

Sovereignty explained Letters to the Editor

By Duran Bobb

Congresswoman Elizabeth Furse delivered a lecture last week on tribal sovereignty at Kah-Nee-Ta Resort.

"The federal government has what is called a fiduciary responsibility to the tribes, more than for any other section of the population," she said. "This flows from the treaties."

She continued: "Treaties are the supreme law of the land. All judges are bound by treaty, state law notwithstanding."

"The U.S. Constitution says clearly, the states may not sign treaties. Therefore, it is my view that tribes are more sovereign than states. A treaty is a compact or a contract between two sovereigns. I've heard people say that treaties are old, they don't mean anything anymore. Well, the U.S. Constitution is not that much older. We live by that. Our treaties in the Northwest are stronger than anywhere else [in the U.S.]."

"Tribes agreed to give up certain portions of land, but reserved rights. The U.S. would protect those homelands from encroachment by non-Indians, and prevent non-Indians of the state from interfering."

Ms. Furse spoke of *U.S. vs. Winans*, where an individual put up a fence that prevented the Yakama Indians from reaching their fishing places.

The court upheld the tribe's right, even when the "usual and accustomed places" were outside reservation boundaries and were owned by non-Indians. The court noted that the right to fish and to access traditional fishing grounds were not a special right granted through the treaty. Rather, the treaty simply acknowledged a right the Indians already possessed.

The 1950s brought on Public Law 280, which said the U.S. would transfer its power of reservation to states.

Oregon is one of the states where Public Law 280 is mandatory. "It also says, specifically, that Warm Springs is not affected. The government of Warm Springs has been extraordinarily sophisticated in making sure that it knew its Congressional delegation... I have found it heartening that the tribes would come to see me, government to government."

"Sovereignty is as sovereignty does... It has to say they're doing the right things for the people, and make clear what the rights are. Warm Springs seems to be a great example of that."

Spilyay Speaks

From Lincoln's

The Lincoln's Birthday Powwow Committee would like to thank the following:

The Confederated Tribes of Warm Springs, Tribal Council, Kah-Nee-Ta High Desert Resort, Indian Head Casino, and Warm Springs Composite Products Industries.

Thank you Warm Springs Credit Board, Warm Springs Ventures, Three Warriors Market, Natural Resources, Utilities, the Warm Springs Police Department, and Fire and Safety.

Thank you Nola Queahpama and family, Cassie Rhoan, Captain Moody, Cena Wolfe, Preston Tom, Carlos Calica, drummers, dancers and spectators.

Without your gracious support and help, the 2012 Lincoln's Powwow would not have been successful. We look forward to next year.

Lincoln's Birthday Powwow Committee.

Our direction

I would like to encourage our tribal membership to remain positive about the direction our tribe is going.

I would like to encourage our people to let our leaders know we support them. Just like any other tribal worker, they are working towards building better tomorrows for all members.

Each Tribal Council member and our Chiefs sacrifice every day to be a public servant to the people. They tolerate political attacks, regardless of whether they are true or not. They have to have thick skin to continue their work to make better tomorrows for all of the membership.

Recently, a person went to my elderly mom and gave her inaccurate and negative attacks against our leadership and got her so upset about things that weren't even true.

This is very upsetting to me, especially when our elders are being used to spread negativity on false information. Do not take your politics to our senior building. My mom goes there to eat and relax and enjoy her

Correction

In the previous Spilyay, the caption of the Honor Song Dance at Lincoln's Birthday Powwow was inaccurate. Jolene Switzler should have been identified in the photo.

The Spilyay apologizes for the mistake.

retirement.

When I informed her the information she received was not accurate, she felt bad because she had said harsh words.

To those who continue to abuse their membership status by creating and spreading negative hostility, and continuing to attack our leadership when our leadership is trying to remove politics from our organization, I would recommend you disenroll and just see whether other tribes would tolerate your behavior.

