

Defender clarifies felon-in-possession law

The crime of felon in possession of a firearm is serious: A federal prison sentence of 10 years is possible for a conviction.

Any person on the reservation who has a felony conviction should be aware of the possible consequences, especially when hunting season comes around.

The felon-in-possession law applies no matter what the felony conviction was for, and no matter how long ago the conviction happened.

As an example: A person 30 years ago had a felony conviction for driving with a suspended license. The person goes out hunting with a firearm. In that situation, law enforcement could charge the person with felon in possession of a firearm.

Such incidents in fact have occurred on the Warm Springs Reservation. In one case the person had a driving with suspended conviction many years ago. Unaware of the consequences, the person went hunting and ended up in federal court facing a serious charge.

The Federal Public Defender's Office in Portland represents tribal members who have been charged with a crime in federal court.

A person with a felony conviction cannot have a firearm, even for hunting.

Senior litigator Ellen Pitcher wants tribal members to be aware of the felon-in-possession law, as a potentially long prison sentence can be imposed. Ten years is the maximum, depending on the previous convictions, she said.

"The sentences can be quite long," Pitcher said. Only about 10 percent of people who are charged and convicted of felon in possession end up with only probation. Most receive some prison time, she said.

A person with a felony conviction, Pitcher said, "cannot have a firearm even for hunting." The previous felony could be a non-violent crime such as theft. The person may not have done any prison time for the previous felony. Nevertheless, the felon-in-possession charge applies.

The Federal Public Defender's Office can be reached at 503-326-2132.

Pitcher said that the office can provide legal defense ad-

vice to a tribal member who is facing a crime in federal court.

The office may also be able to help when a person has not yet been charged with a federal crime, but who has been contacted by law enforcement.

For instance, some crimes originate in tribal court, and are then transferred to federal court as the seriousness becomes apparent.

The person might want legal advice in dealing with tribal law enforcement, in case the matter eventually ends up in the federal court.

Pitcher said that all people being investigated or charged have the right not to speak with law enforcement. Statements made to tribal police can potentially be used in federal court.

A person whose case goes to federal court has the right to an attorney. This is not the case with people charged just in tribal court. The tribal Legal Aid Department represents defendants in tribal court. A case that is litigated in tribal court can also be litigated in federal court. Double jeopardy does not apply in that situation, Pitcher said.

— Dave McMechan

Video request from Counseling

As a part of the dedication of the newly remodeled Warm Springs Community Counseling building on March 6, we are going to put together video interviews with those who have been in recovery and showcase their stories.

These videos will be playing continuously throughout the event, so people may view them as they choose.

We need to do video interviews with people who are willing to answer these questions on camera, so they can share their story for the benefit of others.

What is been the best part of your recovery?

What helps you? What coping skills have you developed to aid in your recovery?

How long have you been in recovery?

What would you say? What advice would you give to any-

one who is struggling with an addiction?

Call me at 541-615-0116 or 971-678-0387. You must be willing to sign a film release form before doing the interview.

We would also like to showcase these interviewees in other public places after our building's dedication.

Michael Martinez,
Prevention Specialist.

Name the W.S. market contest

The Warm Springs Market will be a place of locally produced food, quality handmade crafts and community. There will be entertainment and room for socializing and relaxing in a family-friendly park setting.

The market is currently seeking a name, and is holding a contest to come up with ideas. The prize will be a \$50 gift certificate for goods from the future outdoor market.

Mail your entry to:
Warm Springs Community Action Team, 1136 Paiute

Ave., Warm Springs, OR 97761.

Or email:
Kim@warmspringsprogress.net

Include name, address and phone number. The winner will be contacted. Expect to hear an announcement on KWSO by mid-March.

News from Indian Country

Tribes campaign to save Native languages

SAN BERNARDINO, Calif. (AP)—The Luiseño language is back from the brink of extinction, thanks to the efforts of tribal leaders on the Pechanga Indian reservation in Southern California.

