

Re

Ceded area

Wo/Art

SATUS--A Yakima Indian Nation special committee which has worked for a year is prepared to report to the Yakimas' General Council that ~~negotiations~~ prolonged negotiations with the Colville Confederated Tribes ~~xxxxxxxxxxxxxxxxxxxxxxx~~ over distribution of a \$3,319,627 ~~xxx~~ claims award have been unsuccessful.

And the committee, if it has the opportunity to present its report at the tribal meeting scheduled to end at 10:30 p.m. Wednesday is prepared to report that the Colville demands for one_half of the judgment fund, when the Colvilles are intervenors only , is w unreasonable.

At the General Council meeting a year ago ~~this~~ the Yakima Colville deadlock over disposition of money awarded the tribes , while on the agenda, never was presented before the ~~council's~~ council's time ran out and it was adjourned.

The Yakima committee, headed by Alex Saluskin and including Robert Jim, secretary, James Alexander, George Umtuch (chairman of the General Council) and Watson Totus, has held six meetings since then with the Colvilles in an attempt to break the deadlock and keep the matter from going before a claims court .

(more)

first ad..

The original claim, more than 10 years old, was based on lands the Yakimas ceded to the government at the Treaty Council of 1855 when they retained ~~the~~ 1,200,000 acres for the Yakima Reservation.

In late years the government acknowledged that a few cents an acre paid for the ceded land, 8,176,000 acres and then re-sold, was depriving the tribe of rightful value. A claims court entered a money award.

The Colvilles intervened since some of the tribes making up the Colvilles occupied some of the ceded land. So the government settled the ~~XXXX~~ ~~XXXXXX~~ final award on the ~~ColoixDexOandYakomexx~~ Yakimas and Colvilles.

The Yakimas asked for a distribution on the basis of lands occupied by Yakima and Colville bands tribes and bands of 85.37 per cent for the Yakimas and 14.63 per cent for the Colvilles.

The Yakima General Council or tribe passed a resolution recommending division on the basis of judgment, and instructing the Tribal Council to continue toward a conclusion by continued negotiations, proposed legislation, fair arbitration or court decision on the 85.35 per cent 14.63 per cent formula.

A bill has passed the U.S. Senate providing for court decision
General Council authority to proceed with a court determination is
now being asked.

(more)

second ad

The committee will report that the total value of the ceded lands resulted in a \$4,088,000 award, that the U.S. government took \$593,000 as offsets, and an additional ~~\$52,000~~ \$52,300 in gratuities to the Yakima and Colville Tribes, and that \$332,070 in attorney fees were deducted by the government. This left \$3,114,030 which has drawn ~~\$205,597~~ ~~XXXXXXXXXXXXXXXXXXXX~~ until Aug. 14, 1967, leaving \$3,319,627 held in the U.S. Treasury for determination of distribution.

Re
Boundary-Mt Adams
W/A

SATUS LONG HOUSE-Mt. Adams, or half of it, may be returned to its original owners, the Yakima Indian Nation.

The eastern boundary of the ~~YakimaxIndian~~ 1,200,000 acre Yakima Indian Reservation now angles along the lower elevation of Mt. Adams. The line would be moved over to cut directly across the center of the highest dome of the 12,307- foot mountain under terms of a settlement to be laid before the Yakima General Council.

The almost unprecedented settlement has been worked out with the Department of Justice, representing the U.S. Government, by Paul M. Niebell of Wash., D.C. the Yakimas' claims attorney. It involves a final determination of a long-ignored boundary, established by the Treaty Council of 1855. In the land settlement years the Yakimas lost 121,465 acres included in the original reservation. And this included the east side of the top half of Mt. Adams.

Niebell has arrived here to attend the General Council, or annual tribal meeting.

At the rate the council is progressing through a six-item agenda, he will present the settlement proposal for approval or rejection by the tribe, before scheduled adjournment when Chairman George Umtuch raps his gavel at 10:30 p.m. Wednesday.

Significant in the proposal is a tract of 21,008 acres of Gov. Gifford Pinchot National Forest, rich in timber, which Niebell has discussed with government solicitors. A result of the discussion is that he is hopeful this land can be restored to the Reservation

(more)

first ad..

Indian claims.

In months of negotiations that have been under way--although ~~the~~
~~boundary dispute~~ Niebell has worked on the boundary dispute for 31 years--
several claims have been consolidated and ~~the government~~ a judgment
of \$2,250,000 has been entered ~~in~~ for the Yakimas.

One claim, an erroneous enrollment claim has been consolidated and
the Yakimas, if ^{they} ~~the~~ agree, would dismiss a fishing rights claim
and the Ahtanum claim.

