



Spilyay Tymoo

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Pi-Ume-Sha to mark 156th year of Treaty

One hundred and fifty-six years ago this month, on June 25, a Monday, the tribes agreed to the Treaty of 1855.

The tribes accepted the treaty following a three-day Council of the Wasco and Walla Walla tribes, held at The Dalles. One hundred and fifty-one tribal members put their names to the treaty.

By the terms of the document, the tribes gave up their ownership claim to, or ceded, 10 million acres of land, which the tribes had lived on since time immemorial. The Ceded Lands became a large part of north central and eastern Oregon, which joined the Union in 1859.

By the treaty, the tribes kept the reservation land between Mt. Jefferson and the Deschutes River—641,118 acres—and the right to the traditional use of the 10 million ceded acres.

One hundred years later, in the 1950s, tribal members had the idea of hosting an event in late June to commemorate the anniversary of the treaty. According to recollections, the story is as follows:

Fifty or so years ago, *atwai* Grant Wahenekah delegated Sam Colwash and his wife to travel to various powwows across the nation. During their observations, Sam and his wife took notes on how other celebrations were conducted, protocols, the judge



Courtesy photo.

Annalise Whipple, candidate for the Pi-Ume-Sha Junior Court, is selling powwow raffle tickets in the community. Or call 541-553-3503 for tickets.

selection, amounts paid to participants, etc.

When the couple returned to the reservation, they and others formed a group to brainstorm ideas, said Millie Colwash.

"Wherever we met," Adeline Miller said, "we'd put money into the fund. Whatever we could contribute, even if it was just one dollar."

Some of the group members included Emily Wahenekah, Prunice Williams, Art Mitchell, Larry Calica, Adeline Morrison, Larry Macy, Lizzie Rhoan, Clarence McKinley, and "8-Ball" Jim.

"We decided to call it *Paiyumsha*," Adeline said. "That just means *let's have fun*. It was for the whole reservation, all people to come together to celebrate."

Harrison Davis recalled, "The first dance that they had at the first powwow was the Round Dance. They had three grand-daughters of the treaty signers there. Nina Patt, Evaline Simtustus, and Elaine Clements."

This June 24-26, the tribes will host the Forty-Second Annual Pi-Ume-Sha Treaty Days. For powwow information, see Cassie Katchia (541-553-0203) or Louise Katchia (541-460-0224).

Court, bill recognize officer authority

By Duran Bobb
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Gov. Kitzhaber officially expressed his support on a bill that would enhance the jurisdiction of tribal officers, defining them as "police officers" in the state of Oregon.

This bill would provide tribal police officers in Oregon with the same powers and protections provided by Oregon law to state and local law enforcement officers. Non-Indians could then be cited for committing crimes in Indian country, on the reservation.

In a letter, the governor stated that it is his belief the bill would improve public safety in Oregon. "It is clear today that we must work together to develop mutual respect for the sovereign interest of the tribes and the state of Oregon," he said.

The Sheriff's Association opposes the bill, believing that it would give the tribes power to go off tribal lands, but not allowing non-tribal police the authority onto the reservation. The Senate Rules Committee voted the bill out of committee on Thursday. It now heads to the full Senate for a vote.

"This is in our favor," Jim Soules, former general manager for Warm Springs Public Safety said. "The Supreme Court said at least in the case of pursuit and resisting arrest, tribal police are officers in the state of Oregon. That was a big victory. We still face a big battle in the House, but I think there is real hope that some version of this bill will pass that all the tribes can live with."

The bill was drafted after the *Kurtz vs. Oregon* case, in which Thomas Everett Kurtz fled from tribal police and was arrested, off-res, by tribal officer Joseph Davino.

Circuit Court Judge Dan Ahern found Kurtz guilty of attempting to elude and resisting arrest. However, the Oregon Court of Appeals found Davino was not a police officer under the current state definitions. Recently, the Oregon Supreme Court upheld Ahern's decision and affirmed the legality of the arrest.

In his testimony in support for SB412, Warm Springs Police Chief of Police Carmen Smith said, "The court of Appeals decision has created a serious public safety problem for the tribal officers in our department.

