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# INDIAN NEWS CLIPS

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## Indians treated disgracefully

Pity the poor Indians. They lost the wars and the peace.

But the Indians of the Northwest do not want pity. All they want is a fair shake. If they get it, they'll have achieved an historic first in their relations with the government of the United States.

The most volatile issue is Indian fishing rights, a subject that evokes emotions so strong that the facts rarely are discussed outside a federal courtroom.

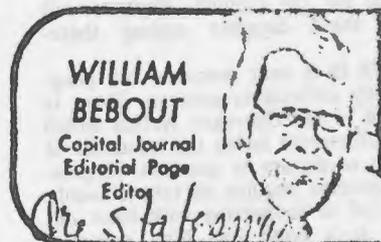
And not even one tiny bit of the blame can be assessed against the Indians. They've been willing to compromise from the beginning. But the successors to their conquerors, represented by the state governments of Oregon and Washington, won't give an Indian the time of day unless ordered to do so by a federal judge.

The courts have ruled that the Indians are entitled to an opportunity to harvest 50 per cent of the salmon in the Columbia River after the "escapement" of enough fish to ensure preservation of the run.

There's a great deal of difference between the opportunity to catch fish and the ability to do so. The fact is that Indians have taken no more than 12 to 14 per cent of Columbia River salmon runs since the long legal battle started in the 1960s.

The Indians never would have gone to court if the states had been willing to negotiate a reasonable settlement. But the refusal of the states to negotiate and the heavy toll on salmon runs taken by non-Indian fishermen downstream left the Indians with no alternative.

The decisions of U.S. District Judges Boldt of Seattle and Belloni of Portland upheld the provisions of the 19th Century treaties which gave the Indians their fishing rights. And the Boldt and



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Belloni decisions were upheld unanimously by federal appellate judges.

The states, however, ignored federal court orders with the same stubborn indifference they gave to Indian pleas to negotiate a compromise.

The states contend they must manage the fishery resource to protect it from ruination by both Indians and non-Indians. I have no quarrel with state fishery management. But it must be noted that salmon runs in many streams under state management have fallen off sharply and there is no way the blame can be placed on Indian fishermen. It's doubtful some of the streams have been visited by an Indian fisherman since the days of Lewis and Clark. And no one contends seriously that the Indians are responsible for the decline in Columbia River runs. The fact is that Indian conservation practices, including use of modern hatcheries, are just as advanced and effective as those used by the states.

Rep. Al Ullman of Oregon, chairman of the House Ways & Means Committee, told the editorial boards of the Capital Journal and Oregon Statesman last week that the fishing issue must be solved by negotiation or binding arbitration.

Ullman says he intends to introduce legislation in the next session of Congress to force such negotiations. If the states then fail to sit down with the Indians and work out a realistic com-

promise, arbitration would result.

That kind of pressure wouldn't be necessary if the states would negotiate in good faith instead of crying hysterically at the mere mention of Indian fishing rights. The conduct of state officials in both Oregon and Washington has been and continues to be disgraceful.

But even Ullman seems to lack a real understanding of the Indians' grievances. He said that continuing reliance on the federal courts to achieve a settlement would lead to a "dead end."

There are three branches of government, he said, and Congress will "change the rules" if the Indians continue to use the judicial branch to get justice.

The Indians would not be in court, of course, if either Congress or the states had heeded their pleas for fair treatment under the treaties they negotiated in good faith with the federal government 100 and more years ago. And anyone who thinks the Indians got a good deal in those treaties is just plain stupid. To deny the Indians what little they have coming to them would be worse than stupid. It would be criminal.

It should be obvious that the states can afford to give up more than 12-14 per cent of the salmon runs, and that the Indians would be willing, even eager, to settle for less than half the fish in the river.

If Ullman can achieve a settlement through legislation, that's dandy. It should have been done more than a decade ago. But Ullman and everyone else with a conscience should recognize that although the government may confront the Indians from a position of unchallengeable political power, the full weight of justice and morality is on the side of the Indians.

OCT 22 1976

# Banking interests in Cherokee politics fuel tribal dispute

By BILL SAMPSON

The emergence of banking interests in Cherokee politics plus expectation of a \$113 million settlement for the Indians has fueled a new tribal political controversy.

The Cherokees are in the midst of a political campaign to elect a deputy chief and 15 councilmen. Mail balloting is going on this month with results to be announced in mid-November.

The banking issue has been raised largely by Tulsa James Gordon and Tulsa County Sheriff Dave Faulkner, both of whom oppose Sallisaw Mayor R. Perry Wheeler for deputy chief.

Wheeler has been endorsed by Cherokee Chief Ross Swimmer, whose position as president of the First National Bank of Tahlequah made the banking interest issue fair game in the cam-

pan. So far as Gordon and Faulkner are concerned.

SWIMMER says there "is no great conspiracy" to monopolize Cherokee banking as is being implied by some campaign talk.

Gordon and Faulkner have been on the stump throughout the 14 northeastern Oklahoma counties within the old Cherokee Nation criticizing the influence of bankers on the campaign and proclaiming their independence of big money interests.

Three candidates for the council — including the chief's father — and a high election official of the tribe have banking connections, in addition to Chief Swimmer.

The Cherokees have been anticipating a financial settlement with the federal government concerning the Arkansas River bed ownership matter since the U.S. Supreme Court ruled in 1970 the Cherokees, Choctaws and Chickasaws own the river.

The property involved was appraised by the government earlier this year at \$177 million, including powerhead value on two hydroelectric dams. Proportionately, the Cherokees should receive about \$113 million of that amount if Congress agrees to a lease or outright payment for the property developed into a navigation channel by the federal government.

In response to an inquiry by The Tribune about the issue, Chief Swimmer replied:

"You did raise an interesting theoretical question concerning large sums of money that may come into the tribe's hands. Put in its simplest form, the sit-

uation is this: I am the Chief. Someday we will get large deposits. Bankers are running for the Council. Bankers will divide these deposits among themselves.

"THIS IS A neat scenario, but pragmatically difficult to achieve. There is no bank in the Cherokee Nation which could effectively invest the hundreds of millions of dollars in question. Regulatory agencies require certain amounts of capital in proportion with bank deposits. If a bank has high deposits, without proper equivalent capital, it becomes risky to the depositors and stockholders of that bank and regulators would not allow it.

"As a practical matter, Cherokee funds will be placed in banks throughout the United States. Most of our money is put out for bid by the Bureau

of Indian Affairs. Our bank would have to compete with all other bidders nationwide and pay more than the highest bid of those banks as well as pledge U.S. securities to protect the money of the tribe.

"This money is therefore not particularly significant to a bank, especially one of our size."

The so-called "banking candidates" for the council as Gordon has called them are:

1. Gary Chapman, assistant vice president, installment loans, Commercial National Bank, Muskogee. The Chapmans are an old-line Cherokee family, dating many years back into tribal history.

2. Robert McSpadden, vice president, First National Bank, Vinita. McSpadden is a relation of former congressman and one-time gubernatorial candidate Clem McSpadden. The McSpaddens are related to the Rogers family of Cherokees, for whom Rogers County was named and from which humorist Will Rogers was descended. R. Vance McSpadden, another relation, is business director of the Cherokee Nation.

3. Robert O. Swimmer (Chief Swimmer's father), a board member of First National Bank of Tahlequah.

IN ADDITION to the candidates for elective posts, Tulsa Phillip Viles Jr. is a member of the tribe's voter registration committee, a key institution in tribal elections. Viles is a lawyer in the trust department of F&M Bank in Tulsa.

The interrelationships of these various

Cherokee banking interests and their family and business connections are the topics of considerable discussion in the campaign and throughout the Cherokee Nation area.

For example, the board chairman of the First National Bank of Tahlequah is Peter A. Manhart. He was the head of a group of investors which acquired control of the bank in 1972. One of those investors was James R. Jones, before he was elected 1st District congressman. Jones' wife, Olivia, is on the bank's board.

Earlier this month, at Jones' request, the House Standards of Official Conduct Committee announced it had looked into the Jones' interest in the Tahlequah bank and informed the congressman he does not have to report his wife's bank stock holdings to the House.

Manhart married the widow of Keith Smith, long-time Jay lawyer, who, before he died in 1974, was director and general counsel for the Delaware County Bank, Jay; president and general counsel of the Bank of Locust Grove; president of the First National Bank of Tahlequah and board chairman of the First National Bank of Sallisaw, all located within the old Cherokee Nation.

Smith's grandmother was one-fourth Cherokee and came to Indian Territory after the Civil War with her husband, Lee B. Smith, who had been a captain in the Confederate Army.

CHIEF SWIMMER takes issue with the Manharts being brought into discussions of Cherokee politics. He said:

"Why are they discussed at all? I am not personally privy to their business dealings outside of First National Bank. They certainly do not affect the tribe or influence my decisions (as chief) in the least. I do consider them as good friends and have been associated with them in the bank for two years.

"First National has been the tribal bank for decades, and I think the Cherokees are proud that their chief is president of the bank."

He also provided a list of 12 banks throughout the United States where Cherokee funds are deposited "to avoid any question about deposits being concentrated in any bank. . ."

Former Cherokee Chief W. W. Keeler, retired president and chief executive officer of Phillips Petroleum Co., also is on the Tahlequah bank board.

# Maine refuses to negotiate with Indians

OCT 23 1976

**They  
want  
60% of  
state's  
land**

Associated Press

AUGUSTA, Maine — Maine's attorney general rejected a request by a Federal civil rights agency yesterday to negotiate an out-of-court settlement to claims by Indians for 60 percent of the land in the state.

Earlier the Maine Advisory Committee to the US Commission on Civil Rights had offered its help in such negotiations, saying that the legal questions surrounding the Indians claims "could have dire results for the citizens of Maine."

A suit filed on behalf of the Passamaquoddy and Penobscot Indians has thrown a cloud over the ownership of 12.5 million acres of land, forcing the cancellation of \$27 million in municipal bond sales and threatening to dry up the source of mortgage loans in northern and central parts of the state.

"I believe it would be wrong to settle a case merely because the other side has been able to bring pressure to bear on the state in an attempt to win a settlement," said Atty. Gen. Joseph E. Brennan in a letter to the regional office of the civil rights panel.

Brennan repeated his stand that the Indian claims are without merit.

"My responsibility in this case extends not only to the tribes but to the one million non-Indian citizens of Maine," he said. "I do not believe it is responsible or fair for me to settle any claim, and thereby hand over public assets, unless I am convinced on the merits of the claimant's case."

Jacques E. Wilmore, regional director of the Federal commission, had sent a telegram to Gov. James B. Longley, the tribal governors of the Passamaquoddy and Penobscot Indians and Brennan. Wilmore asked for the negotiations and said related Federal court rulings have indicated that the Indians' case has merit.

The Indians have said they are willing to negotiate but have not put forth any proposals. They have placed the value of their claims at \$25 billion.

"In our judgement continued refusal of the governor and the attorney general to negotiate this matter with the Indians could have dire results for the citizens of Maine," Wilmore said. "Already there have been indications that further delay will have a deleterious effect on the ability of some Maine communities to market municipal bonds. Banks may refuse to grant mortgages in the contested area, and the continued impasse may effect crucial funding by Federal agencies."

Other investors in the Tahlequah bank with Manhart and Jones included Thomas A. Manhart, Manhart's father, and A. J. Hintze, former chief geophysicist and director of exploration for Phillips Petroleum Co. In 1969, the elder Manhart, chairman of the Energy Development Inc. of Tulsa, installed Hintze as president of the firm. Both are associates and friends of Keeler.

Viles, the tribal voter registration committee member and F&M Bank employe, has strong banking, political and family ties dating back into early Oklahoma statehood and the Cherokee Nation.

**HIS FATHER**, Phil Viles, Claremore insurance man, is president of the Rogers County Bank of Claremore. He is a former vice chairman of the Grand River Dam Authority, appointed originally by the late J. Howard Edmondson when he was Oklahoma governor.

The elder Viles' wife, mother of the Tulsa lawyer-banker, is the daughter of former Cherokee Chief J. B. Milam, who led the tribe from 1941 to 1949. Chief Milam had oil interests near Chelsea. Mrs. Viles brother, H. Stewart Milam, heads the Chelsea Bank and her sister, Mrs. Ralph Hackett, controls a bank at Tarkio, Mo. Some of the Milams and the McSpaddens are cousins.

Is this network of Cherokee banking interests and the emergence of bankers into current Cherokee politics since the river bed case was decided in the Cherokees' favor in 1970 coincidental?

Chief Swimmer addressed the question, saying:

"One of the major problems of Indian Tribes around the country is lack of qualified leadership. Last year (when Swimmer became a candidate and was elected chief) I felt very strongly about this. I told our board of directors and the chairman, Mr. Manhart, that I believed if the Cherokees were going to survive and be a positive influence in Eastern Oklahoma, they needed a capable leader.

