

# Makah leaders seek to distance tribe from whale killing

NEAH BAY, Wash. (AP) — The Makah Indian Tribe said Monday it was flying some of its members to Washington, D.C., to assure the state's congressional delegation the tribe did not authorize the killing of a gray whale over the weekend.

The tribe has spent years trying to win back federal approval to exercise its treaty rights to hunt whales.

In 1999, five years after the gray whale was taken off the endangered species list, members of the northwest Washington tribe legally hunted and killed their first whale in seven decades.

The hunt was met by fierce protests and animal welfare activists sued, leading to a court order that the tribe obtain a waiver under the Marine Mam-

mal Protection Act to continue hunting whales.

Brian Gorman, a spokesman for the National Marine Fisheries Service, the agency reviewing the waiver request, said he does not believe Saturday's whale killing will affect the tribe's application.

But Tribal Chairman Ben Johnson Jr. said he feared it has damaged the tribe's case — both with the fisheries service and the public.

"We know it's going to hurt," Johnson said.

Five men have been accused of harpooning and shooting a California gray whale with a high-powered rifle in the Strait of Juan de Fuca on Saturday morning. One witness reported hearing 21 shots fired.

The Makah Tribal Council

denounced the killing, calling it "a blatant violation of our law" and promising to prosecute those responsible.

The U.S. Coast Guard detained the five men Saturday then turned them over to tribal authorities. The council said the men were booked into the tribe's detention facility, released after posting bail and will stand trial in tribal court.

The tribe's chairman told the Peninsula Daily News the men who face prosecution are Theron Parker, Andy Noel, Billy Secor, Frank Gonzales Jr. and Wayne Johnson, captain of the 1999 whaling crew. Parker and Noel also participated in the 1999 hunt.

All five could face civil penalties of up to \$20,000 each and up to a year in jail, Gorman said.

Emily Langlie, a spokeswoman for the U.S. Attorney's Office, said Monday that prosecutors were still collecting and reviewing reports about the incident before deciding whether to pursue criminal charges.

The Makah delegation headed to the nation's capital hoped to meet with Sens. Patty Murray and Maria Cantwell and with Rep. Norm Dicks, all Washington Democrats. "They need to know that we didn't condone the hunt," Ben Johnson said.

Wayne Johnson, a member of the tribe's whaling commission, told The Seattle Times that he and four fellow tribal members set out in two boats on Saturday morning and plunged several steel whaling harpoons into

the whale then shot it with a .460-caliber rifle. He said he had no regrets — other than waiting so many years to do it.

"I'm not ashamed," he said. "I'm feeling kind of proud. ... I should have done it years ago. I come from a whaling family, on my grandmother's side and my grandfather's side. It's in the blood."

The 30-foot whale was pronounced dead about 10 hours after it was harpooned. It sank in 500-foot-deep water about a mile east of Cape Flattery and two miles south of the Canadian border.

On Monday, Gov. Chris Gregoire said she was "very upset" by the killing, but encouraged that the tribe has de-

nounced it and vowed to prosecute those responsible.

"Not only did we lose a very important species here, but that is now sitting at the bottom of the water. It's not even to feed the poor at the tribe. It does nothing. And it flies in the face of the law," Gregoire said in a weekly meeting with reporters.

The Makah abandoned whaling in the 1920s after non-Indian whalers nearly drove the gray whale to extinction.

Tribal police set up a checkpoint just inside the reservation's boundary on Sunday, bracing for anti-whaling demonstrations, but protesters never showed up. Still, tribal officials say the tribe has received death threats since the whale's killing.

## Pechanga tribe ejects family who files suit to be reinstated

TEMECULA, Calif. (AP) — Pechanga Indian leaders were so determined in 2004 to find out if the Madariaga clan were real members of the tribe that they hired an anthropologist.

John Johnson, curator of anthropology at the Santa Barbara Museum of Natural History and an expert on Luiseño Indian genealogy, pored over documents and based on the evidence said he was certain the family was part of the Pechanga reservation. Still, some felt that members of the family were frauds unfairly receiving \$20,000 in monthly checks from casino profits.

The tribal enrollment committee ignored the findings and even though the

Madariaga family had lived for generations on the reservation, the committee voted 90 adults and 50 children belonging to the clan out of the tribe. The children were ousted from the tribal school, the monthly checks stopped and the family was restricted as to where they could go on the reservation.

In May, the Madariaga family filed a lawsuit against tribal leaders, including the chairman Mark Macarro, demanding to be reinstated. The case that is now pending in federal court in Los Angeles.

Macarro did not respond to interview requests. On the tribe's website he denied that casino money played a part in the family's ouster. He said tribes need the ability to "correct past errors and protect the integrity

of their citizenry."

"The responsibility of determining who is and is not a citizen of the tribe falls squarely on Indian tribes," he said.

Over the years, the Pechanga tribe has thrown out nearly a fourth of its membership. Other tribes across the nation have also used similar arguments to defend expelling thousands of members. Nearly all of the tribes that have done this have casinos. While tribes in New York, Rhode Island and Nevada have kicked out members, the purging has been most intense in California's gaming tribes. Here, nearly 3,000 people have been ousted since 1999, according to those who track the issue.

## Prosecutor in Peltier trial dies in crash

SIoux CITY, Iowa (AP) — One of the prosecutors in the trial of American Indian Movement member Leonard Peltier for the 1975 deaths of two FBI agents has died after he lost control of his car.

Robert Sikma was one of two people in the car when it crashed Friday night on Inter-

state 29. He was 66.

He lost control of his vehicle and hit a tree, police said.

A passenger, Kathryn Reicks, 52, also died from injuries she suffered in the crash.

The investigation was continuing.

Sikma was one of three prosecutors in the trial of Peltier,

who was charged with the killing of two FBI agents on the Pine Ridge Indian Reservation in South Dakota. Peltier was convicted by a jury in Fargo, N.D., in 1977. Sikma had his own private practice in Sioux City and was a volunteer community panel judge for the Woodbury County drug court.

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