My Yakama relatives shared with me, "Don't send them over here because we will throw them back," because of what appears on Facebook for all the world to see. You who post ugly things on Facebook, you have shamed your people by your ugly tactics, then turn around and collect all our tribal benefits or pay checks provided by our tribe. You ought to be ashamed of yourselves.

Our leaders have feelings and often times their spirits get heavy because of people who spread hostility and hate. I would encourage our membership to look at the good our leadership has done. For instance, the wonderful growth of our casino and the hope it brings to our community and membership. Many families have income and our young people are growing because of the employment at the casino. They have hope in their eyes and confidence because they feel good about themselves. These are the types of things we need to spread and talk about. That is how we are going to heal as a community.

Recently, a group tried to recruit me for one of their negative Facebook websites and I rebuffed them out of respect for my people and our leaders. I shared with this group, to spread hate and hostility is allowing an evil force to dwell in our community and this can cause hardships on our people. I cannot go against my traditional teaching and against the teaching of our Creator. I hope and encourage all of you who are approached by these negative people to tell them the same as I did. Let's move on to better tomorrows, for our children's sake.

We, and our leaders, have more important work to do.

Like working on solutions to our alcohol and drug problem in our community, or job creations and preservation of our cultural and traditional teaching. We have so much to do. This is what is important to our people.

Leona A. Ike

About time

"A good heart is better than all the heads in the world."

The saying above is printed on my calendar for the month of March in 2012. I love having my calendar hung up on the wall in the kitchen area in my apartment I live in over here in Duck City, Eugene.

I can always remember what day and month it is. Time seems to go by fast. I mark off the day that has just passed.

Happy birthday to my younger sisters Sarah Patt, Dawn Roland and my oldest son Floyd C. Frank! They are all March babies.

May you all in my family who have spring birthdays have a wonderful birthday this year!

Evette Patt, 50 Kourt Dr., apt. 3, Eugene, OR 97404

Water law

Water, the most sacred element of life for the Columbia Plateau tribes, has our Senior Water Right actually protected let alone secured after quantifying our water rights? I believe not, having served briefly on the Warm Springs Water Board of Commissioners!

There are a number of unresolved legal issues that to date have not been addressed by Oregon and the Oregon Department of Water Resources. There has been no timeline whatsoever of establishing water quality standards that upriver Junior Water Rights all enjoy, after all Western Water Law specifically mandates the highest strictures of protecting water resources consumed by humans. I haven't seen any fine print that stated "Except for Native Americans" published as Western Water Law. So I ask our Tribal Council, Warm Springs Water Board, Oregon, Oregon Department of Water Resources when will Warm Springs Tribal Members enjoy the identical

standards as Junior Water Rights? To date I have not seen anything being operated differently by the state agency, municipalities, any Junior Water Rights to even accept our Senior Water Rights status. If anything, water levels only are getting lower and lower since we entered into the Water Quantification Agreement. In my lifetime I have seen the river level drop a minimum of five feet since I was 12 years old. That's a god awful amount of water right that we enjoyed in the late fifties that we can longer enjoy because of the plausibility and malfeasance in which Oregon has administered the water resources in the Deschutes Basin, a watershed where we possess Senior Water Rights status.

How malfeasance and plausible has the state administration and oversight been? Consider how many times over the past ten years we have read articles in the papers of water resources having been over allocated in the Deschutes Basin as Junior Water Rights.

I was enlightened as a new water board member by serv-

ing members that our water rights have not been disregarded by the state but only being held back behind the two dams. Are we so naive that we do not understand that this water has been so contaminated by human activities carried on by Junior Water Rights holders that we have to accept such blatant disregard of federal Indian law, Western Water Law and laws against humanity. If I were a state representative I would not want to have quoted some of the statements that water resource department employees cannot even verify the Junior Water Rights diversions that it currently issued as Junior Water Rights nor that threats of physical harm have actually been made towards state employees trying to verify compliance to the very rules and regulations they are supposed to uphold! I've heard "ignorance of the law" an indefensible argument in courts or is there another exception when it pertains to Native American Senior Water Rights that I am not aware of.

Thank you.
Randy Smith.

Birthday wishes...

