

‘The world has changed’

MERKLEY continued
from front page

restoration of hemp production nationwide, among other topics.

Merkley was in Oregon for a Yamhill County town hall being held in McMinnville later that day. He also attended a Thursday, May 3, session held in Salem about fixing problems at Chemawa Indian School.

Tribal Council Chairwoman Cheryle A. Kennedy welcomed Merkley. Tribal Council Vice Chair Chris Mercier, Secretary Jon A. George and Tribal Council members Kathleen George and Brenda Tuomi also attended the session along with Tribal Attorney Rob Greene, Tribal Council Chief of Staff Stacia Hernandez and Deputy Press Secretary Sara Thompson.

“There are many services, huge gaps in some cases of services that we were not afforded,” Kennedy said about being a Terminated Tribe and that Grand Ronde does not receive permanent base funding for law enforcement like Tribes that were never Terminated.

“We hope that there is not only the funds that could support what is happening now, but some recognition of some of the infrastructure that we’ve developed and paid for ourselves.”

Kennedy said that the federal government paid for law enforcement facilities for other Tribes, but not for a Terminated Tribe like Grand Ronde.

“We really need the ongoing financial support to continue to cover our area,” Kennedy said. “We don’t want to step back even 10 years ago.”

In 1997, the Grand Ronde Tribe started entering into an enhanced service agreement with the Polk County Sheriff’s Office because of the Tribe’s remote location and slow police response. The Tribe, through Spirit Mountain Community Fund grants, allocated more than \$6 million for increased police coverage in the area between 1997 and 2014.

In 2011, the Grand Ronde Tribe started its own police department, assuming primary responsibility for law enforcement in the area. Upon the passage of Oregon Senate Bill 412, Tribal police officers took on state law enforcement powers as well.

The Tribe’s current police budget is approximately \$1.1 million and the Tribe funds almost 60 percent of that total while using impermanent federal and states grants to help fill the budget gap.

Greene said Grand Ronde has reached out to other Terminated Tribes, such as the Siletz, Coquille and Cow Creek, and a group is being organized to discuss law enforcement funding with the Bureau of Indian Affairs.

“The world has changed,” Greene said. “This is not a PL-280 world anymore where we have to rely on the state. Today, it’s the Tribal governments that are providing law



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~ Tribal Attorney Rob Greene

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Public Law 280 is the 1953 federal statute enacted by Congress that enabled states to assume criminal, as well as civil, jurisdiction in matters involving Native Americans as litigants on Reservation lands. On the reservations to which it applied, Public Law 280 took away the federal government’s authority to prosecute Indian Country crimes and authorized the states of Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin to prosecute most crimes that occurred in Indian Country.

Merkley encouraged Grand Ronde representatives to keep pushing the law enforcement funding issue with the Department of the Interior and called the current situation inherently unfair.

“We have to keep pushing on little cracks, little pieces,” Merkley said. “We have to keep pushing at this until we find a way to get a foothold and eventually get full equality with the other Tribes that are receiving (law enforcement) support.”

Merkley requested policing statistics to help paint a picture of what the Grand Ronde Tribe is funding for BIA officials in Washington, D.C.

“Being a Terminated Tribe, there’s just a lot more injustices than Tribes that didn’t have to experience that,” Kennedy said.

Merkley said that legislation should be passed requiring Tribes that have been Terminated and restored be treated equally with all other Tribes by the federal government.

Regarding sea lions preying on salmon and lamprey at Willamette Falls, Kennedy said the fish are an increasingly scarce resource that need protection.

“We’re very concerned about that and how that can be approached,” Kennedy said. “Of course, you have folks who really oppose that (killing sea lions) ... but there are reasons. It is a big issue for us.”

Merkley discussed draft legislation his staff is working on that would allow killing of sea lions camping out at Willamette Falls and feasting on salmon and lamprey runs.

However, since the animals are protected by the federal Marine Mammal Protection Act, Merkley said the legislation has to be targeted and not create an outcry, especially from the influential Humane Society of the United States.

“It’s a very big issue and the loss of the run is very real,” Merkley said. “Our team has been talking to them, trying to educate them on the severity of the problem and, therefore, have them realize that this is not people being cruel to animals, but this is maintaining an important species and we don’t want to lose them.”

Mercier said that a sea lion was spotted near a recent First Salmon Celebration held on the banks of the Willamette River in West Linn. He also mentioned sea lion attacks on people that went viral on YouTube.

Merkley speculated that a decline in the shark population combined with federal protection has contributed to an increase in the sea lion population. “It is going to be hard changing the way people think about this,” he said.

Tribal Council also discussed Chemawa Station, which is on fee land that might affect economic development plans being discussed with the Siletz Tribe.

The Senate passed the Oregon Tribal Economic Development Act by unanimous consent on Thursday, Nov. 30, 2017, but it has apparently stalled in the House of Representatives.

The act would allow seven Oregon Native American Tribes, including the Confederated Tribes of Grand Ronde, to purchase, sell, lease or convey their interests in non-trust property without the approval of the federal government. The legislation is intended to allow the Oregon Tribes greater control over transactions involving their property.

The bill was submitted by Merkley on May 25, 2017. Oregon Rep. Peter DeFazio introduced an identical bill in the House of Representatives on July 13, 2017, and it was referred to the Committee on Natural Resources. Greene said during

the Tuesday, May 8, Legislative Action Committee hearing that he was informed that it should receive a vote in the House soon.

Greene also mentioned a clause that was inserted into the Grand Ronde Reservation Act that returned land in exchange for the Thompson Strip to the Tribe, but also prevents the Tribe from making any other land claims throughout Oregon.

In November 1994, the Tribe reached an agreement with the Bureau of Land Management regarding a survey error that occurred in 1871. Eighty-four acres near the Reservation known as the Thompson Strip was not added to the Reservation and was sold in 1907. The Tribe gave up its claim on the land in exchange for another 240 acres and Congress approved the deal.

“That was never the intent,” Greene said. “This is overly broad language. ... If we found a survey error today, we couldn’t do anything about it because of that language that was inserted.”

Merkley also discussed legislation he is working on with Senate Majority Leader Mitch McConnell, a Republican from Kentucky, to restore hemp farming in the United States. The Hemp Farming Act of 2018 is scheduled to be included in the Senate version of the Farm Bill.

Greene called the legislation the best that has been written for Native American Tribes because it places them on the same footing as states when it comes to growing hemp.

Kennedy then briefed Merkley on Tribal nation building efforts over the last 35 years, the fishing platform that will be constructed at Willamette Falls and Tribal cooperation with the Oregon Department of Transportation in building the first phase of the Newberg/Dundee bypass.

“You’ve been a wonderful senator to us,” Kennedy said. “We know that the partnership will continue.”

As the meeting concluded, Merkley pointed to the solar panels on Elder housing visible from the Tribal Council conference room.

“Everybody has to work to drive the transition from burning fossil fuels to going to renewable energy,” he said. ■

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