"I did not believe the people seeking the office of chief were qualified. Most of my income is derived from my work at the bank. This is my profession and my future. During the last year, my directors have allowed me to be absent from the bank a great deal of time so that I could get the tribal problems solved.

"MUCH PROGRESS has been made in this regard. I have always believed that First National would be better off, as well as every other bank in the area, if through our efforts, we could create jobs, train people and raise the per capita income of the Cherokees \$1,000 per year than if the bank received all tribal deposits.

"It is the long-term effect of what we are doing now that will help the Cherokees and their economy. Short term goals for banking interests are not part of my plan.

"There is no great conspiracy to monopolize banking or any other industry. I am simply doing what I can to make a contribution to a great race of people who have had a pretty rough time over the last 100 years.

"Anyone can put together a cast of people and come up with a million plays, but in this case I am afraid the cast is simply not together."

Gordon, in his campaign for deputy chief, focused on the banking issue last Sunday at a Pryor meeting where various candidates for Cherokee office spoke. He heads a slate of candidates sponsored by Cherokees for Responsible Government, an Indian political party. Gordon was an unsuccessful candidate for chief in 1975, losing to Swimmer.

"Nine of the 15 candidates on this slate are half to fullblood Cherokee," Gordon said, "and not one is a banker. We are not taking the Cherokee Nation down that banker road."

He emphasized the Cherokee people's "right to know why and by what process their money is invested and spent."

HE CHARGED the former community representatives program had been brushed aside by Swimmer's appointment of a council last year in advance of this year's election.

He said the Cherokees, "once proud of their education and culture, have become a laughingstock before other tribes" because of Cherokee financial scandals involving housing and construction in the early 1970s.

Sheriff Faulkner has stressed his independence of the chief, of banking interests and of any slate during his campaign.

Swimmer has endorsed Wheeler for deputy chief, but says he is not supporting any particular candidates for the council positions.

"Of the 42 people running for council, I am acquainted with around 23 and feel that any of these would serve well," the chief said.

Swimmer took issue with Gordon and Faulkner over the banking candidates, saying:

"The question of my banking interests have been raised before and I am sure that Mr. Faulkner derives much of his commentary from this source. Also, the Gordon slate brags about not having a banker among its number.

"I simply do not understand this attitude. Most businesses enjoy the fact that bankers as well as other professional people serve on their boards of directors. But if you listen to Mr. Faulkner and Mr. Gordon, it seems inappropriate for a banker to work with the tribe.

"IS A BANKER unqualified to understand the financial business of the tribe? Is a banker less qualified to evaluate business opportunities, advise tribal members regarding finances and

oversee the proper and most rewarding investment of tribal funds? Is there an industry governed more strictly by law and examined more regularly than banking? Clearly, the fact that bankers run for tribal council does not act to the detriment of the tribe."

First National Bank of Tahlequah has a "correspondent" relationship with the Bank of Oklahoma in Tulsa. This is a customary banking practice whereby larger and smaller banks in various areas of the state and nation provide mutual help and financial assistance in dealings where one or the other is most familiar.

When the story broke about the Cherokee financial scandals during the last years of the administration of Chief Keeler, it was learned the Tahlequah and Tulsa banks both held notes involving tribal construction and housing ventures that failed financially.

Chief Swimmer has reorganized tribal administration in an effort to account for those losses, overcome the setback and return the tribe to fiscal responsibility.

Following is a list of banks in which Chief Swimmer said the Cherokees have funds on deposit (but he did not list amounts):

First National Bank, Tahlequah; Liberty State Bank, Tahlequah; Union Commerce Bank, Cleveland, Ohio; Coast Federal Savings and Loan, Los Angeles; Peoples Bank and Trust, Blanchard, La.

University Savings and Loan, Surety Savings Association and Main Bank of Houston, all of Houston, Texas; Brazosport Bank of Texas, Freeport, Tex.; Union Bank, Sherman-Oaks, Calif.; Mechanic National Bank, Huntington Park, Calif., and Zion First National Bank, Roosevelt, Utah.

# The Fishing War

OCT 22 1976

From Page A-1

## Fishing War: PAGE ONE FBI Steps In

Charging commercial fishermen have become so violent toward Indians that bloodshed may be near, tribal spokesmen announced yesterday that the FBI has been ordered to protect Indian rights in Puget Sound's "fishing war."

The spokesmen said that Indians have caught only 12 per cent of Washington's salmon harvest this year, and caught only 5 to 8 per cent in previous years, but they are being made "scapegoats" for the failure of salmon runs in Puget Sound.

The tribal spokesmen said a Lummi Indian research boat was fired on 13 times, repeated attempts have been made by commercial fishing vessels to ram and sink Indian skiffs, Indian net fishermen on river banks have been cursed and insulted by the public, and even football teams from Indian high schools have received racial insults from the stands.

"Thank God nobody has been killed so far," said Helen Keeline of the Point Elliott Treaty Indians. "But I'm afraid somebody is going to get killed before this is over."

A spokesman for U.S. Attorney Stan Pitkin's office confirmed yesterday.

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day that the FBI will enter the controversy.

"The Seattle FBI office has been ordered to investigate specific complaints regarding attempts to prevent Indians from exercising their fishing rights," said Ron Sim, an assistant to Pitkin.

Sim said that under federal law attempting to deprive Indians of their rights is a felony.

The tribal officers issued a call for an end to the "lawless conduct of commercial fishermen who have been defying state closure orders and threatening violence to Indian and state enforcement officers."

According to the Indian spokesmen, "rabblers" among the fishermen have brought about a "near total breakdown in fisheries management on Puget Sound." They said this would have an unfavorable impact on Puget Sound salmon stocks "which will last for years."

As the Indian tribes made their announcement, there was another incident of violence on Puget Sound in the "fishing war."

Between 30 and 40 gillnet fishermen encircled six state Fisheries Department patrol boats in two incidents Wednesday.

A Coast Guard cutter and a helicopter were called out twice during the night, once to escort the state patrol boats from the mouth of Hood Canal, and a second time to escort them south from the Mutiny Bay area of Whidbey Island.

The gillnet boats were making high speed "passes" at the state boats, threatening to ram them, according to Bruce Gruett, assistant director of field services for the department.

"It was a hairy situation," he said. "There were some wild men out there."

He estimated that between 40 and 50 gillnet boats were fishing illegally near the mouth of Hood Canal.

Gillnet fishermen said a tear gas cannister fired by a state patrol boat landed in one vessel, set fire to the rain gear and caused about \$200 dam-

age.

According to Gruett, a state boat fired the cannister after a gillnetter made a very close pass at a patrol boat and the fisherman allegedly threw something at an officer.

The "fishing war" got its start after a landmark decision by U.S. District Judge George Boldt two years ago which ruled that treaty Indians have the right to take half of Washington's harvestable salmon.

This year, state Fisheries Department Director Donald Moos ordered Puget Sound closed to non-Indians for "fall fishing" as a conservation measure.

Many gillnetters, who charge that the closure isn't a conservation measure when Indians are allowed to fish, and plagued by financial problems in a poor fishing year, have been defying the state closure order.

In their announcement yesterday, the Indian tribal officials said the reason for the poor run of cohos on Puget Sound at present is the fact that the coho run was largely caught by non-Indian trollers off the coast during the summer.

The Indians said the trollers caught a record 1.3 million cohos this year off the coast. The Indians will end the Puget Sound coho season with a total off-reservation catch of 144,000 cohos, while non-Indian fishermen took 350,000 in Puget Sound, the tribal leaders said.

One Indian spokesman, Bernard Gobin of the Tulalip Tribe, said feelings are running so high among gillnetters that "our people are seriously concerned for their safety."

He said Indians in the Anacortes area are sleeping aboard their boats to prevent vandalism, some of which has occurred.

Indians and their children all over Puget Sound have experienced verbal abuse, according to the tribal leaders. All fear for their lives because many of the commercial fishermen are carrying guns on their vessels, the tribal leaders said.

"No fish is worth a person's life," said Forrest L. Kinley of the Lummi Tribe.

# Miller Indicted in Tribe Fraud

PHOENIX, Ariz. (AP) — The former executive director of the Navajo Housing Authority was indicted today by a federal grand jury, which charged him with receiving \$42,000 in kick-backs from a California investment firm.

The alleged payments to Pat Chee Miller, 31, a Navajo, were from American Funding

Corporation of Beverly Hills, the indictments said.

The indictments said Miller and three other persons named in the report caused investments of federal Department of Housing and Urban Development money with American Funding in return for "kick-backs consisting of 1½ per cent" of the total Housing

Authority money invested with American Funding.

Miller, between June 1974 and January 1975, placed nearly \$13.3 million of Housing and Urban Development funds with the firm for investment purposes.

The housing authority was established in 1963 to utilize Housing and Urban Development money for construction of low rent, low income housing on the Navajo Reservation.

The eight-count indictment also named A. Gordon Eldred, American Funding's senior vice president, and Mervin B. Schaffer of Los Angeles. Miller, Eldred and Schaffer were charged with conspiracy to defraud the federal government, misapplication of funds from an Indian tribal organization and interstate transportation of money obtained by fraud.

Leslie J. Hadden of Gallup, N.M., was named as an undicted coconspirator, said Asst. U.S. Atty. Gary V. Scales.

Bench warrants were issued

for the arrest of Eldred and Schaffer.

A summons was issued for Miller, who resigned last April from the Navajo Housing Authority job he had held nearly five years. His annual salary was about \$23,000.

Hadden, vice president-secretary of Window Rock Constructors, Inc., arranged for meetings between Eldred and Miller, Scales said.

Scales said Hadden paid Miller on what the indictments termed the kickbacks.

He said Hadden first met Eldred through Schaffer, vice president of Jusco Construction Co. of Los Angeles. He said Hadden had met Schaffer while trying to arrange for bonding for Window Rock Constructors, which is based in Window Rock, Ariz., the Navajo capital.

Scales said it might be early next year before the three go to trial. The charges carry penalties ranging from a \$5,000 fine to 10 years in prison, or both, Scales said.

Scales said he and FBI agents had been investigating the matter since last March. Neither the Department of Housing and Urban Development nor the Navajo Housing Authority management board apparently knew of Miller's transactions with American Funding until early last February.

American Funding invested some of the federal funds received by the Housing Authority in short term government securities. All but nearly \$4.4 million has been recovered.

Navajo Housing Authority has filed a federal court suit against American Funding, which was placed in receivership last March 22 by a federal judge in Los Angeles, for the unrecovered money.

American Funding paid \$704,000 in interest on the Housing Authority loans.

Window Rock Constructors did some of the housing construction work.

OCT 29 1976

Farmington Daily Times



OCT 17 1976

First Indian coordinator

# Kiowa works to urge education

By RANDY NORDHEM

Cletis Satepauhoodle remembers white preachers telling him when he was a boy in Oklahoma that Indian dances were sinful.

"When I was brought up," says the 39-year-old Kiowa, "being an Indian was something to be looked down upon."

"In order to be successful you shouldn't have to talk Indian, they used to say. The less you knew about being Indian the better."

"If you could marry a white girl you were closer to your goals."

SATEPAUHOODLE spits out his tobacco and laughs.

"I married an Indian."

Satpauhoodle was recently appointed Indian Education Coordinator for the U.S. Department of Health, Education and Welfare's Southwest region.

It is the first such regional position in the nation.

Satpauhoodle will be responsible for coordinating federally-funded Indian education programs for some 70 tribes in Oklahoma, New Mexico, Texas, Arkansas and Louisiana.

He says in his new job he hopes to teach the value of education to Indians.

"The Indian needs unity and the only thing that will unify the Indian is education. We need a common goal. We all know our goal is to educate our youth."

Satpauhoodle, who soon will submit his doctoral dissertation to Penn State University, says the Indian is divided by tribal differences.

"WE STILL ARE a multitude of different people. Even though we look alike, there are great distances between us."

Satpauhoodle also says Indian cultures traditionally have seen little value in formal education.

Although most Indians still live in rural areas, many are moving to the cities because they have lost the land given their families by the government near the turn of the century.

They come to the cities for work, but have no skills and can only be employed as laborers, he says.

"It's a matter of educating the first generation," Satpauhoodle says. That generation, in turn, will instill the value of education into Indian children.

SATEPAUHOODLE believes the youth now in school may be the first generation.

He says the numerous federal pro-

grams are helping in the education of Indians.

"Things are beginning to pick up," he says. "But, we've got to produce."

Congress wants to know the effectiveness of the money it is spending for Indian education.

"The people in Washington want results."

Satpauhoodle says his job initially will consist of familiarizing himself with the federal programs in the 5-state area. Then, he may make recommendations for change.

"I GUESS YOU could call me a troubleshooter."

