

## Success! Letters to the Editor

By Duran Bobb

Graduation is an achievement, an important stage in life that serves as a foothold in crossing your own stream.

The entire community rejoices the success of all graduates. This is truly something to make the reservation proud.

A special mention goes out to Carol "Snyder" Lawrence.

After her battle with a brain tumor, Snyder learned to walk and talk all over again in her adult years.

It's a success story, you see, because an education is one thing that Snyder's sister wanted her to obtain.

A few months ago, she lost her sister.

"But Snyder is graduating from COCC next week," a friend says.

She didn't go to school through tribal education's program because there is a minimum requirement of 12 credits to participate.

"Even though there seemed to be obstacles falling in her path, she kept going forward. This is a miracle!"

Another special mention goes out to Sophia Williams.

"I don't know how she does it," Sophia's mother, Jeannie, said. "She works so hard at her goals and we're all proud of her!"

Sophia recently completed the requirements for her CNA-2, an important step towards becoming a registered nurse.

It took 12 hours a day in Astoria and Portland, completing required shifts while at the same time working at Cascade East and Kah-Nee-Ta.

Sophia is also a single mother. "She had to move to Madras," her mother said. "Driving back and forth between Bend and Warm Springs every day was just becoming too much for her."

But it shows how important determination can become in accomplishing a goal, Jeannie said.

So for these two examples of motivation, to those who are completing a refresher course in math, to those who have earned their GEDs, the Tymoo would like to congratulate you on a job well done!

### TOE NESS...

**Dave McMechan:** My birthday is this Friday. It's just another day.

**Spilyay:** I don't know... statistics show that folks who have the most birthdays live the longest! Happy birthday, Dave!

### Two specials

To the Community,

I would like to take this time to apologize the Pi-Ume-Sha Committee, Aurelia Stacona, Millie Colwash, and Lee Sorrelhorse for my inability to honor my pledge to hold two specials in the men and women's categories.

I have had two close family deaths in my family (my niece, Autwi Agnes Lawrence Arther and my grandson, Autwi Jermaine Williams) and I need time to mourn my two children whom I loved dearly.

Please accept my apologies, with love and respect, **Daisy Mae Ike.**

### Influences

God bless Warm Springs. Just thought I'd write to let you all know I pray every night for you all. I know my life is not perfect. Negative influences take their toll on some of us some times. I guess what I'm saying is, Youth, watch who you look up to in life, because the people you look up to in life are the ones who are leading your life.

You never know what might happen to you or the people you are close to. Stay away from real struggles. Open your eyes and realize how much of a blessing it is to be in existence. To all the other older people who are grown enough to understand this—live for tomorrow because yesterday is almost over! In the spirit of the eagle, I have spoken, nye.

**Clifford Arthur, DRCI** – ODOC inmate sid no. 16018060; 3920 East Ashwood Rd., Madras OR 97741.

### Wishes...

*Happy birthday to my very loving, wonderful and caring wife, Vanessa Smith. I love you and wish you many more to come. Love, your husband, Corey Smith (Babe).*

*Happy birthday Selenal! Love, Mom, Freddie, Ron, Travis, Amy, Michael, Kendall, Jessie and Devon.*



*Happy "22" birthday, "Salty." Love always, AJ and family, Mom and Dad Garate, sisters Maria, Venus and Veronica - xxxoxoxo*

### Festival

The Festival of Nations is seeking vendors and presenters for the September 10-11 event at Cascade Locks Marine Park.

Festival of Nations started out in 2006 as collaboration between the tribes and the community of Cascade Locks, who shared a vision to celebrate their communities and the rich heritage of the beautiful Columbia Gorge.

The festival has grown into an arts and culture experience that is centered on Native American traditions, but is welcoming to all who appreciate the shared vision.

As this event is primarily a cultural celebration, the festival is seeking traditional tribal/cultural dancers, musicians, cuisine and craft.

Handmade vendor items and expressions of art inspired by the beautiful Columbia Gorge are also welcome.

