

## Idaho loses bid to restrict casinos

BOISE, Idaho (AP) – The 9th U.S. Circuit Court of Appeals has ruled that Idaho cannot unilaterally limit the number of video gambling machines operated by the Shoshone-Bannock Tribes or force the tribes to renegotiate their 2000 gaming compact with the state.

Wednesday's ruling upheld a 2004 decision by U.S. District Judge B. Lynn Winmill, who ruled that the Shoshone-Bannocks automatically got the right to the machines when three other Idaho tribes were allowed to install similar devices.

But unlike the Shoshone-

Bannocks, the gaming compacts signed by the Coeur d'Alene, Nez Perce and Kootenai tribes limit the number of machines and require the tribes to contribute 5 percent of their annual gaming revenue to local schools.

"The fact that the (Shoshone-Bannock) Tribes may now be in a technically better position than the other tribes is purely a function of the terms of the compact that Idaho and the (Shoshone-Bannock) Tribes voluntarily entered into," Judge William Canby Jr. wrote for the unanimous three-judge panel.

The compact prohibits the state from collecting "any Idaho tax or contribution in lieu of

taxes or fees on or measured by gaming transactions, gaming devices permitted under this compact, gross or net gaming revenues, or the tribes' net income," according to the court ruling.

"The (Shoshone-Bannock) Tribes did not bargain away their immunity from such taxes or payments in the compact," Canby wrote. "The fact that other tribes have accepted a package of benefits and burdens when they voluntarily amended their compacts does not change the terms of the compact."

The tribes' attorney, Scott Crowell, said the appellate court victory was the last hurdle the

tribes faced before moving forward with a "substantial investment" in gaming operations.

"We did not believe that this was a well-founded appeal to begin with and we're gratified that the court agrees," Crowell said. "Now the tribes can begin receiving the benefits of tribal gaming, which is to provide a revenue source for the tribal government and jobs."

Bob Cooper, a spokesman for the Idaho attorney general's office, said the state was still reviewing the decision.

## Archeologists often find treasures in wildfire ashes

DESCANSO, Calif. (AP) – An oak tree was still burning nearby when Margaret Hangan made her way across a wildfire-scorched landscape and spotted to her delight a set of flat-topped granite boulders that served as kitchen counters in an ancient village 2,000 years ago.

In the rocks were manmade oval depressions in which acorns were ground into flour.

"This place was happening," said Hangan, a U.S. Forest Service archaeologist. "They had water, food, grass for baskets – everything they needed."

For all the damage they do, wildfires can be a boon to archaeologists, laying bare the traces of long-gone civilizations.

Around the country, government archaeologists often move in to see what has been exposed after the flames have burned away the underbrush; sometimes they accompany firefighters while a blaze is still raging to make sure artifacts are not damaged.

"Fires are a double-edged sword," said Richard Fitzgerald, an archaeologist for California state parks. "They can be very destructive, but after a big fire you can find new sites, even in areas that have been surveyed before."

During a gargantuan fire that burned for nearly a month this fall in the Los Padres National Forest north of Los Angeles, fire crews found an abandoned gold mining camp and an adobe homestead from the 1800s. After a smaller fire there in June, they discovered a cave with rock art and a site with unusual beads made from freshwater shells.

David Jurney, an archaeologist in the Ozark-St. Francis National Forest in Arkansas, estimated his teams make four times as many finds during post-fire surveys than they do digging through overgrown stretches of forest.

Most finds are small, rock flakes left behind by hunters sharpening arrowheads, or piles of rich brown earth, called midden, that remain from prehistoric kitchen scraps.

In rare instances, fires unveil large structures. Archaeologists discovered fortress-like stone

walls after a 2003 fire ravaged Cuyamaca State Park northeast of San Diego.

During fires, archaeologists sometimes move with firefighters to help prevent damage to already recorded sites. Bulldozers are often directed to work around settlements, and helicopter pilots are warned against dropping fire retardant on rocks with ancient drawings on them.

"The No. 1 goal is to put the fire out, but there's flexibility in how that's done," said Paul Claeysens, a Forest Service archaeologist in Oregon.

Fire crews working near known archaeological sites can also set backfires that can burn away fuel at lower temperatures than wildfires, which can get so hot that rocks simply explode, obliterating traces of ancient settlements.

Hangan knew that there were boulders once used by the ancient Kumeyaay Indians in the Cleveland National Forest near Descanso, just outside San Diego. After a fire in the forest last summer, Hangan was relieved to find the rocks intact. She also discovered that the collection of boulders was more extensive than she realized – indicating a settlement large enough to support as many as five extended families instead of two or three.

Because many sites contain Indian artifacts or burial grounds, trained tribe members often join professional archaeologists for post-fire hunts. For example, Frank Brown, a Kumeyaay cultural expert and firefighter, accompanied Hangan.

After fires reveal artifacts, archaeologists must protect them from looters. Pottery, arrowheads and other items have turned up for sale over the Internet after wildfires, even though removing artifacts from public property is prohibited under federal law.

Often, archaeologists recommend closing burned-over areas to the public until new grass begins to screen the exposed sites again.

"It's a delicate balance," Hangan said. "The public has a right to see what belongs to it, but we have to protect it, too."

## Maori tribe says it will claim British pensions

WELLINGTON, New Zealand (AP) – An ancestor of the first indigenous Maori chief to sign a 1840 treaty with the British crown said last week he will lead a campaign for Maori to claim retirement pensions from Britain.