To my pretty daughter, Happy 19th Birthday Kendra DeAnne Wolfe. Love you very much, have a great day! From Ma & Pa, Kendall Florez, the Weaselheads, the Wolfes.

Happy birthday to our grandsons, to our Daeron Weaselhead. Love you grandson, always, grandma & gramps Florez, the Weaselheads, from the Point, auntie Kendra Wolfe, uncle Kendall Florez

To our beautiful daughter, Kendra D. Wolfe, Happy 19th birthday. We wish you a special day today. Love you much. Ma & Pa Florez, Kendall Florez, the Weaselheads, the Wolfes.

To our son Waylon M. Weaselhead, We love and miss you, always in our

thoughts and prayers, son. From Ma & Pa Florez, the Wolfes, the Florezes, the Weaselheads.

To our grandson, Devon Weaselhead, aka Devon Greene-Boise, Happy Birthday. Love you, from grandma and grampa Florez, the Wolfes and the Weaselheads.

To my son Devon Weaselhead, from your dad Waylon M. Weaselhead. Happy birthday, love you, son.

To our grandson Devon Weaselhead. Love you and Happy Birthday. Have a good day today! From grandma & gramps Florez, the Weaselheads, the Wolfes, the Florezes.

Thank you for writing to the Spilyay Tymoo. The next deadline for submissions is Friday, March 30. Thank you!

Indian Business Talk

Predatory lending offer would cost borrower thousands

By Bruce Engle
Loan officer
W.S. Credit Enterprise

This example of predatory lending comes from a lender called Western Sky Financial.

According to its website, it is a member-owned "...Native American Business operating within the exterior boundaries of the Cheyenne River Sioux reservation..."

Apparently, payday lenders are partnering with tribal members around the country so they can avoid state court jurisdictions and state limitations on interest rates and fees.

I called the Western Sky number and was transferred to an outfit called Cash—"Call" or "Cow," I think, but the message was a bit garbled) from Anaheim. If that's a reservation, the tribes might be the Disney and the

Knott's. Maybe it's one of the outfits partnering up with tribes. Who knows?

I wonder if the Warm Springs tribal code limitation on interest rates might offer some relief for Warm Springs members who have borrowed from either Western Sky or Cash—?

Cash's man Chris said the Western Sky loan program is really for short term loans and that nobody is expected to use the full number of months in their example to pay off the loan. Yeh, sure!

Would you believe Christmas comes 12 times a year? Don't go near this outfit or any like it. Here is what they are offering:

- A \$5,075 loan with a loan fee of only \$75. You get \$5,000. You sign up to make 84 payments of \$486.58 for a total of \$40,872.72 plus the \$75 loan fee they deducted from the original

loan amount. Wow!

- A \$2,600 loan with a loan fee of only \$75. You get \$2,525. You agree to make 47 payments of \$294.46 for a total of \$13,839.62, also plus the \$75 loan fee. Also wow!

- A \$1,500 loan with a loan fee of \$500! You get \$1,000. You commit to make 24 payments of \$198.19 for a total of \$4,756.56 plus the \$500 loan fee And wow again!

I asked what my payments would be if I took the \$5,075.00 loan and paid it back in a year. The answer was, "About \$340 prorated for the first month and \$700 a month for the next 12 months."

- So, I'd pay back \$8,740 to borrow \$5,000 for one year. That's \$3,740 interest plus the \$75 loan fee. Can we all say 76 percent!

The interest and fees West-

ern Sky Financial expects to collect would pay for an apartment on Park Avenue in New York with enough left over for an 11-month vacation in Disneyland—year by year by year by—

How do these loan products compare with Warm Springs Tribal Credit Enterprise offerings?

- The payback to Credit Enterprise for the loan in the first example would save you over \$34,400.

- You would save over \$10,800 with a Credit Enterprise loan in the second example.

- You would save over \$4,100 with a Credit Enterprise loan in the third example.

All that saving without having to burp a buffalo; what a deal! Maybe we could go to Disneyland or Knott's Berry Farm.

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