He says the emphasis in recent years on the plight of the Indian has given rise to a renewed sense of pride among the Indian.

Satpauhoodle, whose office is filled with Indian art and Indian music can be heard from his homemade cassettes, stresses the Indian can maintain pride in his heritage and still be an educated member of society.

"You can live with two hats. You don't have to forsake one lifestyle to be successful in the other."

# Indians may leave school if free lunches dropped

The chairman of the All Indian Pueblo Council said today a mass withdrawal from schools of Indian children "is a possibility" if free lunches are denied by the U.S. Department of Agriculture (USDA).

Delfin Lovato said, "Until we have been denied service, we have not been hurt. But once it happens, we will move. The council would wholeheartedly support withdrawal of children if that's the only alternative we have."

Lovato said the Indians have called the USDA's notice that lunches will be denied children who do not prove eligibility based on family size and income "a bluff."

NEW MEXICO officials Monday notified the federal government that it is extending the deadline for compliance with eligibility rules another month to Dec. 1.

The USDA had set a Nov. 1 deadline after notifying New Mexico last spring that there would no longer be categorical approvals of Indian children as needy for purposes of receiving a free lunch.

Indian leaders objected to the change which requires eligibility criteria be met based on family size and income. Indian families have been encouraged not to comply with the new mandates by their leaders.

The state's notification of the deadline extension follows Atty. Gen. Tony Anaya's decision last week to join

the All Indian Pueblo Council in a suit against USDA. The suit seeks to stop the USDA from enforcing its eligibility ruling and charges discrimination.

JACK UNDERWOOD, assistant attorney general assigned to the State Department of Education, said the deadline for compliance "had to be extended because we didn't want to cut off any Indian children before we got our suit filed." He said it

should be filed by the Dec. 1 deadline.

Underwood said Anaya's decision to join the Indian suit was made after discussions with Lovato.

Lovato said if the free lunch program is denied Indian children, the suit will be filed immediately.

He said he thinks the eligibility compliance deadline was extended because of the election and "to see whose back the monkey is going to be on."

## Rhodes urges better Indian medical care

Health needs of American Indians deserve top priority by the federal government, Rep. John J. Rhodes, R-Ariz., said Friday.

Rhodes, who is running for re-election in the First Congressional District, said he will "continue to push hard for federal funding sufficient to ensure efficient operation of existing Indian health facilities and create additional facilities for the future."

The congressman discussed the recently enacted Indian Health Care Act during a meeting of the Indian Health Advisory Board at the Phoenix Indian Medical Center.

He described the measure, which he co-sponsored, as "a far from perfect piece of legislation but far better than anything we have had up to this point. It is a beginning."

Rhodes said he urged President Ford to sign the bill, which provides 525 new positions in the Indian health system and \$337 million for new Indian health-care facilities.

*Phoenix  
Journal*

# Building That Turned Up In Flood Plain Legalized

By DON WARNE

Maricopa County supervisors today "legalized" the building erected in Mesa in violation of 1975 state flood plain regulations, after being told the owner otherwise would sue.

In other flood-related action, the board recommended that the Central Arizona Project's Orme Dam be placed at the confluence of the Salt and Verde rivers, and went on record favoring one flood control dam instead of two over Skunk Creek.

COUNTY OFFICIALS learned belatedly that Arizona State Tire Co. erected a building this year at 2333 N. Country Club Drive, Mesa, despite the fact the

structure will be under water in event of a 100-year flood.

The oversight surfaced when the owner of the adjacent property, Raymond Miller, requested a permit to construct an addition to an existing building on his property.

The request was turned down and Miller protested that the tire company structure had just gone up.

It was subsequently determined that the county's Building Safety Department had issued Arizona State Tire Co. a permit without checking to determine whether the site was in a flood plain.

THE COUNTY then revoked the permits for the tire company building. "I determined that the building did exist and the permits had been issued in error," Scott Clarke, county flood plain administrator, reported.

But when litigation was threatened county officials decided they had no choice but to have the supervisors take action to formally approve the issuance of the permits.

Clarke noted there was no evidence of wrongdoing in the original issuance of the permits, but said federal flood insurance in the county would be jeopardized if mistakes continue.

"We have taken steps to tighten procedures," he said.

SUPERVISORS WANT Orme Dam at its presently scheduled location, despite objections by environmentalists and Fort McDowell Reservation Indians. Supervisors believe alternate sites would not provide the Phoenix area with adequate flood control protection.

They opposed two dams in Skunk Creek because there would be an addi-

tional \$4 million cost to the county. Some Skunk Creek area residents prefer the proposed Adobe Dam there be lowered, with a backup dam built to contain flood waters.

# NORTHERN CHEYENNE WILL VOTE NEXT YEAR ON FUTURE OF 1.5 TRILLION TONS OF COAL

The Energy Daily Friday, October 29, 1976

The Northern Cheyenne Indians will hold a referendum next year to determine the future of coal development on their reservation in eastern Montana. The tribe unilaterally voided leases several years ago covering 214,000 acres — about 49 percent of the reservation. Development prospects have been in limbo ever since. The Northern Cheyenne Reservation overlays an estimated 1.5 trillion tons of coal, much of it low in sulfur.

The Cheyenne voided the leases with Consolidation Coal and Peabody because they believed that they had been issued illegally. The tribe claimed that the Interior Department's Bureau of Indian Affairs had committed 36 violations of regulations regarding leasing on tribal lands. In an unusual concession to tribal sovereignty, then-Interior Secretary Rogers Morton agreed that Interior would pay the tribe's legal fees if they chose to sue the BIA. No suit has been brought, but the tribe and the coal companies have been unable to agree to terms for renewed leasing.

Tribal Chairman Allen Rowland told *The Energy Daily* that, while he wouldn't predict the outcome of the referendum, "If they decide to go for development, I think the tribe should be in control. We'll have to have full authority on mining volume, acreage and other factors."

"Full control" would probably mean some sort of joint venture with a company in which the tribe would retain majority control. Rowland says that he would insist that the tribe have jobs in the venture, if possible, most of the top ones.

In the original leases, the tribe was to receive 10 cents per ton in royalty payments. Rowland says that under new leases, the tribe would ask for \$10 per ton. But, he says, "I don't know if the operators want to pay that." Rowland also has fairly specific conditions in mind for resuming negotiations with the companies. "We want them to tear those leases up and come in and we'd start even. I don't think they'll do that."

Although Rowland may be unwilling to predict the outcome of a coal referendum, thirty tribal members who visited the Black Mesa Mine, on the Navajo Reservation in Arizona are convinced that mining should be banned on the reservation. Before the trip, organized by the tribe's coal research office, opinion was divided among the group. After the visit, opinion was unanimous against mining. All those who visited the Navajo Reservation expressed a desire to leave their land in its undisturbed state, despite the additional money that coal development would bring in. Said one: "I don't like to have our land ruined and money doesn't mean everything."

BISMARCK, N. D.  
TRIBUNE  
D. 19,000

OCT 18 1976

## Fort Yates Children See Teacher Interns

Teacher Corp interns were introduced at a recent American Indian Day celebration at the Fort Yates elementary school.

Interns earning degrees while team teaching with Fort Yates instructors include Curtis LeBeau, Arles Ellertson, Linda and Paul Comeau, Errol Crow Ghost, Virgil Tloksin and Lillian White Temple. Parents were briefed on several federal programs including Teacher Corp, Title I and Follow Through.

Fort Yates elementary classes participated in the Indian Day celebration with displays of Indian legends, singing and dancing. Fry bread, wopje and refreshments were served following the program.

# Court rejects Indian plea

WASHINGTON (AP) — The Supreme Court on Monday refused to hear an appeal by the Salish and Kootenai Indians of Montana that part of reservation lands granted them in a 121-year-old treaty were unlawfully taken.

The court let stand a decision by the 9th U.S. Circuit Court of Appeals that landowners bordering Flathead Lake, part of the sprawling Flathead Indian reservation, can enjoy access to and build wharves on

the lake. The Salish and Kootenai tribes were given the reservation lands as part of the Treaty of Hell Gate in 1855. The reservation included the southern half of Flathead Lake, its lake bed and banks.

James M. Namen, who owns and operates a business adjacent to the southern portion of the lake, was sued by the confederated Indian tribes in 1973 when he began building a breakwater on the lake.

Tribal spokesmen said the breakwater denied Indians the use of part of the lake, in violation of the treaty.

A District Court and later the circuit of appeals denied the Indians' right to prevent adjacent owners landowners from building on the lake.

The Indian tribes argued unsuccessfully to the Supreme Court that the lower court rulings tarnished the integrity of the original treaty.

BILLINGS GAZETTE  
BILLINGS, MONTANA  
Date 11/2

## About Nonintercourse

When Wampanoag Chief Massasoit celebrated Thanksgiving in 1621 as a guest of the Plymouth Colony pilgrims, his tribe occupied an area that ran from Cape Cod north almost to Boston. Within 50 years, land-greedy colonists had forced the Indians into a corner of their territory, some 20,000 acres in an area known as Mashpee on the southwestern shore of Cape Cod. After another two centuries, the state of Massachusetts decided to turn the reservation into a township, and the Indians naively sold off their land, bit by bit. Today 500 Wampanoag are still living in Mashpee (total pop. 2,500), but new housing developments now surround the salt marshes and ponds that the Indians once raked for scallops and quahogs. Mashpee's expensive ocean-front property is dotted with signs that shout PRIVATE, KEEP OUT! Standing on a windswept bluff above a beach road blockaded by boulders, Russell Peters, 47, president of the Mashpee Wampanoag tribal council, bitterly told TIME's David Wood: "I haven't set foot on this beach for 40 years. We will get this beach back."

That beach and then some. Provided, that is, that a young lawyer named Thomas Tureen can convince the courts to accept his theory about the Nonintercourse Act of 1790. This much amended act states that "any title to Indian land obtained without federal approval is null and void." Tureen's theory is that this act invalidates many subsequent land sales throughout New England. In

Mashpee, specifically, a class-action filed in August demands the return of virtually the entire town to the Wampanoag. The suit, however, would allow householders to stay as long as they paid "fair rental value," which could amount to more than \$2 million annually. Though the suit could drag on for years, the town was stunned to learn in September that the leading Boston bond counsel, Ropes & Gray, refused to okay a \$4 million bond issue for a new school. Its reason: since Indian lands cannot be taxed, a Wampanoag legal victory could wipe out the tax base for paying off the bonds. Word spread quickly to local banks, which began shutting off mortgage loans. Says Mashpee Selectman George Benway: "Ninety-nine percent of all real estate transactions have stopped. Building funds have dried up. The whole town has stopped."

Governor Michael Dukakis has already signed legislation to rescue Mashpee for the time being by guaranteeing the town's credit, but the Wampanoag case is only the latest battle in a new Indian uprising against the white man fought this time in the courts. It started in Maine, where Attorney Tureen, now 32, arrived from St. Louis with an interest in Indian legal problems. In 1971, with Tureen's help, the Penobscot and Passamaquoddy tribes set out to sue the state, claiming title to 12.5 million acres—two-thirds of Maine. The esti-

## THE LAW

mated value of the property, which the Indians had handed over to the state in a series of ancient agreements: \$25 billion. Last December a federal appeals judge ordered the reluctant Justice Department to take on their case, and he recently reminded the department to start action by Nov. 15. The state attorney general's office insists that the Indians' claim is "without merit," but the litigation has already weakened state and local bonds. Says State Treasurer Rodney Scribner: "We've been scampering around and plugging the leaks like the proverbial little Dutch boy." Adds Millinocket Town Manager Michael La Chance, who saw two of his town's \$500,000 borrowings collapse: "We're hoping someone will inject a note of common sense. Until that happens, it's an economic disaster."

**Indian Offensive.** Aroused by the possibilities of victory, other tribes are besieging Tureen with their demands. His eight pending suits now include the Oneida claim to 300,000 acres in New York State, the Narraganset claim to 3,200 acres in Rhode Island and the Western Pequot claim to 800 acres in Connecticut. Says Tureen, who lives in a farmhouse outside Calais, Me., but flies about new England in his own Cessna: "It's their land. Legally it's theirs, and they can have it back."

That prospect has some real estate developers in a rage, particularly in



INDIAN ADVOCATE THOMAS TUREEN  
"It's their land."

Mashpee, where the Indian offensive has hit closest to home. Others, however, have adopted a more philosophical attitude. "If the suit is successful, it is not going to make such a major difference," says local Attorney Richard Cohen. "The title of the town will change hands, and the homeowners will end up paying the same kind of 'rent' that they pay now under the name of taxes. What we'll end up with is a pretty prosaic town, run by Indians."

