

Arapaho want Yellowbear out of boundary suit

CHEYENNE, Wyo. (AP)—The Northern Arapaho Tribe says it will vigorously oppose an attempt by a tribal member serving time on a murder conviction to intervene in the tribe's federal lawsuit against the state of Wyoming and Fremont County over a long-standing boundary dispute.

Andrew John Yellowbear Jr. last week filed a motion to intervene in the tribe's lawsuit. The tribe sued the state and county last month, arguing that they had been improperly taxing tribal members living in Riverton and other areas nearby.

A Thermopolis jury in 2006 convicted Yellowbear of murder in the death of his daughter, 22-month-old Marcela Hope Yellowbear. She died at a

hospital in 2004 after suffering a skull fracture, broken arm, burns to her fingers and other injuries.

Yellowbear has maintained that the state lacked jurisdiction to prosecute him. He claims that Riverton, where the girl suffered her injuries, lies in "Indian Country."

The Wyoming Supreme Court upheld Yellowbear's conviction in January. The court ruled Riverton is no longer "Indian Country" for legal purposes.

However, the 10th Circuit Court of Appeals in Denver this spring ruled that Yellowbear was entitled to make an argument before U.S. District Judge Clarence Brimmer of Cheyenne that the state shouldn't have prosecuted him. Yellowbear and

his court-appointed lawyers are pressing that point in Brimmer's court.

Tim Kingston, a Cheyenne lawyer representing Yellowbear, said his client wants to get involved in the tribe's lawsuit to make sure his legal interests are protected.

"The purpose of Mr. Yellowbear moving to intervene in the tribe's case is that the legal issue is essentially the same: whether the particular property that the tribe's case has to deal with, or Mr. Yellowbear has to deal with, is on tribal land, or 'Indian Country,'" Kingston said.

Yellowbear has argued that the federal court system could better protect him from bias and make sure that he receives a fair trial.

"It's a sensitive issue," Kingston said. "And Mr. Yellowbear would say that he believes that the federal court is best situated to ensure that his legal rights are protected, and that he can receive a completely fair trial, unfettered by any local issues, or potential local bias."

Despite the Wyoming Supreme Court's ruling that the state had jurisdiction to try Yellowbear, Kingston said, "I don't believe that the Wyoming Supreme Court has definitively determined the issue of jurisdiction, state or federal, with regard to Riverton."

Mark Howell, spokesman for the Northern Arapaho Tribe, said Friday that the tribe strongly opposes Yellowbear's efforts to intervene in its law-

suit against the state and the county.

Howell said the tribe's lawsuit focuses on a 1905 act of Congress that opened up reservation land around Riverton to settlement by non-tribal members. He said that the state contends that the act removed the land's legal status as part of the Wind River Indian Reservation, while the tribe holds that it did not.

"They are most interested in keeping their case clean, and away from the criminal aspects," Howell said of the tribe. "The reason that the tribe filed the case when they did is because they did not want the question of jurisdiction of the 1905 act area to be decided in the context of Mr. Yellowbear's crimi-

nal case. That is precisely why they filed the civil case that they did."

Howell said he didn't have a figure of how many tribal members live in disputed areas, and also didn't have a figure of the amount of tax revenue the tribe claims the state and county have collected improperly.

Howell said the tribe has entered a mediation agreement with the City of Riverton. He said the tribe is prepared to try to negotiate payments to the city to cover any lost revenues if the court rules in the tribe's favor. He said Fremont County and the state have not expressed an interest in working out a similar arrangement.

Remains should be returned to Onondagas

SYRACUSE, N.Y. (AP)—The New York State Museum should return the disputed centuries-old remains of at least 180 individuals to the Onondaga Indian Nation, according to a federal review panel.

The state museum had said it could not conclusively determine the cultural origins of the remains, which were discovered in 1967 in Tioga County and date to between 1000 and 1550.

But the National Native American Graves Protection and Repatriation Review Committee voted 5-1 during a meeting Saturday in San Diego that the remains should be recognized as Onondaga and returned to the tribe within 90 days, the Onondaga's attorney, Joseph Heath, said Wednesday.

"We are in the middle of discussing it among our hierarchy and counsel. We obviously want to do the right thing and I can't imagine that we won't follow the recommendation of the commit-

tee," said Lisa Anderson, coordinator for the state's Indian repatriation program.

"Before we started turning over remains, we wanted to be entirely sure we were returning them to the right people," she added.

For the Onondagas, the decision is a significant one, Heath said.

"The Onondaga Nation believes it has a spiritual obligation to take care of and protect all the ancestors within its aboriginal territories. These ancestors ... are part of a shared identity and culture," Heath said.

"Death is a journey with the Creator. When these bones were dug up, the journey was interrupted for these individuals," Heath said.

The remains were unearthed by a bulldozer during construction of the Southern Tier Expressway west of Binghamton near Nichols. The so-called Engelbert site sits on a knoll 20 to 30 feet above the floodplain of the Susquehanna River, located about 200 feet away.