For more information, contact Margie Tuckta, event chair and tribal contact, at 541-553-4883. Or email: [mtuckta@kahneeta.com](mailto:mtuckta@kahneeta.com)

An alternative contact is Rebecca Gandy, event coordinator, ph. 503-753-4267. Email: [rebgandy@comcast.net](mailto:rebgandy@comcast.net)

### Thank you, sponsors



Demtria Smith

We would like to thank the community for their support.

The Museum at Warm Springs and board member Goe Dougl, for the plane tickets.

Warm Springs Power & Water Enterprises for the \$50 donation.

The Warm Springs Credit Enterprise and board for the \$150 donation.

Warm Springs Full Gospel, and Grandma and Grandpa Hunt for the use of the church.

Grandma Gail for the beaded bag donation.

Grandma Leota for the \$100 donation, your time, love and support.

Grandma Valerie for

fundraiser cooking, set up, your time, love and support.

To Promise, for all your help at the fundraisers.

To Auntie Wilma, for all your help with fundraising.

Clint and Namie Jacks for your donation.

Loraine, from the Diabetes program for your donation during the luncheon.

To Madras Erickson's for your \$20 donation.

To Madras McDonalds for your donation.

To Little Sis Demarouse for doing the commercial even though you were sick.

To Maruice and Phyllis RB Designed for your donation.

I would like to sincerely thank everyone listed for your help and donations. I thank all of the Warm Springs community for attending my fundraisers.

Without everyone's help I would not have been able to travel to Hollywood!

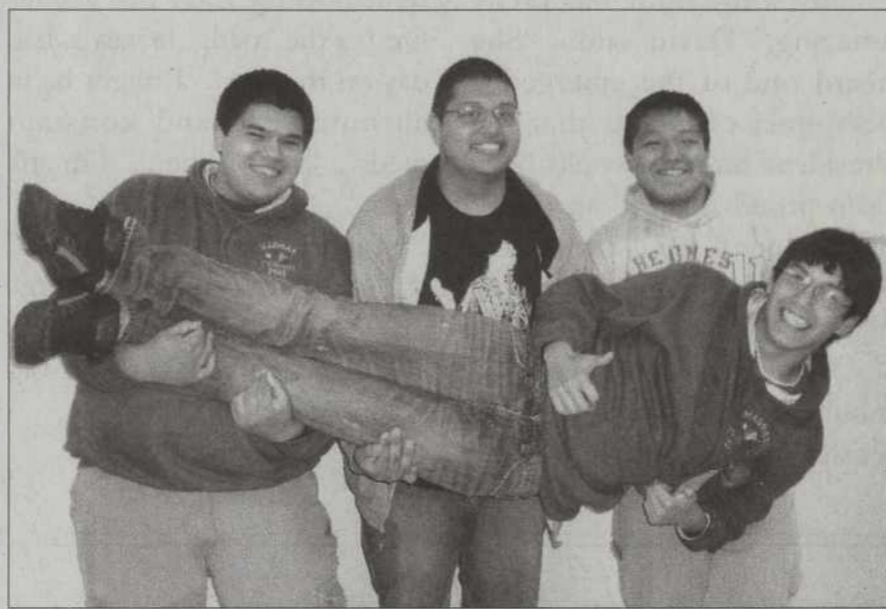
Please forgive me if anyone's name was not mentioned. We will continue fundraisers here and there to help pay for the rest of my portfolio, and hope to see everyone there.

Again, thank you so much! **Demtria Smith and Fuiava Family.**

Thank you all for writing to the Spilyay Tymoo! You can write to Spilyay at P.O. Box 870, Warm Springs 97761; or email:

[spilyay@wstribes.org](mailto:spilyay@wstribes.org). Or stop by the media center. The next deadline is **Friday, June 10.**

### MHS Tennis



Courtesy photo.

Congratulations to the Madras High School boys varsity tennis team on a great year. The team featured five players of Native American heritage: Dylan Miller, Waymon Harry and Kenny Van Pelt (from left) lifting Colby Jack-Parks. (Not pictured, Nieman Adams-Jackson). The boys did great and should be good next, when four of boys will be entering their junior years, said coach Margaret Kincaid. Kenny VanPelt and Waymon Harry are seniors this year.