The fishing rights claim goes back to 1946 and pertains to loss of
salmon to Yakima fishermen because of construction of Bonneville Dam,
the first Dam constructed on the Columbia River.

The ahtanum claim goes back to a period during the Ahtanum Creek
irrigation controversy when Indian land, mostly tribal, was deprived of
irrigation water for a time and was for comparative minor yet undetermined
damages.

Niebell has previously advised the tribe that he did not have
~~"too much faith"~~ "too much faith in them, and ~~it~~ it is ~~doubtful~~ doubtful
that we could win them."

The situation of the boundary claim will be fully explained
and the tribe will have the opportunity of accepting the proposed
settlement.

(more)

second ad

If the Yakimas decide to attempt recovery of the ~~portion of~~ 21,008 acre portion of the Gov. Pinchot National Forest, Niebell will proceed and if this recovery is not allowed he will ~~ask the tribe for~~ ~~authority~~ seek to try the issue of the value of these lands, taking the position that the tribe should have the present value, since the lands were never entered or homesteaded, and in reality, have rightfully belonged to the Yakimas since Treaty days.

Approximately ~~2,437~~ 2,437 acres ~~have been~~ in the boundary dispute have already been restored to the Yakimas under orders issued by the Claims Commission. This land was ~~un~~ unentered land. Some 98,000 acres, including the location of Glenwood, have been patented and this is the land for which the settlement sum has been determined.

The Gov. Pinchot land on Mt. ~~Adams~~ Adams, if agreement is not reached for its return to the reservation, would have to be appraised. Its estimated value is \$4 million.

The boundary dispute began before 1932 when E.D. Calvin was sent out for a General Land survey. After completing the survey and establishing the boundary according to the treaty and an original map prepared by Territorial Gov. Isaac I. Stevens, Calvin ~~died~~ died. According to his wish he was buried at Goldendale, ~~the cemetery site of Goldendale~~ where Mt. Adams is visible from the cemetery site.

(more)

third ad.

Boundary claims

of Portland,

The late Ward Walker originally tried the boundary claim through a jurisdictional act. Niebell ~~has been working on this case since 1933~~ then became associated in the case .

The Treaty terms, and Gov. Stevens' map shows the boundary followed the crest of the Cascades, a natural divide and that Goat Butte on the east, and a direct line north to Gray Back, were other recognized landmarks in the original survey. The Gov. Pinchot ~~ed the National Forest section and other land in the original reservation are included in a triangular section between the Cascades' crest and the~~ National Forest section and other land in the original reservation are included in a triangular section between the Cascades' crest ~~and the~~ , Goat Butte and Gray Back.

Tribal leaders say that addition of the timber to the Yakima Forest would produce an income to the tribe under the sustained yield program, ~~and if its restoration to original ownership can be agreed on.~~ if its restoration to original ownership can be agreed on.

Mt. Adams is called Pahtoe by the old Yakimas, in legendary days a wife of the legendary Sun Man of Columbia River fame. But Pahtoe was killed by her angered husband, and ceased to be an active volcano.

Mt. Adams , the old Yakimas say , was also referred to by Gov. Stevens at the Treaty Council of Walla Walla, and he promised them the Treaty would stand, as long as Mt. Adams stood, and the Columbia River flowed.

(more)

4th ad.

The late Chief Meninick, father of Tribal Councilman Joe Meninick related Stevens' speech in pleading one of the first historic fishing rights cases before the State Supreme Court, which the Yakimas won, many years ago.

Martin Holm, assistant area director , in charge of community

services, summarized:

cited : Need for Indian people to know more of their state and services it has to offer, and need for state to know more of its Indian peoples.

Hope that the meeting would ~~lead~~ lead to other meetings, and to meetings at ~~local~~ local levels. (Tulalip accepted sponsorship of next year's conference from which Bureau wished to be ~~divorced~~ "divorced," letting Indians arrange and run conference.

Emphasis should be placed on human resources .

There is a need for more factual relationship with Indian councils and county government.

We should not forget ~~our~~ our heritage, history or tradition in the "forward look". Looking forward does not mean forgetting these things.

Our treaties--we do not think of them without thinking of the Constitution and the Bill of Rights. ~~As one said~~

As one said "like a salmon we have to go upstream to live or we perish."

You have expressed worries at HR 108 (termination of govt. control. There has been a concern that the ~~govt~~ government will not carry out treaty responsibilities. I mention here the assurance of Commissioner (Elenn L

Howard Dushane, introduced by Don C. Foster, area director, as program officer. (A ~~federally~~ government, not Indian employe. Been at Pd. since Sept. but just now being introduced and made available to tribes wishing assistance in programing.