TIME, NOVEMBER 15, 1976



# Cavett Returns Indian Artifacts To a Museum

By FRED FERRETTI

Dick Cavett has returned to the Museum of the American Indian four artifacts that the State Attorney General's office charged he had obtained from the museum unlawfully.

The pieces—a beaded Sioux war shirt and buffalo robe, an Oto buffalo robe and a buffalo-hide shield with eagle-feathered deerskin covers—were the subject of a State Supreme Court motion for a summary judgment against Mr. Cavett which was sought by Attorney General Louis J. Lefkowitz's office last July. The court action—grew out of the office's two-year investigation of the museum's deaccession, investment and financial policies.

The investigation has resulted thus far in the dismissal of the museum's former director Dr. Frederick J. Dockstader, the resignations of six trustees and the beginning of an inventory of the museum's four-million-piece collection.

Last July, in demanding the return of the Indian pieces, Assistant Attorney General Joel Cooper, who directed the state investigation, accused Mr. Cavett of "a reckless indifference to the legality of his transactions when the law clearly requires a much higher standard of conduct."

Mr. Cavett, through his lawyer, Steven Landers, resisted until Thursday. Then he returned the pieces. They were picked up by a museum representative at Mr. Cavett's East 79th Street apartment and taken to the museum's research annex on Bruckner Boulevard, in the Pelham Bay section of the Bronx.

## Exchange of Stipulations

On Monday, as part of the agreement for the return, the Attorney General's office and Mr. Landers will exchange stipulations in State Supreme Court—Mr. Cavett will attest to the return and Mr. Cooper will agree to drop the motion for a summary judgment.

A spokesman for Mr. Lefkowitz refused to comment on the arrangement except to confirm that the four items had been returned and that a court appearance was scheduled for Monday.

Mr. Landers likewise confirmed the return and said: "Next week Mr. Cavett will have a full statement on the matter."

Meanwhile, the investigation of the museum's collection goes on.

The inventory, which was begun in January and is estimated to cost \$100,000, is about one-third completed. It marks the first attempt to catalogue the vast collection of Indian art and artifacts brought together early in this century by George G. Heys, an engineer who built a fortune out of his Standard Oil Company investments.

The collection, which includes hundreds of thousands of arrowheads as well as priceless pre-Columbian gold statuary, is regarded by art historians and anthropologists as the most comprehensive in its field. No attempt has ever been made to assess its monetary value.

Mr. Heys built the Museum of the American Indian at Audubon Terrace, 16th Street and Broadway, and the research annex was built on land that once belonged to the naturalist John James Audubon. Mr. Heys remained the autocrat of the collection until his death in 1958. The museum was then run as a fiduciary trust by its board of trustees.

In 1960 Dr. Dockstader was appointed director. In 1974, a trustee, Dr. Edmund Carpenter, an anthropologist, charged Dr. Dockstader and the board of trustees with mismanagement of the collection, inaccurate record-keeping, questionable policies of deaccession—in which pieces were removed from the permanent collection for sale or trade—and conflict of interest.

## Disposal Called 'Surreptitious'

The investigation by Mr. Cooper resulted in a complaint from the Attorney General's office charging the trustees with disposing of parts of the collection in a "surreptitious and wasteful" way, and an order was issued prohibiting Dr. Dockstader and the trustees from disposing of any other pieces.

Dr. Dockstader was first removed from any connection with the collection and later was dismissed, in October 1975. A new administrator, Alexander Draper, was appointed to oversee the inventory process.

According to court papers filed by the Attorney General's office, Mr. Cavett's dealings with the museum and Mr. Dockstader went like this:

Dr. Dockstader would show interest in a piece that a dealer had—usually an item of pre-Columbian art—and would notify Mr. Cavett's accountant.

The dealer would deliver the piece to the museum and pick up a check from Mr. Cavett's accountant. A clay figure was bought for \$800, the Attorney General said, and once it had been given to the museum it was valued at \$2,000. Later Dr. Dockstader would ask Mr. Cavett which pieces in the museum's collection he would like to change from so-called "loan" status to "gift" status. This was done in connection with Mr. Cavett's income tax reports.

One letter, attached to the court papers, shows that gifts which initially cost \$17,760 when they were given to the museum subsequently valued at \$39,735.

The papers charge: "Cavett's arrangement with Dockstader to obtain the artifacts from the museum were as follows: In exchange for 'donating' certain pre-Columbian artifacts to the Museum, Cavett received a full tax deduction on those items plus four Plains Indian artifacts, i.e. the war shirt, shield and shield cover, and two buffalo hides. This constitutes a double benefit clearly prohibited by law."

The court papers said that Cavett donated 53 items to the museum and that his "interest in the museum centered on the possibility that he could obtain some of its artifacts for his private collection."

## \$400,000 Damage to Carrier

NORFOLK, Va., Nov. 5 (AP)—The Navy said Friday that it would cost \$400,000 to repair damage to the aircraft carrier John F. Kennedy in a collision Sept. 14 with the destroyer Bordelon north of Scotland. The Bordelon was reported earlier to have been heavily damaged in the collision in refueling operations, but this was the first confirmation that damage to the carrier had also been "substantial."

OCT 22 1976

# Forum to focus on Indian way of life

By PATRICIA FOOTE

Indians before white people came had the most perfect society, believes Barbara Means, an Oglala Sioux. That's because they had God, the Great Spirit, as head of their government and prayed for guidance before making any decision.

All could benefit by learning more about the Indian philosophy and way of life, agreed Yvonne Wanrow, a Colville Indian. "The message Indians have to give is something really important."

The two will share their views at a public forum, "Native American Women in Action: Many Fronts, One Struggle," at 8 p.m. today at the University of Washington HUB auditorium. It is sponsored by Campus Radical Women and the Freedom Socialist Socialist Party.

Ms. Wanrow was convicted three years ago of killing a man who, she has said, she believed was threatening herself, her children and those of a friend.

HER CONVICTION later was reversed and a new trial ordered on the grounds that a taped conversation during which she reported the crime to the police was inadmissible as evidence. The Spokane County prosecutor's office appealed the reversal and she's awaiting a decision from the State Supreme Court.

Ms. Means is a senior in Native American Indian literature and creative writing at the University of Washington. She is from Wounded Knee, S.D., scene of the American Indian Movement occupation in 1973.

Ms. Means, cousin of Russell Means, an AIM leader, helped to found the Oglala Sioux Civil Rights Organization.

Ms. Wanrow has become an activist since the shooting, which developed into a rallying point for feminists and those concerned with Indian rights.

She said it has been difficult to tell whether the oppression she's faced was due to her sex or her race.



Barbara Means



Yvonne Wanrow

SHE BELIEVES that she was judged after the shooting by standards that condone violent acts by men and condemn them by women. The disputed tape, on which she discussed the shooting in a calm voice, was misinterpreted for another reason, she thinks.

Because she did not react in a state of hysteria as her white woman friend did, Ms. Wanrow said, people immediately thought of the stereotype that Indians are cold blooded savages. But as Ms. Means pointed out, Indians have always been taught to remain calm in crisis situations.

Racism towards Indian women has shown itself in many ways, Ms. Means has discovered through her research. She found instances in which an Indian who raped a white woman received a life sentence, while one who raped an Indian woman received as little as a year's imprisonment.

The difference was based on the stereotype that Indian women are promiscuous, and that it didn't matter as much if they were raped, she said.

Ms. Means maintains that she never knew what sexism was until she left the reservation in South Dakota, because the Sioux believe in equality.

Women always have been on the tribal council, although not in numbers equal to men, Ms. Means admitted. She said that many of the women did not have the educational level needed and that those with young children thought it important to raise them before becoming politically involved.

BOTH WOMEN plan to speak this evening on Indian parenting.

Indians, although they may not wear buckskin any more, still are transmitting Indian traditions and philosophy to their children as strongly as ever, Ms. Means said.

Her grandmother, she explained, told her to compare white and Indian cultures and take only the best from white society. To Ms. Means, that's education. In the course of her studies, she is comparing Indian literature — much of it written down incorrectly by whites — with the personal recollection of older Indians in an effort to correct it.

She plans to return to the reservation and use her education to teach and to write books for children.

Ms. Wanrow said that her speaking engagements and traveling work a hardship because of her children, and she tries to limit the length of her trips for the sake of her family. But in her travels, she's gotten an even greater understanding of others' problems and feels she should help if she can.

"It's so essential, so necessary. It's necessary because of my children. If I'm going to help my children, it's got to be done."

OCT 20 1976

# BIA Turnaround Aids Indians, Executive Says

By Vandra Huber  
Tribune Staff Writer

Within the last eight years, there has been a revolution in the Bureau of Indian Affairs. Indians are finally speaking for Indians, Morris Thompson, commissioner of Indian affairs, Department of the Interior, said Tuesday.

The Athabascan Indian was in Salt Lake City to participate in the 33rd annual convention of the National Congress of American Indians at the Salt Palace.

"The agency is 120 years old. But it wasn't until 1906 that the first person of Indian extraction headed the agency. Non-Indians have really run the show until the 1970s. Now, all but one of the top positions — commissioner and six directors — are Indian," he said.

Strides, he said, have also been made in other areas. Tribal governments are now recognized as contractual agencies. The Indian Financing Act provides loans and grants to improve the economy of the tribes.

## Erosion Reversed

"During the last six years, the historical erosion of the amount of lands owned by the Indians has been reversed. In 1971 the largest land settlement in the history of the U.S. was made, giving Indians 40 million acres in Alaska," he said.



Mr. Thompson

The native of Tanana, Alaska, was critical of the recent controversy in the Indian community over a memo written by Howard Borgstrom, a federal budget examiner. The memo redefined the government's position with Indians. Indian officials at the convention Monday had termed it a detrimental method of terminating federal relations with Indians.

Mr. Thompson said the interpretation is a "complete misrepresentation of the facts and does not represent the way the government feels at all.

"Mr. Borgstrom was not in a policy-making capacity. The note expressed his views and is not the official statement of the department," he said.

## Reservation Issue

Law and order on reservations, he continued, is the biggest issue facing the Bureau of Indian Affairs. He noted that the government has recognized Indian rights to set up their own court, police force, set grazing fees. But they have not resolved the question of jurisdiction over non-Indians.

"This is an issue that will have to be determined by Congress. Non-Indians were invited onto the reservations in the late 1830s without Indian consent but with the consent of the government. They feel that because they have no

voice in tribal government, they ought not to be controlled by Indians," he explained.

David Berg, representing presidential hopeful Jimmy Carter, termed this approach to governing Indian affairs a conflict of interest. "The BIA can not be a real advocate for Indians when they are representing both the Indians and the government seeking such things as Indian water rights. That's a real conflict of interest," the lawyer explained.

## Input at All Levels

He said Gov. Carter is pledged to having Indian input at all levels of his administration.

Brad Patterson, coordinator of Indian policies for President Ford, said that Indians, through the Ford administration, now have advocates in 34 offices in 21 agencies in Washington, D.C.

From 1969 the budget of the Bureau of Indian Affairs has risen from \$270 million to \$785 million, he said.

Samuel Deloria, director, University of New Mexico Indian Law Center, criticized both presidential representatives, saying that if they are so concerned with Indian issues and want Indians to have a voice in their policy making procedures, "why then did both President Ford and Jimmy Carter elect to send two turkeys instead of Indians to an Indian convention?"

Mr. Deloria also criticized both presidential candidates' plans to increase national parks.

OCT 21 1976

# Dentist underdog in race against Evans

By DOUGLAS KREUTZ  
News Staff

Melvin Takaki is a Pueblo dentist who would like to stop filling cavities and construct what he considers some long-neglected political bridgework between Colorado's Third Congressional District and the federal government.

To do this, Takaki, 38, will have to defeat six-term Rep. Frank Evans, D-Colo., Nov. 2.

Republican Takaki, the underdog, thinks his chances of winning are improving every day.

But Evans, while not writing off his opponent, figures Takaki would be well advised to postpone turning away dental patients until after election day.

Both men have spent much of October ranging around the massive Third District, roughly the southern half of the state. Toward the end of the month, however, the road tour to places such as Delta, Durango, Pagosa Springs, Alamosa, Lamar, Del Norte, Gunnison, Leadville, Buena Vista and Canon City will give way to a home stand in Pueblo County, where about 30 per cent of the district's votes usually are cast.

EVANS' MESSAGE IS simple and solid: You know me. I've done a good job. Let me continue.

Takaki's bid demands a little more ground-work. In an interview with the News, he explained: "My biggest problem is name recognition. There are people out there who don't know me. But we've started on the Western Slope, walking precincts and meeting people, and we'll continue with that."

To complement a full schedule of flesh pressing and speech giving, Takaki has engaged a campaign staff of four paid workers and hundreds of volunteers.

Terry Weldon, his campaign manager, said: "We've raised about \$86,000, and we look forward to about \$15,000 more coming in to us. A lot of it is used to pay for space in the media, but one of the most important uses of money is to get back out into the field, to travel this district."

