

Lawsuit seeks to keep Archives and Records in Northwest

The National Archives and Records Administration building in Seattle houses thousands of historic documents and other items detailing the history of Northwest tribes. Many of the items—original old photograph prints, for instance—are of great interest and value to the Confederated Tribes of Warm Springs.

Late last year, the federal Public Building Reform Board voted to move the contents of the Seattle Archives building to Kansas City, Missouri, and Riverside, California. The government could then sell the Seattle Archives building, as a means of generating some revenue.

The decision to move the contents of the Seattle Archives happened without consulting the tribes or other interested parties of the Northwest.

Details of the decision were buried in a 74-page document on the Building Reform Board website. The planned move and sale of the Seattle Archives building is bundled among 10 other buildings.

Washington State Attorney General Bob Ferguson's office discovered the planned move when an assistant attorney general happened across the website in late November 2020, while conducting separate research.

Last week, more than two dozen tribes and Alaska tribal entities—with the states of Oregon and Washington, and history preservation groups—joined a lawsuit to halt the move. Ferguson's office is leading the cause.

The government plans to ship the National Archives building's irreplaceable, un-digitized records more than a thousand miles away:



Warm Springs Indian Agency, 1937. Example of National Archives document, the original photograph housed at the National Archives and Records Administration building in Seattle.

...the Archives building legally never should have been included on the list of buildings the federal government has put out for bid.

This will effectively eliminate public access to the records, the plaintiffs to the lawsuit say.

The National Archives building in Seattle hosts exclusive and un-digitized tribal and treaty records. Only a fraction of 1 percent of the facilities 56,000 cubic feet of records are digitized and available online.

The lawsuit, filed in U.S. District Court for the Western District of

Washington, asserts the sale violates the conditions Congress placed on agencies' ability to sell federal properties on an expedited basis, and fails to appropriately account for the records' importance to the Pacific Northwest region. Lack of consultation with tribes and others is an additional contention.

Tribal members use federal archive records for many reasons, including to establish tribal membership, demonstrate and enforce tribal rights to fishing and other activities, trace their lineage and ancestry, and access Native school records.

If these historical records are removed from the Pacific Northwest, many tribal members will be prevented from exercising these important rights.

The federal government did not consult with Northwest tribal lead-

ers before deciding to move these significant pieces of tribal history thousands of miles away from the Northwest, depriving local tribes of access to these critical historical documents. As a sample of the tribal position:

"The Seattle National Archives Facility maintains thousands of historical records that belong to the Yakama Nation and our members," Yakama Nation Tribal Council Chairman Delano Saluskin said.

"The United States has both legal and moral obligations to keep those records in the Pacific Northwest where we can easily access them."

"The word 'archives,' from the view of law firms, businesses and courts, tends to conjure an image of a records storage facility for 'dead files,'" said Tallis King George, a Puyallup tribal attorney.

"I view the National Archives at Seattle as a vibrant, special collection library... A visit to the National Archives at Seattle, for Native people whose ancestral historical and cultural records are housed there, fills a deep cultural yearning to know, honor and understand the lives and sacrifices of their ancestors."

Attorney General Ferguson's lawsuit asserts the National Archives building was never legally eligible for the Public Building Reform Board (PBRB) accelerated sale process.

The law granting the PBRB authority to sell these federal properties specifically excludes buildings used for "research in connection with federal agricultural, recreational or conservation programs."

The National Archives building is exempt from expedited sale by law because it is used for research in connection with federal agricultural, recreational and conservation programs.

In other words, the Archives building legally never should have been included in the portfolio of buildings the federal government has put out for bid. The lawsuit also alleges significant administrative procedural violations. For example, the Office of Management and Budget's failed to develop the standards, criteria and recommendations required by Congress.

Additionally, the federal government failed to consult or coordinate with the tribal governments in violation of federal-tribal consultation law and policy. Twenty-nine tribes, Oregon, Washington and nine community organizations are partnering with Ferguson's office in bringing the case.