He has 23 yrs in Indian Bureau service, came from Oklahoma, is one-half Shawness and an enrolled member of that tribe. Came to Northwest from Northern Calif. where he was on staff.

Also announced by Foster to fill long-desired need of Northwest tribes, that an enrollment officer is to be appointed. He too will be ~~federally~~ paid for by government and not the tribes and will work with them in difficult ~~enrollment~~ and complex enrollment.

Also: Appointment of Western Washington assistant supt. is upcoming ~~connected with tribes~~ to work with tribes in western wash.

Emmons . He says ~~xx~~ no treaty will be broken.

Needs cited for more scholarship assistance,
 problem of credit (to get it an Indian should not give up his land)
 more timbe sales, vocational training , range
 development

Problem of tribal enrollment in NW and difference of identity of
 tribal members and tribal groups.

Holm summarized Maurice Powers, representative of Gov. Langlie--
 state recognized need for impact of termination , needs to study
 legislation which may be needed when federal ~~cedes~~ ceases..
 Gov. said there would be no "Little Bureau of ~~Ind~~ Indian Affairs"
 in the state.

Foster, closing meeting:

"Everyone of us has the responsibility of pulling people up by
 boot straps. You've got to have confidence in yourself. I can't say
 say--who am I to ~~said~~ say to you, you don't have abilities to run your
 own affairs in due time.

You will soon have an enrollment officer for the area.

We are not soliciting the sale of Indian land.

(Foster) I don't blame you for having fear. But don't let fear consume your better judgment. I don't have the faintest idea when that day will come (referring to termination over various tribes) But without 108, ~~add~~ it is important for you to look ahead and plan human and other resources..

indian dependent

The question of whether state courts have ~~jurist~~ jurisdiction of Indians in juvenile courts is being taken to Supreme Court now for an answer.

It is another step in the entire Indian jurisdiction question which in the past two years has resulted in federal and tribal courts only handling adult Indian criminals whose crimes have been committed within Indian Reservation boundaries.

The question is being raised on a dependency case that Yakima County Superior Court Judge Lloyd L. Wiehl dismissed for lack of jurisdiction. Judge Wiehl said the question also will involve Indian delinquents, however, because both categories fall under the same juvenile court statute.

The appeal to Supreme Court is being handled by the state attorney general's office at the request of George C. Starlund, state director of the Public Assistance Department.

In an affidavit, Starlund said Judge Wiehl's decision affects the department's entire program.

let add indian dependent

The decision, Starlund said, interferes with, abridges and impairs the department's lawful authority, duty and responsibility. The care and welfare of dependent children is seriously endangered and impaired, ~~undoubtedly~~ and the jurisdiction of the department is undermined, he said. It also has created a serious and emergent situation and an atmosphere of uncertainty in the minds and processes of his agency, Starlund declared.

Deputy Prosecutor Donald H. Brazier, who will defend the Superior Court decision, said the parties have agreed to stipulate to the facts in the test case.

He said he has proposed four stipulations to the attorney general's office for approval. They include that the dependent youth involved is an enrolled member of the Yakima tribe, he has resided ~~within~~ within the reservation boundaries, the question of dependency is limited to within ~~those~~ those boundaries, and the Yakima tribe has not adopted a resolution requesting the state to assume criminal and civil jurisdiction over it.

more

and a Indian dependent

Brazier said the decision to dismiss the case for lack of jurisdiction is based on a recent U.S. Supreme Court decision in Williams vs. Lee that ruled Indians alone have control of their internal affairs; and the relation of the United States to the Yakima Indian Tribe.

~~xxxx~~ Brazier said "This clearly is an internal Indian matter."

If Judge Wiehl's decision is upheld, it would force the Tribal Council to handle juvenile and dependency cases or place them within federal courts.

A hearing on the Public Assistance Department's petition for a writ of certiorari was scheduled for the state's highest court for Jan. 22 but Brazier said the state has ~~responded~~ indicated it will request a continuance until February or March.

The case in question involves a 15-year-old Indian boy, Clyde (Sus) ~~xxxxxxxxxxxx~~ Colwash. The youth was judged a dependent child Dec. 13, 1967 by juvenile court in the county and placed in the custody of the probation officer under supervision of the Public Assistance Department.

3rd a Indian dependent

The boy was placed under foster home planning and remained under foster care until Nov. 30, 1959 when the persons he was placed with asked the caseworker to reassign him.

That was when the case was returned to juvenile court and Judge Wiehl dismissed the procedure for lack of jurisdiction last Nov. 27.