

More anti-sovereignty bills emerging

■ Gorton's new five-pronged assault on Tribes

By Oscar Johnson

In an attempt to regroup on his failing legislative attack against tribal sovereignty, Sen. Slade Gorton (R-WA) has rescinded his controversial 'Indian Equal Justice Act' in favor of five separate bills.

The act, better known as Sovereign Immunity Bill S.1691, sought to strike down tribal exemptions from certain federal regulations based on treaty agreements between U.S. and Native governments.

"I have decided that a somewhat different approach is appropriate. As a consequence, I suggest that the committee should not vote on my bill today," Sen. Gorton last month told a Senate Indian Affairs Committee likely to vote down his bill. "Instead I will introduce five new bills on five different aspects of sovereign immunity over the next several weeks."

Far from backing down, Gorton's

latest maneuver is more a case of the old adage 'he who fights and runs away lives to fight another day.' Despite the likelihood of the bill being voted down by committee members, the indication is that Gorton is just getting started, according to Mark Phillips of Edwards Associates, Inc.

The Washington D.C.-based lobbyist for the Confederated Tribes of Grand Ronde told *Smoke Signals* that postponing the vote accomplished three things and none of them were good news.

"It avoided a humiliating defeat at the hands of the committee. It spread the issues out across a much broader spectrum giving (Sen. Gorton) a greater ability to maneuver. And it preserves a promise that (he) made to Sen. Ben Campbell (R-CO) to bring S.1691 up to a committee

vote," Phillips said. "Sen. Gorton's request to postpone the vote really is, I think, a success for Slade Gorton and against the tribes best interest."

The five tribal immunities that Gorton now hopes to pass in the form of five separate bills include a federal mandate forcing many tribes to collect taxes on sales to non-tribal members and remit them to states.

Native lobbyists argue, however, that losing the much needed income that comes from tax-free, reservation sales on items such as cigarettes, combined with additional administrative costs in managing the taxes would ravage the coffers of poor reservation communities.

Other bills will seek to do away with tribal court immunity to U.S. federal appeals with regard to civil rights cases and violations of U.S. environmental regulations.

Two more bills will aim to end tribal immunity to federal claims courts and invoke mandatory liability insurance for tribes. And make federal rules for business contracts and transactions extend across the borders to Indian Country.

Similar to other sovereign governments, tribes currently adjudicate civil rights and tort claims in their own courts and set their own environmental policies.

In addition to assaulting basic rights of self-governance, sovereignty advocates say opening up tribal governments to federally regulated law suits, which usually involve large sums of money, could bankrupt many tribes in no time. It has also been noted that many tribes have voluntarily waived their exemption to U. S. tort claims by securing insurance for their establishments on their own initiative.

Council gives go-ahead for teen shelter

By Oscar Johnson

Tribal and state agencies may soon be joining forces to open a much needed group home for Native teens in Grand Ronde, according to tribal Community Resource Division (CRD) officials.

Confederated Tribes of Grand Ronde Tribal Council gave the green light for CRD to precede with the early planning stages of the project and the agency met with Oregon Youth Authority (OYA) officials to begin the process last month.

Plans for the youth shelter include a 10-bed facility that would temporarily house Indian youth of any tribal affiliation who are awaiting placement with foster parents or to be reunited with their natural parents. The home would also give transitional housing and services to Native youth who have recently completed inpatient chemical dependency programs.

"Three tribal youth are currently on the run or in jail, and at least two others are in immediate need of placement. Others who have recently turned 18 and 19 are either abusing drugs, homeless or involved in questionable legal activities," read an abstract that CRD Manager, John Spence, proposed to officials at a May 21 meeting.

Citing that two out of four recent youth suicide victims at Hillcrest

Youth Correctional Facility in Salem, Oregon were Native, the CRD summary stressed a "critical need (for) a local youth shelter home where a youth in need of care can be placed on a temporary basis."

According to tribal Foster Care Coordinator, Carmen Mercier, the group home has "been a need for a few years."

"It's difficult to place children between the ages of 13 and 17 in foster care because they have needs that require people with special skills," said Mercier. "If we had a shelter we'd have a place that was always available and staff with the necessary skills that children in that age range need."

Although the youth under her jurisdiction are currently all accounted for, Mercier indicated things could change at any moment. Without additional transitional housing she said some youth who are released from correctional facilities will be at a greater risk of becoming runaways and some former adolescent substance abusers just out of inpatient treatment may return to their old social patterns and relapse.

The proposed shelter would be tribally staffed and provide evening group counseling sessions as well as weekend recreation therapy such as white water rafting, beach trips, pow-

wows, camping, and hiking. In addition to a full-time coordinator and secretary, the around-the-clock facility will also be staffed by two evening and weekend "house parents," according to the proposal summary.

Group home planners also hope that staff from other tribal programs such as Health & Human Services, Education and Maintenance will help out once the new project is on-line.

Finding and constructing or remodeling a building for the program make projecting the overall cost, and developing a time line for the project, a difficult task to accomplish during these early stages of planning.

"The shelter could take up to two years before it comes on-line," said Bob McElderry, grant writer for the tribe's Policy and Planning department. He said that in addition to finding a site for the home, he is currently waiting for a description of state guidelines to help determine site criteria that are essential for projecting the real, overall cost of the project.

Once the facility is in place, Spence roughly estimates costs for the first year of the program to be in the neighborhood of \$225,025 or about \$1,875 a month per youth. Tribal gaming revenues will pay part of the cost, according to Spence who expects state agencies such as OYA,

Oregon State Office of Revenue and Oregon State Department of Education to pick up the rest of the bill.

Although there is no official pledge from these state departments yet, the pressure the shelter would take off of a state-wide shortage on transitional housing for youth leaves many like Mercier confident the cost will be shared.

Much of this confidence in cost sharing and in the proposed joint tribal/state effort behind the facility, is rooted in an executive order signed into effect by Gov. John Kitzhaber two years ago. The order mandates that state Cabinet level departments develop relations with Oregon's nine federally recognized tribes in order to jointly identify and address mutual problems, resolve potential conflicts and exchange ideas and resources.

The CRD proposal is a direct result of the executive order and comes on the heels of a first-time meeting between the Native American Advisory Committee and OYA officials last April at MacLaren Youth Correctional Facility in Woodburn, Oregon.

Among key issues brought forward by the committee were the notification of tribes when young members are incarcerated and tribal involvement in developing transition programs for Indian youth.