

# Ancient remains returned to Tlingit tribes

ANCHORAGE, Alaska (AP)—Human remains estimated to be more than 10,000 years old will be returned to southeast Alaska Tlingit tribes 11 years after they were found in a cave in the Tongass National Forest.

It's the first time a federal agency has conveyed custody of such ancient remains to indigenous groups under the 1990 Native American Graves Protection and Repatriation Act, U.S. Forest Service officials said Friday.

"It's a pretty substantial find," said Tongass spokesman Phil Sammon.

Vertebrae, ribs, teeth, a mandible and a pelvic bone were among the remains discovered in 1996 during a Forest Service archaeological survey for a pro-

posed timber sale on northern Prince of Wales Island.

The area is the aboriginal homeland for Tlingit tribes.

Stone tools also were found inside On Your Knees Cave, an extensive limestone network.

The Forest Service immediately consulted with area tribes as required by the repatriation law, which mandates that federal agencies, and institutions receiving federal money, return American Indian remains and cultural items to tribes.

There was never any dispute that the remains should go to Tlingit tribes in Craig and Klawock, communities on the island.

The tribes and Sealaska Corp. (the southeast Alaska

Native regional corporation) in February petitioned the agency for custody of the remains.

This came after a lengthy process including scientific analysis that determined the remains were 10,300 years old. Through DNA and other testing, researchers identified the remains as belonging to an indigenous man in his early 20s who subsisted primarily on seafood.

Some tribal members initially balked at allowing the studies to be done instead of immediate interment. But in the end they backed a study after determining the remains were scattered in the cave — possibly by scavengers — and not taken from a burial site.

In the remains, the tribes saw an ancestor offering himself for

knowledge and learning, said anthropologist Rosita Worl, president of Sealaska Heritage Institute, the nonprofit cultural and educational arm of the Native corporation.

"The elders also saw it as a way of validating our ancient presence here in southeast Alaska," said Worl, a Tlingit. "A number of elders have said it proves we've been here since time immemorial."

The tribes will file a separate claim for the stone tools, which are from a different period, Worl said.

The artifacts are made of obsidian, or volcanic glass, not naturally found in the area, suggesting early residents used boats to get around the coastal region.

The find also could support

a theory that people migrated from Asia as well as oral Tlingit histories about coastal migrations, according to Worl.

"We're very, very excited and very proud of our people," she said.

Finding remains that old is uncommon but not unheard of, said Sherry Hutt, repatriation program manager for the National Park Service. What stood out about the Tlingit case, she said, is the level of cooperation involved.

"The Forest Service went through the process carefully and methodically. It consulted with the locals and came to a decision based on analysis of the facts," she said. "The process of consultation enhances the body of knowledge. This is a good example of it."

Worl said she was happy the outcome was sharply different from the Kennewick Man, a 9,000-year-old skeleton found near the Columbia River in Washington state the same year as the Tlingit remains. Disputes over the Kennewick Man have pitted archeologists against Indian tribes in the Northwest.

"I think ours is a really good example of what can be accomplished when scientists and federal agencies recognize the legal rights of Native people," Worl said. "They're professional with them, they're sensitive with them. They're equal with them."

The remains are being held by the Forest Service while the tribes plan a ceremonial burial at the discovery site.

## Smoking ban unclear for city-owned bar on White Earth reservation

ST. PAUL (AP)—The force of Minnesota's state-wide smoking ban is unclear in the only bar in Callaway, a city of 200 on the White Earth Indian Reservation.

City officials say they're getting conflicting information from tribal and state authorities about the status of their on-and-off-sale municipal liquor store, which serves as the town's bar and offers tribally regulated gaming.

For now, lighting up is still allowed in the establishment frequented by smokers.

"We just don't know what we should do," City Clerk Shelly Dillon said on Friday.

The situation is apparently unique.

"It is almost a law school examination question, that the competing jurisdiction of the tribe and the state is highly unusual in this particular situation," said Mark Jarboe, who heads Indian law at the Minneapolis law firm of Dorsey & Whitney.

The city is a subdivision of the state, which allows small cities to operate municipal liquor stores. But the presence of bingo machines and other gambling gives the tribe some pull.

Days before the state-wide smoking ban took effect in Minnesota bars, restaurants and other indoor workplaces on Oct. 1, Callaway officials got a letter from a tribal attorney saying that the liquor store shouldn't have to follow the

smoking ban. The store—indeed, the whole town—sits within the reservation.

