

## NATIVE NEWS FROM ACROSS THE NATION

### Judge Asked to Hold Norton in Contempt in Indian Trust Lawsuit

WASHINGTON (AP) — American Indians who claim they were bilked of \$10 billion in trust funds have asked a judge to stop the government from shredding documents and to find new Interior Secretary Gale Norton in contempt of court.

The Indians want the records to reconstruct how much money is missing from trust fund accounts, which were created to manage royalties paid for the use of Indian lands.

If the judge grants the motion it would be the second time Cabinet officials have been held in contempt in the class-action lawsuit. The 300,000 plaintiffs want the government to pay the money back.

Dennis Gingold, a lawyer representing the Indians, said the Bureau of Indian Affairs (BIA) and its contractors have been destroying trust documents daily in violation of court orders.

Earlier this year, a court-appointed



Photo by Brent Merrill

investigator made a surprise visit to a BIA document warehouse and found a trust fund document in a shredder. BIA officials told him similar documents were shredded every day.

In 1999, Lamberth held then-Interior Secretary Bruce Babbitt and former Treasury Secretary Robert Rubin in contempt for failing to turn over documents.

#### Under Fire Already —

New Secretary of the Interior Gale Norton, pictured here at the National Congress of American Indians conference earlier this year in Washington D.C., is under fire from Native Americans who want the Bureau of Indian Affairs held accountable for missing money from trust land accounts. Recently investigators found trust fund documents in a shredder during a surprise visit to BIA offices.

At a hearing in April, Lamberth said he was willing to do it again if the government didn't cooperate.

The Indian trust accounts stem from an 1887 federal law that divided some reservations into smaller plots for individual Indians. The government holds that land in trust for the Indians, meaning it cannot be taxed or sold and the government must approve any leases.

Many of the tracts are leased for grazing, logging, mining or oil drilling. Fees are supposed to be deposited in government accounts and then paid to Indian landholders.

Since the beginning, however, those accounts have been mismanaged in almost every way imaginable, the government acknowledges. Records for many accounts were never kept, while documentation for others was lost or destroyed.

Some of the money was stolen or used for other federal programs. Some lease proceeds were never collected. Thousands of accounts have money in them but no names attached.

#### On the Net:

**Indian account holders:**

[www.indiantrust.com](http://www.indiantrust.com)

**Interior Department:**

[www.doi.gov](http://www.doi.gov)

**Justice Department:**

[www.usdoj.gov](http://www.usdoj.gov)

### Feds Urge Magistrate to Uphold Kennewick Man Decision

PORTLAND, OR. (AP) — Federal attorneys asked a U.S. magistrate recently to uphold a decision giving an ancient skeleton known as Kennewick Man to five Indian Tribes in the Columbia River basin.

The lawyers filed a 45-page document in U.S. District Court, in preparation for a hearing in June on a lawsuit brought by scientists seeking to study the 9,300-year-old remains.

Last year the U.S. Department of the Interior decided to turn over Kennewick Man to the Tribes rather than the scientists, who want to study the oldest and most complete skeleton ever found in the Northwest.

The federal attorneys said the "preponderance of evidence" shows that

the remains are culturally affiliated with the Tribes. They also said the scientists had no constitutional right to study the remains.

Eight prominent anthropologists filed a lawsuit nearly five years ago against the U.S. Army Corps of Engineers after the agency indicated it would give the skeleton to the Tribes and would not allow a thorough study.

Leaders of the Yakama, Umatilla, Nez Perce, Colville and Wanapum Tribes say the remains are those of an ancestor and should be turned over for proper burial. They say a complete scientific study would be offensive and disrespectful of their beliefs.

### Tribes Reject Bonneville Power Administration Plan

PORTLAND, OR. (AP) — In a reversal of roles, a Bonneville Power Administration plan to help salmon by spilling water over two Columbia River dams has fallen apart after Tribes refused to support it.

The plan called for a limited spill in exchange for a Washington public utility district's promise to supply power to the region this summer if water supplies remain low.

Sending water over spillways allows young salmon to avoid going through the dams' power-generating turbines, which can injure or kill them.