Weldon said Takaki and his staff have logged 82,000 miles by car and 21,000 by air since the candidacy announcement in February.

Bill Ballas, who is directing Evans' campaign, said the 53-year-old congressman will be stumping the district until election day — reminding voters of his accomplishments and preaching the value of experience.

"HE'S NOT TAKING anything for granted," Ballas said. "He's got a full campaign schedule, working as hard as he always has."

Probably owing to the fact that the candidates are friends, their campaigns to date have been uncommonly "clean," featuring a minimum of ad hominem potshots and concentrating on issues and records.

The main issue appears to be economics, with particular emphasis on unemployment.

Takaki criticized his opponent for trying to solve unemployment problems with federally sponsored jobs rather than "real jobs."

"Evans would like to see the Congress cough up billions of dollars to give everybody temporary jobs," Takaki said. "That sounds fine, but what does it really mean? If the Congress pays your salary, your job can be cut the minute that Congress decides that you've had it."

According to Takaki, the only way to solve the unemployment problem is to coax industry into southern Colorado.

Evans says he has been doing exactly that.

IN A RECENT INTERVIEW he pointed to his plans for an economic development region for the high plains area, including parts of southeastern Colorado. He said he and 16 other legislators have proposed that \$1.2 million be spent to set up an agency within the Commerce Department to coordinate and help finance local and state efforts to bring jobs into the area.

But he added, "If private industry can't provide jobs for all those seeking jobs, we can do one of two things. We can either allow these people to live off unemployment compensation, welfare and food stamps, or give them an opportunity to work through government jobs."

Evans said his idea of a good government-sponsored employment program would be one flexible enough to expand when jobs were scarce and be scaled down when jobs became more abundant in the private sector.

Other economic issues that get batted around at practically every Evans or Takaki campaign



Challenging Republican Melvin Takaki  
"My biggest problem is name recognition."

appearance are those of taxation and revenue sharing.

Evans said the accomplishment of which he is proudest during his most recent term is Congress' passage of his "Payments in Lieu of Taxes" bill. The bill, signed late Wednesday by President Ford, will reimburse counties for loss of revenue due to large federal acreage.

"THE CONGRESS has finally made up for years of inequity with this bill," Evans said. "For years, the counties have been providing services on federal lands and in turn, have received very little repayment." He said the measure will provide about \$8 million in "no-strings-attached funds" for Colorado counties.

Takaki said he would rather minimize the federal government's role in correcting economic problems and concentrate on more "natural" solutions.

"We have to stop driving small people out of business, and we have to encourage more private businesses to expand," he said. He said that if he is elected he will work for an assortment of tax subsidies that will encourage small businesses and offer economic incentives to firms that enlarge their work forces.

Takaki criticized Evans for denying states an important source of operating funds by opposing revenue sharing programs.

"We continue to differ in what the role of the federal government should be," Takaki said. "He has consistently voted against revenue



NEWS PHOTOS

Rep. Frank Evans

*You know me . . . Let me continue.*

sharing and has been very reluctant to release any authority to local governments."

EVANS SAID HE CONTINUES to oppose revenue sharing because federal programs seem to work better, but he added that he would agree to extend revenue sharing for three years because a sudden cut-off could cause unnecessary complications.

Another campaign issue that has attracted considerable attention, especially in rural areas, is gun control.

Takaki is opposed to new restrictions on ownership and registration of weapons on the grounds they would limit a right while failing to solve crime problems.

Evans said he believes strict gun registration laws would assist attorneys prosecuting cases involving firearms.

"Gun legislation isn't going to stop crime," he said, "but it would assist in the catching of criminals and would be helpful in court."

Takaki says the first thing he'll do if voters send him to Washington is to find a way to cut the fat out of big government.

"WE NEED A complete reform of the review process in government," he said. "One of the first priorities is to have Congress clean itself out. We have to see which federal government agencies are needed and which are not. There's a tremendous amount of waste in the bureaucracy of government."

Evans evidently agrees. Last May he introduced a bill in the House that would apply the

Colorado "sunset law" concept to federal agencies. Sunset laws require agencies to justify their existence every few years or go out of existence.

Evans and Takaki, both Pueblo natives, agree that their race could be one, although polls have indicated Evans has the edge.

Evans, the senior member of the Colorado delegation, entered the House in 1964 after upsetting longtime Rep. J. Edgar Chenoweth, a Republican. He hasn't had a close race since 1968, when he ran against Republican Paul Bradley, and earlier this year he easily defeated William J. Gradishar in the Democratic primary.

Takaki formerly served on the Pueblo City Council and as mayor. He said his participation in Pueblo's non-partisan city government earned him the respect of voters from both parties.

WELDON SAID several influential Pueblo area Democrats are so impressed with Takaki that they've volunteered their time and services to his campaign. They include campaign chairwoman Nancy Baker and campaign treasurer Roger Harper, both of whom have forsaken their favorite party in favor of their favorite candidate.

Running against Evans and Takaki, but apparently attracting scant support, are independent candidate Henry Olshaw and La Raza Unida candidate Alfredo Archer.

Takaki and Evans have full campaign schedules between now and election day, with emphasis on Pueblo County. Only two mutual appearances have been scheduled — both on local television stations.

Takaki said he'll spend the remaining days making sure voters have at least heard of Takaki. Beyond that he'll try to convince them that his relatively recent entry into partisan politics makes him a cleaner, more objective candidate than his opponent. He'll promise repeatedly to go after big government with an ax and remember the plight of the unemployed when he gets to Washington.

EVANS WILL REMIND constituents of what he has done and what he is doing. Among his favorite topics are:

—The problems of farmers and ranchers. He has urged that Ford sign the Emergency Livestock Credit Act extension, which would make it possible for ranchers suffering bad years to get loans backed by the government.

—Water. "I'm greatly concerned that we continue funding the Colorado water projects so that our water can be put to a beneficial use in this state."

—Indians. According to Evans' campaign handouts: "When Southern Ute and Mountain Ute Indians asked for medical funds, Evans, fourth ranking member of the Interior appropriations subcommittee, inserted into the budget about \$1 million for a new health clinic in Ignacio and aid for a hospital in Cortez."

—Military spending. "The nation must retain a strong defense. However, I seriously doubt the need for the B-1 bomber and additional expensive and vulnerable nuclear aircraft carriers. Also, I believe the Trident submarine program should be slowed down. In my mind, one of our greatest defense needs is an accelerated naval ship-building program to replace our dangerously aging fleet."

ED GARDNER, Evans' Colorado aide, said about \$25,000 had been raised for the campaign and that he expected about \$10,000 more to come in during late October.

According to Ballas, Evans is going to win in the steady, strong way he has won in the past.

"The only thing that might arise to cause a problem is the general atmosphere of the public and the cynicism they have against Congress," Ballas said. "There appears to be a feeling among certain segments of society that the best way to accomplish things is by getting new faces. This, of course, we don't agree with."

According to Weldon, a Takaki victory might be almost as much of a shock to Takaki as to political observers — but victory is becoming more likely every day.

"I don't think Takaki even conceived that it was possible to win as a Republican in this district," Weldon said. "He's running against a six-term incumbent, and at first he didn't have visions of carrying this thing through. But now it's gotten so we have a candidate who is standing out there saying, 'My gosh, it looks like we're going to win this thing. I can't believe it.'"

# AIM Schedules Protest Over Alleged Incidents

PONCA CITY, Okla. (AP) — Members of the American Indian Movement (AIM) have tentatively scheduled a rally here Nov. 3 to protest allegations an Indian was mistreated while in the custody of Ponca City police.

Roland Noear of White Eagle, head of the local AIM movement, said Wednesday the rally will be held to protest

the brutality charges.

The allegations of brutality were raised in an Oklahoma City news conference Tuesday by David Hill of the national AIM organization. He said an Indian was mistreated after being taken into custody by Ponca City police, and said then that plans were being set for the rally.

In a prepared statement issued before meeting with the Indians, Holmes said Police Chief Norman Coffelt had asked "that an outside inquiry be made by the FBI" into the allegations "because of his wishes to obtain an impartial review of these matters."

Holmes said he understood the FBI does not normally conduct such probes unless a formal brutality charge is lodged by the alleged victim, but that he and other city officials hoped the FBI would investigate.

The mayor said an internal investigation is partially completed and early results indicate the Indian who allegedly was mistreated had been in an altercation before police arrived.

OCT 29 1976

Albuquerque Tribune

## Indian fights ouster

SANTA FE (AP)—The deposed president of the Jicarilla Apache Tribal Council, Charlie Vigil, says he will fight his ouster by seeking a referendum vote on his impeachment.

And Vigil said he will ask for a Department of Justice investigation of alleged violations of civil rights, including his own.

He also said he is going to seek a petition for recall of the seven council members who voted to impeach him Oct. 16 and a petition to fire the tribe's long-time legal counsel, Robert Nordhaus of Albuquerque, who he said "has supported the present council more than he has the plain, grassroots people."

Vigil also accused his political opposition of stuffing ballot boxes and attempting to fix a tribal election.

Vigil's impeachment was disclosed Wednesday.

He told the news conference that after he received notice of the impeachment move, he asked for a delay of a few days to obtain an attorney.

He said the council refused, so he told them he would not participate in a kangaroo court and walked out. They then voted to impeach him and this, he said, violated his constitutional rights because he was entitled to be present with an attorney of his choice.

### GENERAL CONSTRUCTION NEWS

- VADNAIS HEIGHTS TO GET NEW PLANT
- U OF M—DULUTH TO BUILD COAL GAS PLANT

#### ST. PAUL AND VICINITY

Plan in Progress

Vadnais Heights. Dynamic Air Co., Roseville, will build a new plant in Vadnais Heights. Construction is scheduled for February, 1977.

#### OUTSIDE THE TWIN CITIES

Contract Awarded

Byron to build Lutheran church addition. Benike Construction Co. has been awarded the general contract for construction of an addition to Christ Lutheran Church. The addition consists of a library, three classrooms and an extension of the church.

Caas Lake starts \$5 million housing project. Ground has been broken on the Leech Lake Indian reservation for a \$5 million, 100 unit housing project. Minnesota Chippewas Construction Co. is the general contractor. The project is financed by HUD.

Plan in Progress

Duluth, heating plant for U of M. The University of Minnesota-Duluth has received a \$2.3 million grant from the Federal Energy Research and Development Administration for a coal gasification heating plant. Construction is to be completed by February, 1978.

Planview to build feed store and warehouse. Wm. Krefsky Construction Co. has been awarded the general construction contract for a new feed store and warehouse for Peoples Cooperative Assn.

MINNEAPOLIS  
FINANCE AND  
CITY  
COUNCIL

OCT 16 1976

OCT 2 0 1976

## Indians seeking removal

**SILETZ** — Members of the Confederated Tribes of Siletz Indians are asking for the resignations of the tribal chairman and vice chairman.

Joe Lane of Portland, former tribal chairman, said the tribe, by a majority vote, recently approved an amendment to the tribe's constitution and bylaws saying no person can serve on the tribal council who is holding a salaried position with any federal, state or local government agency involved in a program serving the Siletz Indians.

Lane said tribal chairman Arthur Bensell works with the Oregon Indian Commission Drug and Alcohol Abuse Program and vice chairman Robert Rilatso works on a Comprehensive Employment and Training Act manpower program.

Lane said those relationships raised a fear that conflict of interest charges could be leveled against the Siletz in future dealings with federal, state or local governments.

The tribe is engaged in a fight to have itself recognized once more by the federal government. Lane is one of the leaders of the restoration movement.

"I feel council members should be absolutely free to exercise independent judgments on behalf of the people they serve," Lane said.

That cannot be done, he added, if council members are " beholden to agencies from which they get their paychecks."

Lane formerly served as director of a statewide manpower program for the Portland Urban Indian Center.

He said he resigned as tribal chairman in September 1975 because he did not want to be charged with conflict of interest.

He continued as a manpower employer until January 1976.

Lane said the tribal council will meet again Nov. 6 to consider the issue.

OCT 1 8 1976

## Custody of Indians is settled

A battle over custody of three Indian children whose parents died several years ago has been settled by the Utah Supreme Court.

In a unanimous decision, the court upheld a Third District Juvenile Court decision awarding custody to Mr. and Mrs. Delton Tom, the children's aunt and uncle.

Justice J. Allan Crockett wrote the opinion. He said Mr. and Mrs. Wallace Baker, also the children's aunt and uncle, appealed a finding by Judge Merrill Hermansen which gave custody to the Toms.

The Bakers said the juvenile court lacked jurisdiction, the Toms had no standing to challenge their petition because the Toms were not the parents and the court erred in involving the Juab County attorney in the proceedings.