The tribe recently began funding a graduate-level Cal-

ifornia State San Bernardino Luiseño class, one of the few for-credit university indigenous-language courses in the country. And at a Pechanga-run school on the reservation, children speak Luiseño every day.

Luiseño is just one of

several Native American languages enjoying a comeback.

The San Manuel Band of Mission Indians has hired three professional linguists to help preserve and expand use of the Serrano language. A school run by the Morongo

Band of Mission Indians includes classes in Serrano and Cahuilla.

A Calif.-based media company has developed indigenous-language video games, storybooks and electronic flashcards.

Salmon carcasses recycled as nutrients for streams

(AP)—A new Oregon marine program involves the dumping of hundreds of excess hatchery fish carcasses into tributaries.

This is a conservation program billed as a way to make up for the loss of marine-derived nutrients that get flushed from West Coast streams.

Fish biologist Chuck Fustish calls it the "no muss, no fuss method," and studies show carcass placement can put nutrients into streams that were absorbed by salmon in the ocean and carried inland during their spawning runs.

"We're giving the whole ecosystem a boost in nutrients," Fustish said. "It will pro-

vide ocean nutrients in fish that would have been here normally. And it's a lot more of a beneficial use than sending them to the landfill."

Cole River Hatchery workers are keeping thousands of extra salmon and steelhead carcasses this year, including thousands that would have gone to landfills in other years.

Cole Rivers records show that 44,792 fish ended up in the landfill over the past 11 years, while 105,679 were released alive into streams and just 14,006 carcasses went to the stream-enrichment program.

Up to 19,200 pounds of salmon and steelhead will be recycled into local rivers and creeks this year, The Medford Mail Tribune reported.

"It's a start," says Larry Butz, of Medford, vice presi-

dent of the Coastal Conservation Association. "That's a lot more than we expected, but we can handle it."

This year, fish will be tossed into 16 miles of streams in the Butte Creek, Evans Creek and Elk Creek systems in Jackson County as well as nearly five miles of Taylor Creek, a Rogue tributary in Josephine County.

All of the carcasses will be placed high in the systems and in stretches where water-quality testing has shown they do not already contain too many nutrients during fish-spawning months, Fustish said.

"It serves as a nutrient source for all of the communities in the streams," he said.

It's quite a bit more beneficial than the phosphate and nitrate runoff from agricultural fertilizer, which Fustish said only lead to blue-green algae.

Cherokees push to free bears at private zoos

CHEROKEE, N.C. (AP)—Peggy Hill was outraged. After watching a video of bears endlessly circling their tiny enclosures at a privately owned zoo on a Cherokee Indian reservation, she knew she had to act.

Hill and other members of the Eastern Band of Cherokee Indians began pressing the tribal council to force that zoo and two others on the reservation to free the bears.

Now it appears Eastern Band leaders are ready to tackle the issue.

At a contentious meeting this week, the tribal council said it's considering a resolution introduced by Hill and supporters to revoke the zoos' licenses and require the owners to remove the bears from captivity.

The council says it will study the issue, and the resolution could come up for a vote at its March meeting.

Hill, 72, said this is the first time that Cherokee elders have publicly spoken out about the issue.

"Most Cherokee people had no idea what was taking place behind the bars of these roadside zoos," Hill said. She said elders are so appalled "at the horrible treatment of these jailed bears" that they decided to take action.

It is the latest development in the long, public campaign to close the zoos where more than two dozen black, Asian and grizzly bears are confined in cages and barren concrete pits.

People for the Ethical Treatment of Animals has filed complaints with federal regulators and Cherokee leaders about the bears' living conditions. Last year, the animal-rights group posted billboards in the area, calling the bear zoos "prisons" and noting an incident in which a 9-year-old girl was bitten while feeding a baby bear.

The reservation's three roadside zoos — Cherokee Bear Zoo, Chief Saunooke Bear Park and Santa's Land — are inspected by the U.S. Department of Agriculture, which enforces the federal Animal Welfare Act. The Eastern Band's wildlife office also inspects the zoos.



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