"While we occasionally seek the assistance of outside law enforcement in emergency situations, we are the only law enforcement agency that regularly patrols the entire 1,000 square mile Warm Springs Indian Reservation and provides public safety services to the 5,000 mostly Native American residents of the Reservation.

"It is entirely appropriate that the Tribes should police its own reservation, given that Warm Springs is exempt from state jurisdiction under Public Law 280 and the 1855 Treaty established the reservation for the 'exclusive use' of the Warm Springs people. Nonetheless, thousands of non-Indian motorists travel across the reservation each year on US Hwy 26."

"We still need SB412," Soules said. "Because the Supreme Court did not deal with the question as a whole, just in the case before it. Without 412, every tribal arrest on non-Indians will be litigated."

Smith joins Hilton Garden Inn as GM

By Duran Bobb
Spilyay Tymoo

Carlos Smith, who got his break in the hotel industry at Kah-Nee-Ta when he was 20, is now the general manager of Hilton Garden Inn in Lake Oswego.

This is an advancement from his position as the director of operations at Doubletree by Hilton, near the Lloyd Center in Portland, where he had worked for the past three and half years.

One of the largest obstacles



Courtesy photo.

Carlos Smith and wife Angela.

Carlos has faced in his career choices has been making the decision to move away from the reservation. But it was a necessary step in order to realize his dream, he said.

"I can understand why some people may not want to leave," Smith said. "Three hundred days of sun, family, no traffic... I got my start on the reservation. The good news is, if you learn to work in a casino or hotel, you can work anywhere in the world that you would like to work."

After several interviews and a trip to the Hilton Corporate Headquarters in Newport Beach, Calif., Smith was

selected for the top position.

But life isn't all work and no play for Carlos. During his free time, he likes to fish at Sherar's Falls with the Holiday and Santos boys.

"There's a great balance between work and play," he said.

Carlos also serves as a member of the Warm Springs casino board. He is married to Angela (Selam) Smith. He has two boys, Killian, 10, and Yancy, 12. Carlos is the son of Bobby Smith and Jan Miller. His grandmother is Faye Waheneka.

The next step in his career? "To move up! Bigger, better, faster!"

2 sentenced in killing

Jolena Warner and Antonio Brito were sentenced last week for the 2008 murder of Lucinda Stwyer. Warner, who entered a plea to avoid the death penalty, received 30 years in prison. She was immediately transported to a Texas women's prison.

Warner surrendered to the FBI in Portland one week after the murder. Brito, from Madras, fled to Mexico and was extradited back to Oregon one year later.

Atwai Lucinda Stwyer was the daughter of *atwai* Davis Stwyer Sr. and Madine Meanus. She was mother to three children, ages 7, 5, and 3.

"Jolena was in tears (in court last week)," Neda Wesley said. "I could feel remorse in her for having taken my grand-daughter away... This is what drugs do to you. I feel sorry for both of them, because they still face sentencing from the Creator."

"Today we felt the strength of prayer," Aurolyn Stwyer-Watlamet said. "Thank you, everyone." — by Duran Bobb

VFW hoping younger veterans join

By Dave McMechan
Spilyay Tymoo

The Veterans of Foreign Wars Elliott Palmer Post No. 4217—the first Native American-chartered VFW post—is asking for younger veterans to become involved with the organization.

Commander Kirby Heath said veterans of the Gulf and other more recent wars have, for the most part, not joined the Warm Springs VFW post. Heath said he is not sure why the younger veterans have not become part of the organization. The younger veterans participate mostly during Pi-Ume-Sha, he said. Six veterans, elders, showed up for the veterans' Memorial Day salute this past Monday.

There are at least 128 tribal members who are veterans of foreign wars, from World War II up to the current war in Afghanistan.

Among tribal members, there are three living veterans of World War II. One non-member World War II veteran also lives in the community, said Elton Greeley, direct of the tribal Seniors Department.



Dave McMechan/Spilyay

VFW Commander Kirby Heath (left) and Gene Harvey organized a Memorial Day ceremony on Monday.

See VETERANS on page 7

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