Crockett said the children were born to Mr. and Mrs. Eldon Pilyavit on the Moapa Indian Reservation in Moapa, Nev. Their father died in 1973 and their mother in 1974.

The children lived with the Toms and a grandmother, Mrs. Ethel Tom.

Crockett said upon hearing rumors the children weren't being properly cared for, the Bakers took the children and went back to their home in Juab County.

The Bakers filed a petition in Second District Juvenile Court in Salt Lake County for custody of the children and obtained a temporary order.

After some hearings and investigations of both home situations, Hermansen awarded custody to the Toms.

Crockett said Utah law provides for transfer of cases between jurisdictions as if the case had originally been filed in a certain court.

Regarding the lack of standing of the Toms, Crockett said the court recently ruled in a case involving parentless children, saying next of kin have a recognizable and legitimate interest in the children's welfare.

On allowing the county attorney to participate in the proceedings, Crockett said the trial court has wide latitude in attempting to determine where the children should be placed.

# Indictments Sought In Navajo Fund Loss

By RICK LANNING

The U.S. Attorney's office asked a federal grand jury in Phoenix today to return an indictment charging conspiracy and misapplication of Navajo tribal funds against three persons connected with the defunct American Funding Co. of Beverly Hills, Calif.

Asst. U.S. Atty. Gary Scales, a special prosecutor from the Justice Department's Washington office, said he expected "momentary indictments" against the suspects, one of whom is a former high-ranking official under Tribal Chairman Peter MacDonald.

**AMERICAN FUNDING**; an investment firm headed by ex-convict Gordon Eldred, has been under investigation after some \$13 million in federal funds designated for low-cost Navajo housing was given to the firm to invest. When Navajo officials asked for the money, the company was unable to come up with it.

The company was placed in receivership by a U.S. District Court judge in

Los Angeles to freeze the remaining funds. Efforts have been under way by attorneys since April to get back the Navajos' money.

The indictments requested today by the U.S. Attorney's office allege eight counts of conspiracy, misapplication of tribal funds, and interstate transportation of stolen funds.

**EARLIER THIS** year the Navajo Housing Authority sued American Funding for \$4.5 million in funds that NHA said had been invested with the firm. NHA said the money, which it was unable to recover, had been illegally invested with the company.

Earlier this month it was revealed that American Funding had paid nearly \$500,000 in commissions to individuals associated with construction work on the Navajo Reservation.

Among those receiving finder's fees or commissions from the Beverly Hills firm were Pat Chee Miller and Leslie J. Hadden, both of Gallup.

## San Carlos police seize crashed plane and dope

**SAN CARLOS** — Reservation police Friday confiscated an airplane and some 1,500 pounds of marijuana that were aboard.

Everett Littlewhiteman, San Carlos tribal special officer, said the twin-engine Piper Comanche crash-landed on a mesa north of here Thursday, and the occupants fled. Police conducted an unsuccessful 24-hour surveillance, he added.

Authorities were not able to determine who owns the plane, valued at \$85,000.

Littlewhiteman said one wheel and a landing gear were damaged.

OCT 31 1976  
Farmington Daily Times

### BIA Office For Cortez

The U.S. Bureau of Reclamation will establish an office in Cortez, Colo. to direct construction activities on the Dolores Project, to control the flow of the Dolores River.

Cortez was selected because of its proximity to the two dams which are the major features of the project, according to Commissioner of Reclamation Gilbert G. Stamm.

"Development of the project will result in improved management of Dolores River flows, providing an increased water supply for industry and tourist trade and alleviating water shortages for irrigation," Stamm said.

The Dolores office will be a field division of the Western Colorado Projects Office, Grand Junction, Colo., which is responsible for the general administrative direction of project activities.

Construction is scheduled to begin during the summer of 1978 on the main dam, the McPhee Dam and reservoir.

## Tribal embezzler gets probation

A 28-year-old Navajo woman was sentenced in federal court Monday to four years' probation for embezzling \$148 from the Window Rock Court of the Navajo Tribe.

Doris McLancer, also known as Doris Blueeyes, of Gallup, N.M., was sentenced by U.S. District Judge Carl A. Muecke. As a condition of probation, she was ordered to pay restitution of \$1,400

to \$2,400, depending upon an accounting of funds missing.

The defendant pleaded guilty Sept. 13 to embezzling the \$148 in an agreement with the U.S. attorney's office for dismissal of five other counts that accused her of embezzling an additional \$1,328.

She admitted stealing the funds while employed as clerk of the court in October 1974. She no longer holds the job.

# Drinking Emotional Problem

GANADO, Ariz.—Emotional problems must be corrected before a drinking problem can be corrected. That was one of the central themes evolving from the recent Karl Meninger Mental Health Symposium held at the College of Ganado.

More than 100 symposium delegates from Utah, Arizona,

and New Mexico agreed that more funds need to be allocated for alcoholism rehabilitation programs instead of creating or fattening government agencies catering to that problem.

COG Psychologist Peter G. Handeland, symposium chairman, said the series of lectures

and seminars appeared to give delegates direction on understanding alcoholism, particularly as it applies to the Navajo reservation, and how alcoholism as a problem related to emotional primary and secondary causes.

Principal speakers included Dr. Fred Snyder, chief of mental health services for the Navajo Area Indian Health Service; Dr. Donald Gatch of Rough Rock Demonstration School; Dr. B. Gonzalez, a Public Health Service psychiatrist; Ethelou Yazzie, director of the Rough Rock school; and Allan Y. Hill, directors of the Ganado Alcoholism Program.

Jesus Alonzo from Bureau of

Indian Affairs Social Services in Gallup and Ernest Benally from BIA Social Services in Farmington spoke on child abuse.

Farmington Daily Times

NOV 2 1976

OCT 29 1976 Albuquerque Tribune

## Indian school suit planned

Asst. Atty. Gen. Jack Underwood said today a suit would probably be filed in the next few days in Federal Court in Washington, D.C., on behalf of Indian school children and their families.

Underwood said the state

would file suit on behalf of Leonard J. DeLayo, school superintendent, and the All Indian Pueblo Council.

The suit would ask that the U.S. Department of Agriculture be stopped from requiring that Indian families report their income and family size as a prerequisite to obtaining free lunches for their school children.

UNDERWOOD said the federal government has had the power to require the reporting since 1970, but has only now decided to enforce it.

The federal government has been accepting blanket certification of all tribe children, until now.

"It's a matter of pride for the Indians," said Under-

wood, "most of them are ashamed to report how little income they have."

Underwood said the state's and the Indians' objection is also that the reporting requirement violates the families' right to privacy.

IN ADDITION, "The Indians feel it's a charity thing that they are entitled to as wards of the federal government, which holds their lands in trust for them. Besides, 98 per cent of the children would qualify anyhow."

Underwood said the federal government is being "very hard-nosed about it."

The state is now paying for the meals, and wants reimbursement from the Department of Agriculture.

## Elected Chief Feuds With Choctaw Band

PHILADELPHIA, Miss., Nov. 9 (AP) — The tribal council of the Mississippi Band of Choctaw Indians has voted to end the \$20,000 salary of Chief Calvin Isaac in response to his attempts to enforce federal regulations on council members.

Isaac said earlier that some members of the council were employed by the tribal government in violation of federal conflict-of-interest regulations and must resign one job or the other by Nov. 30.

"Regardless of what you do here, I'll be here for the next 2½ years until my term ends," the 43-year-old university graduate said. "It may come as a surprise to you, but I'm not going to resign." Isaac was elected to the post in July 1976.

## Oregon Journal

PORTLAND, ORE.

OCT 14 1976

# BPA, Indians Agree To Fish Restoration

By TOM McALLISTER  
Journal Outdoor Editor

WARM SPRINGS — In what will be a test of its authority to allocate funds for Columbia River fish restoration projects, Bonneville Power Administration Director Don Hodel signed such an agreement Wednesday with four treaty Indian tribes.

The salmon-steelhead restoration project, at a cost of one-half million dollars with 20 per cent to come from the tribes and 80 per cent from BPA, is to be carried out through the tribes, which will identify suitable projects.

Catalyst for the venture was the recent recommendation by Gov. Bob Straub that BPA help pay for restoration of the Columbia River fishery, which still produces salmon and steelhead minimally valued at more than \$73 million a year.

Signing for the Indians who met with state and federal officials at Kah-nee-ta Lodge were Zane Jackson, Warm Springs Tribal Council chairman; Richard Halfmoon, executive committee chairman for the Nez Perce Tribe; Les Minthorn, board of trustees chairman for the Umatilla Tribe, and Watson Totus, Yakima Tribal Council chairman.

A sense of urgency accompanied the memorandum of agreement between BPA and the tribes because the pilot project must be specified and agreed to by everyone before Nov. 30 in order for it to be included in the next fiscal BPA budget.

Hodel said he considers the tribes as representative of government agencies and not just fishery users.

If the Bureau of the Budget and Congress pass on this pilot fish restoration project, involving funds out of BPA revenue, it will establish the precedent and make way for additional projects, said Daniel Schausten, assistant to Hodel.

Governors of Oregon, Idaho and Washington are studying a Pacific Northwest Regional Commission report in which an autonomous regional commission with complete responsibility for Columbia Basin salmon and steelhead research, management and alloca-

tion activities is proposed.

BPA fish restoration funds could handily be channeled through such an organization representing the whole Columbia Basin fishery, where it is now fragmented between many state and federal agencies.

Schausten said BPA has no interest in involving itself in fishery regulation or allocation but only wants to increase the amount of money available for restoration and propagation.

Straub in his original proposal spoke of a \$5 million-a-year mitigation fund from BPA.

To test this fishery funding immediately, BPA elected to go first to the Indian tribes because of their strong legal and personal interest in the Columbia fishery and the added weight an agreement with them might carry in Congress.

Currently, BPA allocates \$19½ million annually out of power revenue to maintain, operate and carry the interest on \$300 million worth of fish facilities built into the Columbia River dams by the Corps of Engineers.

## Water is state's pressing problem

STATE TRIBUNE

JACKSON — Sen. Cliff Hansen, R-Wyo., said he felt that the resolution of Indian water rights under the Winters Act was perhaps the most pressing problem facing Wyoming's water future.

Hansen was speaking to the Wyoming Water Development Association at its annual convention being held at the Ramada Snow King Inn in Jackson.

Hansen went on to point out that Indians of the Arapahoe and Shoshone tribes and the Wind River Reservation want the water from the Wind River, ground water, and desalted water.

The Winters Act passed many years ago gives the Indians the first right to water that crosses or originates on their reservations.

CASPER STAR-TRIBUNE 10/24/76  
Hansen said there can be no long range planning of Wyoming's water usage until the Indian rights have been defined.

Hansen went on to point out that another law, Section 404, gives the U.S. Army Corp of Engineers virtual control over all water in the U.S.

"It is conceivable that a rancher may have to ask for a permit to irrigate his land under the new interpretation," Hansen said.

The idea behind the law was to cover only navigatable waters to protect agriculture, fishing and other activities.

Hansen said that an attempt of legislative change of Section 404 failed by one vote but another attempt at change will be made by the next congress.

Those attending the session applauded when Hansen said that "The Wyoming State Legislature knows better than the U.S. Congress or any bureaucratic official what is really needed in Wyoming."

Hansen was referring to the amount of energy in Wyoming and its use.

"We should give our vast stores of energy to the nation for its use, but not at any cost, Hansen said, "Wyoming has a right to have the land put back the way it was found."

Hansen was a luncheon speaker for the convention which began Sunday and runs through today. About 150 persons from Wyoming, all interested in the use and management in Wyoming's water, attended the session.

## Indians claim rights

CASPER STAR-TRIBUNE 10/24/76

JACKSON — Those "smoke signals" coming from the Reservation on Indian water rights can spell trouble for farmers in Fremont County and further downstream in the Big Horn Basin.

State Engineer George Christopulos told the Wyoming Water Development Association that the Shoshone and Arapaho Indians claim all the water that runs into, out, through, under or over the Wind River Reservation, including any benefits from cloud seeding or water desalination projects.

"This really leaves us up in the air," he said. "It not only stops future water project planning where Indian claims are involved, but it raises a question for existing projects."

Christopulos pointed out that the proposed Westside Project to sprinkle desert lands above the Big Horn Canal between Worland and Greybull could be blocked by Indian claims. Already, he said, the Bureau of Reclamation cannot release larger blocks of water from Boysen Reservoir for the project until the Indian claims are settled in court.

Christopulos and others endorsed the "administrative approach" to settling the issue, which was outlined by Jack Horton, assistant Secretary of Interior for land and water resources. Horton said he expected an announcement by Interior Secretary Thomas Kleppe of steps to work with Indians to develop their own

water projects on Reservations.