IHS updates its Covid-19 testing data

The Indian Health Service has updated its coronavirus data, showing results across Indian Country up to last weekend. According to the data: 155,180 IHS-administered tests have returned positive for Covid 19.

That represents an increase of 1.2 percent from the 153,335 cases previously reported by the IHS.

Throughout its service areas, IHS has administered a total 1,740,441 coronavirus tests.

Since mid-October 2020, the

IHS has been providing additional information about the spread of the coronavirus within the system.

Based on the cumulative percent positive, the highest rates have been seen in the Navajo Area (16.4 percent), the Phoenix Area (14.2 percent), the Oklahoma City Area (12.8 percent), the Albuquerque Area (11.2 percent) and the Great Plains Area (10.7 percent).

The first two regions include the state of Arizona, indicating a disproportionate toll of covid in the

state. Three regions have seen dramatic increases in Covid-19 cases:

The Oklahoma City Area (24.2 percent), the Navajo Area (20.8 percent) and the Phoenix Area (20.7 percent). Two of the three regions include the state of Arizona.

Overall, 9.7 percent of IHS tests have been positive since the onset of the pandemic. Note: The data reflects only testing done by IHS, and does not include tribal members who have used another health care provider.

Oregon reports coronavirus increase

The state of Oregon last week reported 1,643 new presumptive cases of Covid-19. This brings the total in the state since last spring to 124,476.

The new confirmed and presumptive Covid-19 cases reported today are in the following counties:

Baker (4), Benton (37), Clackamas (125), Clatsop (5), Columbia (25), Coos (12), Crook (18), Curry (3), Deschutes (80), Douglas (20), Harney (6), Hood River (12), Jackson (121), **Jefferson (8)**, Josephine (54), Klamath (35), Lake (1), Lane (101), Lincoln (13), Linn (49), Malheur (23), Marion (106), Morrow (14), Multnomah (369), Polk (38), Sherman (1), Tillamook (7), Umatilla (91), Union (15), Wallowa (2), **Wasco (17)**, Washington (175), Yamhill (56).

Oregon's 1,576th covid death was a 100-year-old woman in Benton County.

Oregon's 1,577th covid death was an 84-year-old man in Clackamas.

The state's 1,578th covid death was an 82-year-old man in Clackamas County.

The 1,579th covid death was an 89-year-old man in Deschutes

County.

The 1,580th covid death was a 78-year-old man in Deschutes County.

Oregon's 1,581st covid death was an 80-year-old man in Deschutes County.

The 1,582nd covid death was an 89-year-old man in Jackson County.

The 1,583rd covid death was a 92-year-old woman in Jackson County.

The 1,584th covid death was a 91-year-old woman in Jackson County.

Oregon's 1,585th covid death was a 98-year-old woman in Klamath County.

The 1,586th covid death was an 89-year-old woman in Klamath County.

The 1,587th covid death was a 93-year-old woman in Klamath County.

The 1,588th covid death was a 88-year-old man in Klamath County.

The 1,589th covid death was a 95-year-old man in Klamath County.

Oregon's 1,590th covid death was a 70-year-old man in Marion County.

The 1,591st covid death was a 85-year-old woman in Marion

County.

The 1,592nd covid death was a 80-year-old woman in Marion County.

The 1,593rd covid death was a 84-year-old man in Morrow County.

The 1,594th covid death was a 79-year-old woman in Multnomah County.

Oregon's 1,595th covid death was a 88-year-old woman in Multnomah County.

The 1,596th covid death was an 86-year-old woman in Multnomah County.

The 1,597th covid death was a 95-year-old woman in Multnomah County.

The 1,598th covid death was an 89-year-old woman in Multnomah County.

The 1,599th covid death was a 68-year-old man in Polk County.

Oregon's 1,600th covid death was a 95-year-old woman in Washington County.

The 1,601st covid death was a 84-year-old woman in Washington County.

The 1,602nd covid death was an 85-year-old woman in Washington County.

The 1,603rd covid death was a 96-year-old woman in Washington County.

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