The first time I was a queen it was kind of local. This one spreads out all over, and you travel a lot more." Stwyer was senior queen of the Veterans Day Powwow at Yakama Reservation.

She plans to attend college to become a paralegal, and eventually attend law school and be an attorney. Stwyer is the daughter of Veronica Wallulatum and step-father Custer Wallulatum, and father Herbert Stwyer Jr. She graduated from Yakama Nations Tribal School on the Yakama Reservation last June.

— Brian Mortensen

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