"But I doubt that we can horse trade successfully with the Indians," said the State Engineer

A former state engineer, Floyd Bishop, told Horton: "I concur in the approach, but I do not share your optimism."

Christopulos also noted that federal claims to Wyoming water cloud future planning for water storage projects.

Horton announced that the Interior Department will confer with Wyoming and Montana governors on any renewal of options taken by energy firms for water stored in Yellowtail Reservoir on the border between the two states. The companies have already been notified that when their options come up for renewal in 1978, they will be referred to the governors of the two states for action, he said.

Horton recalled that the government sold the options for Bureau of Reclamation water without consulting the states originally, and that no environmental reports were filed. Sale of water from Boysen and Yellowtail reservoirs has been criticized by agricultural interests, but energy firms have not exercised any options to date. The assumption was that the water would be transported to the Powder River Basin of Wyoming and Montana for giant coal conversion plants, but escalating costs and political uncertainties have delayed plant construction.



SEN. CLIFF HANSEN  
'Ask for a permit'

# 78-Man Tribe Fights to Keep Its Reservation

By MICHAEL KNIGHT  
Special to The New York Times

TRUMBULL, Conn., Nov. 7—The nation's smallest Indian reservation won the first round here last week in a fight for its survival when state officials decided that a one-quarter-acre suburban plot did indeed belong to the Golden Hill Tribe.

The state's ruling, which rejected a competing claim by a neighboring landowner and reaffirmed an Indian claim to the land that dates to 1659, was greeted by the Indians with a nightlong revel of singing, drumming and dancing around a tepee.

When the dancing ended at dawn and this quiet residential community on the fringes of Bridgeport returned to its cus-



The New York Times/James Neuhon  
Chief Big Eagle, Aurelius Piper, at  
reservation of Golden Hill tribe.

tomary calm, work resumed on a log cabin that reservation leaders plan to make into a regional center of Indian culture and activism.

THE NEW YORK TIMES, MONDAY, NOVEMBER 8, 1976

"We have always maintained that this was reservation land and that we owned it," said Aurelius Piper, a Golden Hill who is also known as Chief Big Eagle. "Nobody can come along with a piece of paper and say that it isn't so."

#### Claim Filed by Lawyer

Mr. Piper took over the leadership of the 78-member Golden Hill tribe in 1974 and began efforts to regain 19½ acres of reservation land that had been sold off a century ago and 80 acres in what is now the heart of downtown Bridgeport, which had been taken by force several hundred years ago.

But even the remaining quarter-acre was threatened in July when a Waterbury attorney who owns a building next to the reservation filed claim to the land and then offered to sell it to the state.

The claim by the attorney, John Carl Kucej, came days after the only house on the reservation had been torn down to make way for the new cultural center, and resulted in halting construction while the state conducted a title search on the property.

#### Indians Occupy Land

Late last month Mr. Piper and a band of other Indians from across the country moved into a tepee on the reservation—rather than let the land lie contested and unoccupied—and began a series of spiritual ceremonies, dancing and praying for the safety and preservation of the reservation.

"Now that the state agrees with us that this is our land, we can go ahead and make this a gathering place for all Indians," Mr. Piper said after the decision became known. "My uncle never wanted this place known as an Indian reservation and just wanted to live and die in peace, and we respect our elders. But now times have changed and the national mood of Indians has changed."

Mr. Kucej, who could not be reached for comment, is expected to pursue his claim in the courts in what could be a long battle retracing the tribe's history and its sometimes stormy relationships with the early settlers.

In addition, the tribe may sue Mr. Kucej over a driveway that the Indians claim, according to Roger Smith, a nephew of Mr. Piper, who is tribal coordinator for the state's Indian Affairs Council.

# BIA tells tribes how to take over

BILLINGS GAZETTE

10/68/76

By FLYNN J. ELL  
Of The Gazette Staff

American Indians who would like to take over the Bureau of Indian Affairs may have their toes in the door.

About 70 members from Montana's seven reservations met in Billings last week to find out how to get the job done.

The takeover machinery is the new federal policy called "Indian Self Determination."

LaFollette Butler, a BIA staff member coordinating seminars across the country, said that many leaders in the bureau favor the new policy which could be the beginning of the end of the BIA.

Butler said the policy was formed under the Nixon Administration in 1970 and calls for the takeover of BIA programs by tribes.

Reservation programs such as range management, education, law and order, employment systems not open to non-Indians would be turned back to the tribes, he said.

Butler estimated up to 80 per cent of BIA funded programs would be placed in Indian hands if tribes want them, with a small contingent of BIA advisors remaining.

Under Indian Self Determination, the Secretary of Interior is required to oblige takeovers unless he can cite a definite reason for refusing, Butler said.

And Indians have the right to return the programs to the BIA if they can't handle them, he added.

The change of program comes about through what Butler calls the "contracting mechanism."

As it is, the BIA contracts for various tribal services and can do so with non-Indians. Indians could do likewise, but will probably choose to train and use their own people.

For instance, Butler said, an entire employment program on a reservation is now staffed with federal employees.

The tribe can say it wants that program and set a priority for training people to work on the reservation in such areas as small ranching.

Butler said opposition to the new policy is varied, including fears by some Indians that the real motive is "termination."

Other reasons he cited are inter-tribal bickering on who would have the power to award jobs to tribal members and personality conflicts.

Many Indians, too, who are now holding federal jobs on the reservation, would lose those plush positions and take their place in line for new jobs controlled by the tribe.

Butler said it is too early to tell how well the new policy is being accepted by Indians, nor has much impact been made on actual contracting.

But tribal leaders attending the Billings seminar were learning how to unravel contract and grants procedures, Butler said.

The next step is doing it.

## Arrest of Indian hunters may open treaty question

By FLYNN J. ELL  
Of The Gazette Staff  
BILLINGS GAZETTE

10/15/76

The arrest of four Crow Indians Sunday for alleged game violations may have opened a can of worms called the Fort Laramie Treaty of 1868.

DuWayne McCurdy, a spokesman for the Crow Indian Justice Association, said in Billings Thursday that the arrest of the four by a Montana Fish and Game warden was a "clear cut case of intimidation by the Fish and Game Department in violation of treaty rights."

McCurdy said the Crows will contest the arrests in court.

The four men, Johnny Doyle, Butch Wooson, Harold and Bryce Wilson were arrested Sunday by Duane Young, an F&G warden, who charged them with spotlighting deer and illegally transporting game animals.

Young set bond at \$600 each and the men were jailed in Big Horn County prior to their release Wednesday when bond was reduced to \$100 each.

Young said he an eyewitness would verify that the four men were shooting at deer while using a spotlight three-quarters of a mile east of the reservation boundary near Tullock Creek.

When arrested, the men had two deer in their possession, Young said.

McCurdy said the men shot the deer on the reservation and were taking them home.

"They are poor people and were hunting for food; that's why they couldn't pay the bond," McCurdy said.

The Crow spokesman said that treaties, including the Ft. Laramie Treaty of 1868, guarantee Crows hunting rights.

In the 1868 treaty, Crows agreed to settle in a permanent location. But the treaty gave them a "right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and as long as peace subsists among the whites and Indians on the borders of the hunting districts."

A spokesman in the Department of Interior Solicitor's Office in Billings said the Ft. Laramie treaty is still in effect because it contained no time limitation.

The Crows think the language applies to off reservation state and federal lands as well as "unoccupied private land," a term which is without a strict definition.

McCurdy said protests were lodged with the Bureau of Indian Affairs, charged with protecting Indian interests, but were met with advice to see the Crow VISTA attorney.

Urban Bear Don't Walk, a practicing Crow attorney in Billings says decision he has reviewed indicates the treaty hunting rights in Montana are valid under the U.S. Constitution, but untested in the U.S. Supreme Court.

Indians have been required to obtain

permits for transporting game animals off the reservations where it is legal to hunt: the Crow attorney said.

But even that is not required by law.

Don Wright, a Blackfoot tribal member, who is the F&G liaison officer with Montana tribes, said he did not know if the Crow treaty is valid.

But Wright said the F&G will arrest anyone off the reservation who is suspected of transporting illegal game.

Wright said permits to transport game are a "convenience" to both Indians and game officers used to verify that game was killed on the reservation.

Bear Don't Walk said the permit requirement is a throwback to the days

when Indians needed a pass to get off the reservation in the vein of "he's a good Indian," so it's okay to let him go.

Wright, in affirming the F&G authority to arrest non-Indians or Indians for off-reservation game violations, said the legality of arrests is "up to the courts to decide."

# Scholarship Programs Announced

The Navajo Division of Education, in coordination with different universities, is seeking applicants to participate in professional development programs at the undergraduate and graduate levels in areas of natural resources, engineering, medicine, agriculture and education.

Interested persons may also apply for a separate agricultural program sponsored by the Navajo Tribe, New Mexico

State University and the W.K. Kellogg Foundation.

Universities involved in the professional development program include the University of New Mexico, medicine; Arizona State University, law; New Mexico State University, engineering and agriculture; Colorado State University, natural resources; and University of Arizona, doctorate in education.

NDE, and various founda-

tions have implemented a scholarship assistance program to aid students in financial need. Students may contact NDE to explore different sources of assistance.

The Navajo Agricultural Internship Program also is seeking eligible men and women high school graduates to apply for the program. Also eligible are persons who have passed the GED test, those currently enrolled in college or Navajos

with college credits or related work experience.

The program is designed to fit the individual needs of the student. A combination of study and work-related experience is alternated six months each. The student is then paid when working as an intern and receives scholarship assistance from NDE while studying on campus full-time.

The program intent is to prepare the individual upon graduation to assume management, professional and scientific positions for the development of Navajo tribal agricultural resources. Under the program, the student may also concentrate on related courses of study including crop production, soils, soil fertility, irrigation, farm machinery and equipment.

Further information and applications for both programs are available from Dillon Platero, Director, Navajo Division of Education, Box 208, Window Rock, Ariz. 86515; phone (602) 871-4941, ext. 432.

Arizona Republic

NOV 1 1976

## Federal Ban On Imported Jewelry Asked

TUCSON, (AP) — Declining sales in turquoise and Indian jewelry due to cheap foreign imitations have authentic dealers seeking a federal ban on imports of Indian-type jewelry.

Mark Bahti, a jewelry dealer here and new president of the Indian Arts and Crafts Association, said the group decided at its recent meeting in San Diego to pursue the ban.

BAHTI AND others said that would be one way to help those involved in making and selling authentic Indian jewelry. They said business has fallen off drastically because of the foreign goods.

"It has cheapened the whole market," Bahti said. "It has taken the aura from Indian jewelry. People worry about it, so they don't buy at all."

While he and others blamed the foreign imports for falling business, an official of the federal Indian arts and crafts board said there are other factors.

"IT'S A FASHION fad and it will drop off," said Geoffrey Stamm. "Next year, it may be Hungarian peasant blouses. These things happen."

Dealers here said sales this year are 10 to 50 per cent lower than they were in the boom years of Indian jewelry, 1972 to 1975.

In that time, the Arts and Crafts Association and dealers estimated southwestern sales near \$1 billion annually.

While dealers in authentic Indian goods expressed worry, a business consultant said that the decline mostly will affect the imports and dealers in cheaper goods.

"It is our feeling that those individuals not in the market prior to this upsurge will probably be the ones to fall by the wayside," said consultant Frank Reinow of Albuquerque, N.M.

"IT WAS FELT that those established dealers and craftsmen selling authentic Indian arts and crafts would be the ones to survive," he said.

The association will ask the President to use his powers to stop unfair foreign competition, Bahti said.

But members said a total ban is unlikely, although it could emphasize their problem and lead to stronger federal enforcement of laws banning misrepresentation of products as Indian crafts.

NOV 1 1976

Farmington Daily Times

## AIM Plans Protest Wednesday

PONCA CITY (AP) — The American Indian Movement (AIM) plans a protest rally Wednesday afternoon here against alleged police brutality.

Officer Tom Montgomery has been accused of brutality in the Oct. 22 arrest of Edward Calls Him, 24, an Indian resident of the Ponca City area.

Calls Him was arrested on a public drunk charge, but has been released after posting bond.

Police Chief Norman Coffelt and City Manager Leon Nelson suspended Montgomery after the allegations were made by the Ponca City chapter of AIM.

Coffelt said the incident has been under investigation since Oct. 23, when Calls Him entered the St. Joseph Medical Center here and complained of injuries he said he received in jail.

# More about Apache blockade of supervisors vowed

NOV 2 1976

Arizona Republic

## Apache blockade of supervisors vowed in reapportionment fight

By RYAN REINHOLD

ST. JOHNS — After today's general election, Apache County may be heading for a showdown with its new Board of Supervisors.

Even though the new three-member board does not take office until January, some residents here are talking about blockading the courthouse to prevent its first session.