David Rankin, a direct descendant of warrior chief Hone Heke and a leader of the Matarahuru subtribe, said the claim would be made under Article 3 of the Treaty of Waitangi.

The article guarantees indig-

enous Maori "the same rights and privileges as British subjects."

Signed by dozens of Maori chiefs in 1840, the treaty ceded sovereignty over New Zealand to Britain, ruled at the time by Queen Victoria.

In return for British protection, indigenous Maori were granted the rights of British subjects and also retained control over their lands, forests, fisheries, culture, language and other taunga (treasures).

"I see this extending to other

areas as well," Rankin said. "We may expand the claim to include British passports, unemployment benefits, and other entitlements."

"It's not the (non-Maori) citizens of New Zealand who signed the treaty, it was Queen Victoria and the British Empire," he said.

"We're going to ask (current) Queen Elizabeth for an apology for attacking our people and we will apologize for what our ancestors did to British troops," he added.

During the so-called Maori Land Wars of the 1860s and 1870s, thousands of Maori warriors, British troops and colonial settlers were killed or wounded as Maori resisted settler efforts to buy or seize their lands.

Hone Heke, a feared warrior, was responsible for cutting down the British flagpole three times to protest actions by Britain's representatives in New Zealand that he said breached Maori rights.

## Oregon man could get more prison time for artifacts dealing

Eugene (AP) – An amateur archaeologist serving a prison sentence for trying to hire a hit man to kill a former business partner has been found guilty of attempting to sell American Indian artifacts stolen from public lands in 2002 and 2003.

Jack Lee Harelson, already serving a 10-year sentence, faces up to two more years in prison for the most recent conviction, said Assistant U.S. Attorney Chris Cardani in Eugene. He will be sentenced Dec. 19.

Harelson acknowledged before Judge Ann L. Aiken this week that the government would

be able to prove he hired another man to assist him in offering to sell archaeological resources dug up illegally on federal lands in Oregon and Nevada, according to court records.

He had hired a government informant.

Harelson, a former Grants Pass insurance agent, was convicted in 1996 of stealing artifacts and the mummified remains of two Indian children from Elephant Mountain Cave in Nevada's Black Rock Desert. He was later fined \$2.5 million in a civil case involving the excavation.

Detectives learned that Harelson was interested in hiring a hit man to kill people involved in his conviction. An informant told Harelson he knew a hit man, who did not really exist, and Harelson offered to pay him with opals to do the job, according to tape recordings.

Harelson was tried twice in Oregon on charges that he had paid an intermediary to arrange murders. He was acquitted in 2004 on two such charges.

But a Jackson County jury last year found him guilty of trying to hire a hit man to kill Lloyd Olds of Brookings,

Harelson's partner in a Nevada opal-mining venture. The jury acquitted him of trying to solicit the murder of an Oregon State Police lieutenant.

### Correction

In the last edition of the Spilyay Tymoo, the woman in a photograph on the front page was accidentally misidentified. The woman in the photo was Betty George and not Louella Heath. The Spilyay apologizes for the error.

## Hopi, Navajo settle old land dispute

WINDOW ROCK, Ariz. (AP) – The Navajo and Hopi tribes have settled a decades-old dispute over reservation boundaries that for years has kept some residents from fixing leaky roofs or installing running water or telephone service.

The Hopi Tribal Council voted 18-0 Wednesday to approve an intergovernmental compact with the Navajo, whose territory surrounds the Hopi reservation.

"We hope this is the beginning of a new era in Hopi-Navajo relations," Cedric Kuwaninvasa said in a statement. Kuwaninvasa chairs the Hopi Land Team that negotiated the agreement.

"The members of both tribes could benefit from the kind of cooperation that produced this agreement," he said.

"We look forward to those further opportunities."

The dispute centered on 700,000 acres of Navajo land that Hopis claim as their aboriginal homeland.

Because of the dispute, then-U.S. Commissioner of Indian Affairs Robert Bennett imposed a ban on construction in 1966, which severely limited development in the area. Minor problems such as broken windows or roof repairs could not be fixed on the disputed land unless approved by the Hopis.

The agreement will provide for religious access and use by members of each tribe on the lands of the other tribe and lift the construction ban. It also would end litigation the Hopi filed against the Navajo in 1974 as part of the land dispute.

The Hopi tribe would not

receive any Navajo land other than that already awarded by the courts.

The Navajo Nation covers about 23,000 square miles, including much of northeastern Arizona and parts of northwestern New Mexico and southern Utah. The Hopi Reservation is carved out of the center of the Navajo land and covers more than 2,400 square miles.

Under the deal, Navajos would be allowed to enter Hopi land without a permit for traditional religious practices. In turn, Hopis would be allowed to enter Navajo land without a permit for religious practices.

The Navajo Nation Council approved the agreement in September. It still must be approved by the federal government and the U.S. District Court in Phoenix.

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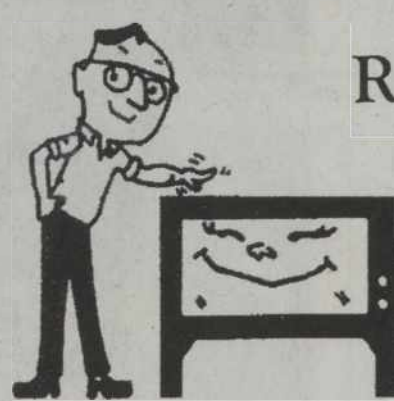
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