### Indian Business Talk

## Code changes could bring more access to credit

By **Bruce Engle**  
Loan officer  
W.S. Credit Enterprise

I attended a meeting of local business people on May 18 and heard of problems some tribal members are having when attempting to secure off-reservation financing for personal and business purchases.

Their lenders and creditors seem to be concerned about both the scope of the applicable tribal law and about their ability to foreclose and repossess their collateral through the tribal court system in a timely manner. I am hearing talk of delays of up to one year.

Also, because the code specifies "no deficiency judgments," they often take a loss, and sometimes a total loss, when they foreclose on a vehicle that has been trashed or destroyed by the owner.

Chapter 731 of the Warm Springs Tribal Code is titled "Personal Property Secured Transactions and Statutory Liens." It covers issues relating to the financing of personal and business property such as cars, appliances, furniture, goods for resale, manufacturing equipment, etc. Think of personal property as moveable property, not real estate.

The code should also provide basic law necessary for the development of an expanded retail sector or new manufacturing and assembly businesses on the reservation. Much of that law is not directly spoken to in

the present code and probably should be if the code is revised.

Chapter 731 was developed by the tribal attorneys with input from a committee of tribal members. The effort produced an 11 page document with the hope that it would be sufficient to protect tribal interests and to also satisfy the needs of off-reservation lenders and creditors. It was an honest good-faith effort but it doesn't seem to be working as intended. Lenders are not comfortable with it because it is so short that a lot of their concerns are not addressed.

The off-reservation sources of capital and credit prefer a written code that covers the situations they know can arise in business deals. They need certainty and predictability. Apparently some of them are not seeing those attributes in the Warm Springs code.

#### Creditor protection

Their concerns remind me of the story of the rancher who called his banker about getting a large loan to improve his cattle operation. They agreed to meet at 10 a.m. the next day and the banker asked the rancher to bring in his financial statements.

The rancher appeared promptly the next morning with his financials under his arm. He was wearing his best dress boots, his hat, and—a thong.

The banker wasn't impressed—seems there wasn't enough material to cover the subject.

That may be the situation now with Chapter 731: Not enough protections for all the parties to financial deals. We are seeing the problems with car loans and some business loans.

Those sources of credit and capital may disappear if they don't feel the tribal code meets their needs and treats them fairly. Who are they? Think of:

- An investor—who might partner up with a local business to start or expand a manufacturing or retail business on the reservation;

- Whole sale distributors—who would sell on credit to local retailers who would then sell to tribal members;

- Banks, credit unions, GMAC, Ford credit, etc.—who deal with tribal members now and want to do so in the future.

A comprehensive secured transactions code can operate as a lubricant to the Warm Springs economy. The current Chapter 731 appears to be having an effect more like sand in the gear box. It isn't working as intended.

A more workable code should improve access to credit at affordable rates by tribal members and member owned businesses. It might also lay the groundwork so the tribe would not have to give limited waivers of sovereignty for future business deals. Those are major benefits.

One way to start the process would be to contact other tribes to see how they are doing with their codes. Some tribes are using the Model Tribal Act that

was developed six years ago; others are using the same Model Uniform Commercial Code Article 9 that is used by all 50 states. Their feedback could be helpful.

The off-reservation lenders and suppliers in Central Oregon could also be contacted for their comments and suggestions. Some of them might be comfortable talking about the legalities with tribal representatives. Others will want to consult with their attorneys.

Question—Can Chapter 731 be improved without jeopardy to tribal sovereignty? The question will surely come up. The simple answer is, Yes!

All 50 states have adapted and adopted the basic Uniform Commercial Code, Article 9 "Secured Transactions." They all exercised their sovereignty to do that.

None of those states chipped away at or lost any of their sovereignty—no way, no how, never!

Warm Springs could adapt and adopt the UCC Article 9 or maybe even the Model Tribal Secured Transactions Act, and do equally as well—as long as the final product meets the needs of the tribe and the off-reservation sources of credit and capital.

Think of all the players, tribal members and sources of credit and capital, as "business partners". They all need a level playing field. They deserve a level playing field. They can't play without one.

Spilyay Tymoo  
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