The remains were originally

held by the State University of New York at Binghamton until March 1989 when they were transferred to the New York State Museum.

The remains represent at least 180 individuals, including about 122 adults, according to state archaeologists. Many are single bones, but in other instances there were nearly complete skeletons.

In 1990, Congress passed the Native American Graves Protection and Repatriation Act, requiring states to inventory, catalog, and where possible, identify, Indian burial sites.

The state completed its inventory of the Engelbert site in 1998.

"It's a complicated site. There were two different people who lived there," Anderson said.

According to the state museum, there are 10 burials at the Engelbert site from after 1400 that are clearly identifiable as Susquehannock, based on the ceramics and copper artifacts found at the site. Because the Susquehannock don't exist today as a distinct cultural or political entity, the remains

are culturally unidentifiable, Anderson said.

Additionally, the Susquehannock traded and lived among many tribes throughout the Susquehanna River valley from upstate New York down through the Chesapeake Bay region.

"Our position was we need to contact all these other groups before we could reach a decision. It was our impression that there were others interested," Anderson said. However, no other tribes have made any claims on the remains.

The majority of the remains were from a second group of burials that predated the Susquehannock. State archaeologists, however, said they were considered a different people from the Onondaga and also not culturally identifiable with any modern tribes.

But the Onondagas argued that the state based its conclusion on purely scientific evidence, and ignored the federal law's instructions to consider a "totality of evidence," including kinship, anthropological evi-

dence, linguistics, folklore and oral tradition.

Historically, the Onondagas lived mostly in central New York, but their territory stretched into the Southern Tier, where they lived near the Cayugas and Oneidas, two other members of the six-nation Iroquois Confederacy.

"In their oral tradition, they have been here since the beginning of time. But certainly, they've been here longer than 500-600 years," Heath said.

Some scholars have found evidence dating the confederacy back to the 900s, which means the separate tribes have been here much longer, Heath noted.

Also according to Onondaga oral history, the tribe adopted the Susquehannock peoples and brought them into the confederacy, Heath said. Linguistically, the Susquehannock language is most closely related to the Onondagan dialect of Iroquoian, he added.

Loan office opens on South Idaho reservation

FORT HALL, Idaho (AP)—A Denver-based banking company founded in 2001 to serve the Native American community has opened a loan office on a reservation in southeastern Idaho.

The Native American Bank also has loan offices in Montana and Alaska.

Dave Gilman, the bank's chief executive officer, says the loan office that opened on the Fort Hall Reservation in Idaho this month could eventually be expanded into a full-service banking location.

Gilman says Native Americans face credit challenges because reservation land is held in a trust by the federal government and can't be used as collateral when they try to obtain loans.

The Native American Bank offers lending programs to help Native Americans own homes and develop businesses.

The West Hills Beautification Project
Oct. 25th & 26th, Warm Springs, OR

Building Pride In Our Community, One Sidewalk At A Time. Provide Your Input and Join us (541) 460-3004 jgreene@wstribes.org

Your Helping Hands Can Make The Biggest Difference

First Nation Media Printed & Designed

Trust fund

(Continued from page 1)

A more recent change to the trust fund happened in 2006. This change was intended to correct an aspect of the trust fund that had come to be seen as inequitable to some beneficiaries.

Before the 2006 change, the amount of each individual's trust fund disbursement was closely tied to the stock market. The fund manager, in order to grow the fund, invested in stocks, as is common in such arrangements.

There was some inequity in this in that the amount disbursed to the beneficiaries varied from year to year, depending on how the stock market had performed, said Ray Potter, tribal chief financial officer.

In extreme cases, he said, one sibling might receive a few thousand dollars more or less than another, due to the varying performance of the market.

In order to avoid this situation, management and Tribal Council developed a new plan regarding the fund investment.

According to the plan, the trust fund assets are invested more cautiously, in bonds, as the youth approaches the age at which he or she will begin to receive disbursements.

From birth to age 10, the beneficiary's trust assets can be invested 90 percent in stocks, and 10 percent in bonds.

The percentage of stocks to bonds then gradually changes over time. The ratio is 80 percent in stocks to 20 percent

bonds at age eleven; 70 percent stocks to 30 percent bonds at age twelve; 60 percent stocks to 40 percent bonds at age 13; and so forth until the ages of 18 to 21, when the ratio is 10 percent stocks and 90 percent bonds.

The idea is that any major swings in the stock market that happen when a person is zero to 10 years old will be leveled out by the time the beneficiary begins to receive disbursements at age 18.

With this approach, each beneficiary should receive about the same amount, roughly \$10,000 to \$11,000 on average.

Eventually, this new plan should also increase the amount of money disbursed to the beneficiaries, said Potter.

Yes! COCC

VOTE YES FOR A COCC CAMPUS IN MADRAS

Vote YES on Measure 9-58 Election Day: November 4

Healthy Jobs. Healthy Communities.

Paid for by COCC Yes! Friends of the College