But now state health officials say the ban should apply. That's because the store belongs to the city, not to the tribe or a tribal member, said Tom Hogan, a manager in the Minnesota Health Department's environmental division. Hogan said he's waiting for a formal opinion from the attorney general's office before taking steps to enforce the ban.

White Earth tribal attorney Joseph Plummer didn't immediately return a phone message.

State civil laws such as the smoking ban generally don't apply to Indians on Indian reservations, where the federal government recognizes tribal rights over tribal lands.

Since the Minnesota smoking ban started, Indian casinos have become the last indoor refuges for smokers.

Of Minnesota's 255 municipal liquor stores, Callaway's may be the only to both sit on a reservation and still allow smoking.

Two other municipal stores in White Earth—Mahnomon and Ogema—don't allow smoking, Dillon said.

Just outside the Leech Lake reservation, a city-owned spirits store in Walker is following the smoking ban. A review of the state's municipal liquor stores turned up no others on reservations.

## Bill to give Navajo Council delegates immunity from arrest fails

WINDOW ROCK, Ariz. (AP) — Navajo Nation Council delegates have rejected a measure that would have given them immunity from arrests for certain civil infractions.

The lawmakers, meeting in their fall session, voted 48-29 Wednesday against the measure.

The bill would have barred the arrests of delegates during council sessions for civil offenses such as jaywalking, running a stop sign or hauling live-

stock without a permit.

Immunity from arrest would protect delegates from spending time in jail or attending court hearings while the council is in session, said Council Speaker Lawrence Morgan of Iyanbito, who sponsored the bill.

The measure might increase participation in council sessions by removing some legal obstacles, he said.

Delegates could still face legal action after the end of a ses-

sion, Morgan said.

"I'm not trying to put anyone above the law. You still have to deal with it," said Morgan, who was arrested on an outstanding warrant following the close of the council's January session.

He was accused of running a stop sign and then was arrested by Navajo Nation police on a warrant for failure to appear in court after hauling livestock without a permit.

Officers later discovered the

warrant had been dismissed eight years earlier.

Opponents of Morgan's measure contended it would give special treatment to delegates, which might open the way to abusing the privilege.

"The sponsor said that he's not trying to put the council above the law," said Delegate Amos Johnson of Forest Lake. "My two communities opposed this legislation. I oppose this. It's appropriate that we all vote red."

## Coeur d'Alene Tribe signs fuel tax agreement

BOISE, Idaho (AP) — Idaho and Coeur d'Alene tribal officials have signed a pact requiring that gasoline sold on reservations be taxed at the same rate as elsewhere in the state and limiting use of the money to transportation-related needs.

The agreement, signed by Gov. C.L. "Butch" Otter and tribal Chairman Chief Allen, resolves a long dispute over who should get tax money from gasoline sold at reservation stores.

The Nez Perce tribe in north-central Idaho and the Shoshone-Bannock tribes near Pocatello are still negotiating with the state over separate but similar agreements. Lawyers for the Shoshone-Bannock tribes said an agreement was imminent.

Idaho has spent hundreds of thousands of dollars in legal costs in its bid to collect the tax, including a previous law that was overturned by the 9th U.S. Circuit Court of Appeals.

## Michigan man gets probation for selling eagle feathers

MILWAUKEE (AP) — A Michigan man has been sentenced to two years of probation for pleading guilty to selling an antique lance with 30 eagle feathers attached.

Thomas J. Hampton, 56, of Tekonsha, Mich., violated the federal Eagle Protection Act, authorities said, when he sold the lance for \$25,000 and a pre-Revolutionary War Mohican buckskin shirt for \$150,000 in April 2002.

Hampton pleaded guilty in July and was sentenced on Thursday by U.S. District Judge J.P. Stadtmueller. He also was ordered to pay a \$2,500 fine.

## Tribes, police share data on crime

MINNEAPOLIS (AP)—The Minneapolis Police Department and nine tribal police departments across Minnesota and Wisconsin are creating a common computer network that will give officers access to usually private crime data.

All state, federal and tribal law enforcement agencies will share information and statistics to help develop a targeted response to specific criminal activity. A \$600,000 federal grant will fund the initiative.

"Communication between tribes and partnering law enforcement agencies is key in curbing crime not only in Indian country, but in all of Minnesota," said Red Lake Tribal Chairman Floyd Jourdain Jr.

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