

## Indian tribes buy back thousands of acres of land

By Timberly Ross  
Associated Press Writer

OMAHA, Nebraska — Native American tribes tired of waiting for the U.S. government to honor centuries-old treaties are buying back land where their ancestors lived and putting it in federal trust.

Native Americans say the purchases will help protect their culture and way of life by preserving burial grounds and areas where sacred rituals are held. They also provide land for farming, timber and other efforts to make the tribes self-sustaining.

Tribes put more than 840,000 acres—or roughly the equivalent of the state of Rhode Island—into trust from 1998 to 2007, according to information The Associated Press obtained from the federal Bureau of Indian Affairs under the Freedom of Information Act.

Those buying back land include the Winnebago, who have put more than 700 acres in eastern Nebraska in federal trust in the past five years, and the Pawnee, who have 1,600 acres of trust land in Oklahoma. Land held in federal trust is exempt from local and state laws and taxes, but subject to most federal laws.

Three tribes have bought land around Bear Butte in South Dakota's Black Hills to keep it from developers eager to cater to the bikers who roar into Sturgis every year for a raucous road rally. About 17 tribes from the Dakotas, Nebraska, Wyoming, Montana and Oklahoma still use the mountain for religious ceremonies.

Emily White Hat, a member of South Dakota's Rosebud Sioux, said the struggle to protect the land is about "preservation of our culture, our way of life and our traditions."

"All of it is connected," she said. "With your land, you have that relationship to the culture."

Other members of the Rosebud Sioux, such as president Rodney Bordeaux, believe the tribes shouldn't have to buy the land back because it was illegally taken. But they also recognize that without such purchases, the land won't be protected.

No one knows how much land the federal government promised Native American tribes in treaties dating to the late 1700s, said Gary Garrison, a spokesman for the federal Bureau of Indian Affairs. The government changed the terms of the treaties over the centuries to make property available to settlers and give rights-of-way to railroads and telegraph companies.

President Barack Obama's administration has proposed spending \$2 billion to buy back and consolidate tribal land broken up in previous generations. The program would pay individual members for land interests divided among their relatives and return the land to tribal control. But it would not buy land from people outside the tribes.

Today, 562 federally recognized tribes have more than 55 million acres held in trust, according to the bureau. Several states and local governments are fighting efforts to add to that number, saying the federal government doesn't have the au-

thority to take land—and tax revenue—from states.

In New York, for example, the state and two counties filed a federal lawsuit in 2008 to block the U.S. Department of Interior from putting about 13,000 acres into trust for the Oneida Tribe. In September, a judge threw out their claims.

Putting land in trust creates a burden for local governments because they must still provide services such as sewer and water even though they can't collect taxes on the property, said Elaine Willman, a member of the Citizens Equal Rights Alliance and administrator for Hobart, a suburb of Green Bay, Wisconsin. Hobart relies mostly on property taxes to pay for police, water and other services, but the village of about 5,900 lost about a third of its land to a trust set up for the state's Oneida Tribe, Willman said.

So far, Hobart has been able

## Nevada court OKs removing mother's rights in custody case

CARSON CITY, Nev. (AP) — The Nevada Supreme Court has upheld the termination of a mother's parental rights to a 4-year-old daughter who is part American Indian.

Justices ruled on Dec. 24 that terminating the rights of the girl's non-Indian mother, Dawn McKay, did not violate the federal Indian Child Welfare Act and Existing Indian Family Doctrine.

The law and doctrine require courts to use a beyond-a-reasonable-doubt standard before removing an Indian child from parents.

The court said the mother was found to be a chronic marijuana and methamphetamine user.

Additionally, the Nevada Division of Child and Family Service couldn't find the American Indian father.

Justices said the child had bonded with foster parents, who plan to adopt her and teach her Indian heritage.

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### On the Net:

Federal Bureau of Indian Affairs: [www.bia.gov](http://www.bia.gov)  
White Earth Land Recovery Project: <http://nativeharvest.com/>  
Indian Land Tenure Foundation: [www.indianlandtenure.org/](http://www.indianlandtenure.org/)  
Citizens Equal Rights Alliance: [www.citizensalliance.org/](http://www.citizensalliance.org/)

to control spending and avoid cuts in services or raising taxes, Willman said. Village leaders hope taxes on a planned 603-acre commercial development will eventually help make up for the lost money.

The nonprofit White Earth Land Recovery Project has bought back or been gifted hundreds of acres in northwestern Minnesota since it was created in the late 1980s. The White Earth tribe uses the land to harvest rice, farm and produce maple syrup. Members have hope of one day being self-sustaining again.

Winona LaDuke, who started the White Earth project, said buying property is expensive, but it's the quickest and easiest way for tribes to regain control of their land.

Tribal membership has been growing thanks to higher birth rates, longer life spans and more relaxed qualifications for membership, and that has created a greater need for land for housing, community services and economic development.

"If the tribes were to pursue return of the land in the courts it would be years before any action could result in more tribal land ... and the people simply cannot wait," said Cris Stainbrook, of the Little Canada, Minnesota-based Indian Land Tenure Foundation.

Thirty to 40 tribes are making enough money from casinos to buy back land, but they also have to put money into social programs, education and health care for their members, said Robert J. Miller, a professor at the Lewis & Clark Law School in Portland, Oregon, who specializes in tribal issues.

"Tribes just have so many things on their plate," he said.



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