The federal salmon recovery plan requires the U.S. Army Corps of Engineers to send millions of gallons over spillways each spring and summer. But this year's dry conditions have placed those plans in jeopardy. Earlier this year, the BPA stopped the program by declaring a power emergency.

The BPA planned to begin a limited spill at Bonneville and The Dalles dams. In exchange, the Grant County Public Utility District agreed to generate extra electricity at its Wanapum

and Priest Rapids dams this summer by halting or reducing spill and sending that water through the turbines.

Tribal officials said the swap would trade one set of fish for another. Spilling water over the Grant County dams helps upriver salmon populations, while spilling water over the lower river dams primarily would aid mid-Columbia and Snake River fish.

The Tribes want the BPA to start a limited spill immediately, with provisions to buy electricity on the wholesale market or buy water from irrigators.

"They weren't playing fair here," said Charles Hudson, a spokesman for the Columbia River Inter-Tribal Fish Commission, which represents four Tribes with treaty rights for salmon. "Bonneville was attempting a sleight of hand. They were trying to swap spill and sell it to the region as a great fish measure."

Montana officials also opposed the plan. They don't think any water should be spilled for fish unless water supplies increase.

### Drought Draws Illegal Artifact Hunters to Sacred Indian Sites

COULEE DAM, WA. (AP) — For 60 years, Lake Roosevelt has served as a watery grave for American Indian camps and sacred places that were flooded during construction of the Grand Coulee Dam.

But drought in the Northwest has left lake levels so low, the old sites have been exposed and are attracting artifact hunters who have been illegally removing relics, officials say.

Cheryl Grunlose, Manager of the Colville Tribal Museum, is appalled by the activity.

"How would you feel if it were your ancestry and people were just walking along and picking it up and putting it on their fireplace mantel?" she asked.

Several Indian settlements, burial grounds and 11 town sites were permanently flooded in 1941 during construction of the Columbia River dam, the largest hydroelectric project in the nation. The 130-mile-long Lake Roosevelt National Recreation Area covers portions of the Colville and Spokane reservations.

In a typical year, Lake Roosevelt's level may be dropped as much as 100 feet in anticipation of spring runoff from snow packed mountains.

But with the Northwest in its worst drought since 1977, water levels have been lower longer than usual, exposing remnants of Indian cultural sites in the muddy lake bottom.

While the recreation area is open to boating and camping, disturbing artifacts is forbidden. Fines range from \$50 to thousands of dollars, depending on the circumstances and damage, said Lynne Brougher, chief of interpretation and education for the recreation area.

Officials say the annual lake draw down periodically attracts artifact hunters but there has been an increase this spring in people searching with four-wheel-drive vehicles and metal detectors.

Last year, two people were caught digging for artifacts in the Spokane arm of the lake, a case now pending in federal court.

No one has been cited this year, but the Park Service and the Spokane and Colville tribes have increased patrols and are trying to educate people about the law and cultural sensitivity, Chief Ranger Daniel Mason said. He said most cases involve people looking for souvenirs rather than trafficking in artifacts.

"We explain to them the importance of the artifacts and try to put it in context: If it was your burial site for your family, would you like people to come in and dig up whatever is there for their personal consumption?" Mason said.

Protecting artifacts has been a concern in other states as well.

Last month in South Dakota, the Standing Rock Reservation and Army Corps of Engineers settled a lawsuit over erosion of Indian graves along the Missouri River. Remains of descendants of an Indian chief were uncovered when water levels dropped in Lake Oahe. The Tribe sued, saying poor management of the river left the remains open to looters.

#### MORE INFORMATION ON THE NET:

**COLVILLE CONFEDERATED TRIBES:** [www.colvilletribes.com](http://www.colvilletribes.com)

**LAKE ROOSEVELT NATIONAL RECREATION AREA:** [www.nps.gov/laro](http://www.nps.gov/laro)

**GRAND COULEE DAM:** [www.usbr.gov/cdams/dams/grandcoulee](http://www.usbr.gov/cdams/dams/grandcoulee)