The conflict stems from the recent court-ordered reapportionment of Apache County's supervisor districts, which, in effect, will automatically put two Navajo Reservation Indians on the board.

And because reservation Indians are exempt from state and county laws and taxes, these two new board members will be setting tax rates and making laws that will not affect them nor other

Continued from Page B-1

ed by reservation Indians, voted a ridiculously high tax rate of \$45 per \$100 valuation," he said. "They did this because they didn't have to pay the taxes anyway. But after the big taxpayers like Arizona Public Service protested, the tax rate was

lowered to \$3 per \$100.

"So, you see, they wanted to impose a high tax rate, but realistically, needed only \$3 per \$100."

Some businesses in Apache County reportedly are considering relocating if the tax rate is increased as expected.

"If the taxes here get too high what choice do these businesses have but to leave?" Platt said. "In that case, I doubt that anybody would want to buy property here because of the high taxes."

"Perhaps the Navajo Tribe would then acquire the property by just pay-

ing the back taxes. That would give them all of our county, which seems to be what they want anyway," he said.

Dividing Apache County by giving the Navajos the northern half and creating a new county in the Anglo-dominated southern half is one possible solution, Platt said.

"Another solution is to terminate the reservation system in Arizona and divide up the Indian land equally among the Indians," he said. "The third proposal is to prohibit Indians who are exempt from taxes and laws from participating in our local government."

Harper said he favors doing away with the reservation and giving Navajos full citizenship. "But that includes the responsibility for paying taxes like everybody else," he said.

The new supervisors will be Louise A. Descheeny (District 1) and Arthur N. Lee (District 3), who won their primary bouts, and the winner of today's election in District 2, either Raymond Graymountain or Dan Smith Sr. Mrs. Descheeny, Graymountain and Smith are Navajos.

Indians, said local attorney Mitchell Platt.

"A bunch of people here are so riled up that they are ready to take up arms to stop this injustice," said Merle Harper, a Springerville pharmacist. "And if that means blockading the courthouse, then I hope to hell there is no bloodshed."

"And don't think we are alone in this because Navajo County could soon have the same situation that we have here," said Harper, who also owns a pharmacy in Holbrook, the Navajo County seat.

Taxes will be the chief concern of residents in Apache County, said Platt.

"We saw what happened in nearby Chinle where the school board dominat-

Continued on Page B-2

# Navajo Vote 77 Per Cent

By SCOTT SANDLIN  
Daily Times Staff

**SHIPROCK** — Navajo voters turned out in force during balloting in Tuesday's elections, tipping the balance in some county elections if not in the federal and state races. Turnout in the three Shiprock precincts, with 2,575 persons registered to vote, was 77 per cent, two per cent above the high 75 per cent turnout in the rest of San Juan County.

"It's the best turnout I've seen in 20 years here," said Brother Florence Mayrand, an election judge.

Judges at polls at Valley Elementary and White Rock Camp reported some early, minor trouble with voting machines which delayed opening polls for half an hour or so. Voting went smoothly, they said, with a steady flow all day.

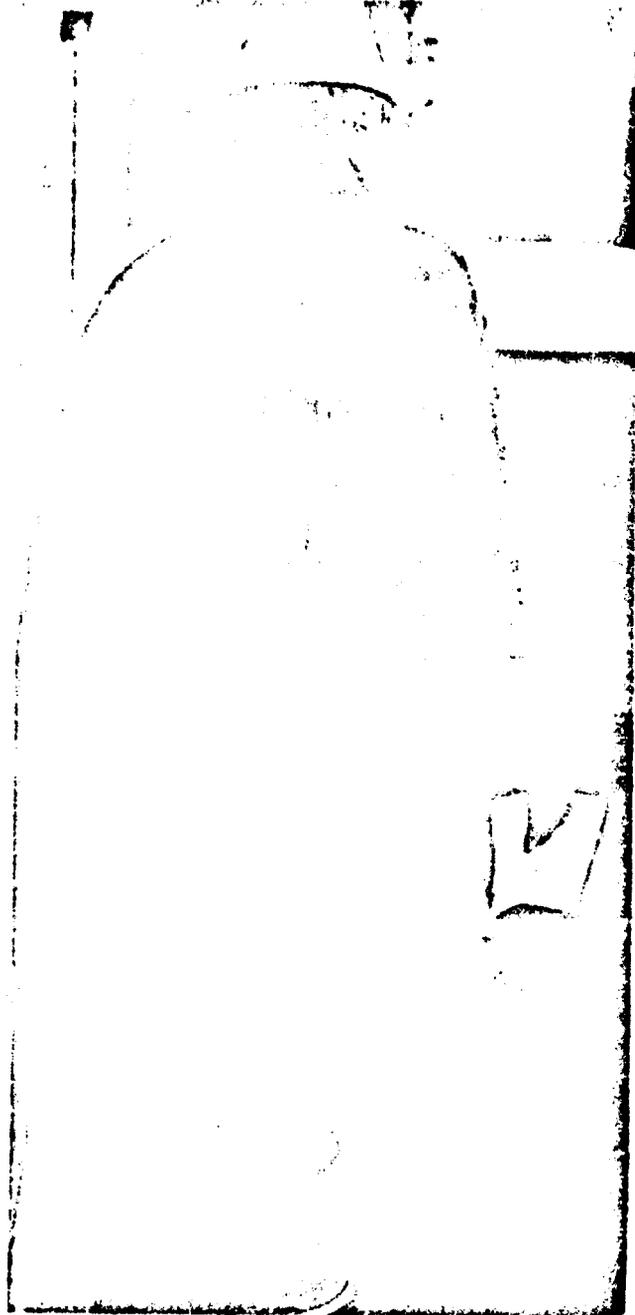
Some voters—about 10, according to poll clerks — were turned away because of what they said were late registrations. Other problems arose from imprecise registrations, particularly at Precinct 2 (boarding school), said presiding judge Mrs. Taylor McKenzie.

In one case, a young man from Toadlena attending school in Shiprock found himself unable to vote in Shiprock after an apparent misunderstanding during registration—and 50 miles from his polling place with a class to attend.

In another, poll clerks required identification of a woman before producing her polling slip, although identification is not required unless a registration is contested.

Herb Collins, voting machine repairman from the county clerk's office, had a full day of it, keeping watch over machines in Shiprock, Waterflow and Kirtland.

Other county figures keeping watch over persons keeping watch over the reservation during polling included Undersheriff Dan Sullivan, District Attorney Tom Hynes, Democratic County Chairman Charles Hughes and ex-Gov. Tom Bolack.



**Waiting**

(Staff Photos)

Bitsie Hatathley Yazzie rested placidly on a bench at the BIA boarding school in Shiprock during a lull in voting Tuesday.

OCT 17 1976

FEDERAL FUNDS APPRECIATED

# Indian Youth Group Meets

When Bicentennial planning was beginning five or six years ago, it did not look like Indian people would have much to look forward to, a Bureau of Indian Affairs official said Saturday.

"A lot of us were saying we really had nothing to celebrate," said Clydia Nahwooksy.

Ms. Nahwooksy, special assistant to the BIA commissioner, said that changed when federal funding was made available to Indian groups to stage Indian-related Bicentennial projects.

"There have been some substantive

things" done with the money, she said, including the establishment of cultural programs that will be carried on well after the Bicentennial year is over.

Ms. Nahwooksy, participating in a conference of the United National Indian Tribal Youth at Oklahoma City University, said Indians are pleased that the Bicentennial was not allowed to be solely a "white American celebration."

With the inclusion of Indian projects, she said, "I think it's (the Bicentennial) been a helpful thing" in white-

Indian relations.

About 500 young people from around the state are participating in the conference sponsored by the relatively new organization.

It was formed last November by 10 Indian clubs in an effort organizers hope can develop a national base.

UNITY is designed to help Indian youth build a "four square life" stressing mental, social, physical and spiritual fitness.

Executive Director J.R. Cook said the organization is not linked with other Indian groups, such as the American Indian Move-

ment, and hopes to be able to co-exist with AIM and the others through mutual "respect."

"UNITY is an organization for Indian youth to do something for themselves," he said.

Another participant in the conference, Joe Duke, an aerospace engineer at the Johnson Space Center, Houston, said the Indian culture is "a culture that perhaps is more misunderstood than most."

He said Indian youth should learn to live in modern society while maintaining their own culture.

Ft. Lauderdale News, 10/28/76

## State Files Suit Against Seminoles

The state has filed suit in Broward County Circuit Court against the Seminole Tribe of Florida Inc. to determine whether or not the Indians must pay certain state taxes.

The suit filed yesterday on behalf of Gov. Reubin Askew and his cabinet claims the Indians owe \$8,420.32 in various taxes which they should have been paying under the Florida corporation laws.

The suit claims the Indians should have been collecting taxes on the retail sale and rental of tangible personal property to non-Indians; the admissions tax imposed on the value received from the admission of non-Indians to the Indian reservation or any amusement facilities; the transient rentals tax imposed upon the value from renting, leasing or letting any living quarters, and the lease or rental tax imposed on the value received from renting, leasing, or letting any real property to non-Indians.

# NIYC Office Moves Location

The National Indian Youth Council Indian Employment and Training Office has moved from its former location at 101 S. Locke to a new office at 609 S. Behrend.

The move was made to be closer to Navajo job seekers, according to Lucian Anthony, Farmington office director.

Anthony, who has worked in community development and employment assistance in San Juan County for several years, said the office offers work experience programs, vocational education training and on-the-job training in addition to the Comprehensive Employment Training Act (CETA) projects.

Counseling is provided in the office as well as in the field.

Anthony, who says he maintains a close working relationship with Navajo CETA offices in Shiprock, makes referrals directly to Navajo Tribal Employment Service and training programs as well as assisting Indians from the Shiprock area in finding jobs in Farmington.

Special projects are also included in the NIYC-CETA program. Anthony assists area employers in fulfilling affirmative action goals, as well as drawing up program plans for Indian employment.

He also makes regular visits to schools, encouraging Indian students to stay in school and to seek higher education and training.

A survey on Indian employment opportunities and needs is also part of Anthony's activities.

Among program goals, says Anthony, are "developing Indian projects and helping with the organization of the Indian community for the benefit of all people."

Persons with requests or persons wishing more information on programs may contact Anthony at 327-5341.

OCT 28 1976

Farmington Daily Times

## Apaches Vote To Oust Chief

DULCE (AP) — The Jicarilla Apache Tribal Council voted unanimously to oust Tribal Council President Charlie Vigil, who has held the council leadership position eight of the past 12 years.

The action climaxed a political controversy that has been simmering for months. The New Mexican of Santa Fe reported in its Wednesday editions.

The newspaper said accusations against Vigil, 55, included malfeasance, gross neglect of duty and misconduct reflecting on the dignity of tribal government.

He was elected last July by a disputed two-vote margin over Hubert Velarde. There were two recounts before the tribal election board certified Vigil the winner.

Vigil was not available for comment.

But his wife, Jan Vigil, said her husband's life has been threatened twice in telephone calls.

She spoke to a reporter shortly after being released from jail. She was arrested Saturday by tribal police on charges of failing to support dependent children and resisting arrest.

Pleas of innocent to both charges were entered during

her arraignment Sunday.

Mrs. Vigil contended her arrest was part of the harassment she asserted was aimed at her family by her husband's political opponents.

Police Chief Raleigh Tafoya, a member of the tribal council, said an investigation into some of Mrs. Vigil's complaints is under way.

Asked about allegations of harassment, Tafoya said there may be limited validity to some of the charges. But he denied any role in such action.

Tafoya said that since 1963, periods surrounding tribal elections have been "hot and heavy." There has been "turmoil all summer," he said. But he added he does not believe there is "wholesale harassment."

Saying his police department is "on top of everything," he said Vigil's supporters should not be afraid to speak out.

Some supporters of Vigil indicated they might attempt to get a public referendum on last week's impeachment vote.

Richard Rosenstock, a Tierra Amarilla attorney who represents La Raza Unida party, was contacted by some Vigil backers. He said he is studying the manner in which the tribal council conducted impeachment proceedings.

# Special Indian Programs Begin

By JIM LARGO

Marie Gabaldon, 15, who lives in the North Valley, was one of the first to take guitar lessons Wednesday from Frank Cerna at the Indian Youth and Recreation Program located in the Mitchell building of 412 Fruit NW.

Marie said it was her first time to sit with a guitar on her lap and place her fingers on the strings. "He taught us how to use our fingers, and we learned three chords," she said about her teacher.

She is one of many city Indian high school students who go to the newly established recreation program held in an old building. "He told us we will learn little by little," said Marie.

She thinks it will not take long for her to play well. "The teacher is easy to learn from," she said. She is learning to play for her own enjoyment. Guitar lessons are held every Wednesday.

Ramona F. Wilgus, coordinator, said the program is one of several programs just beginning at the Mitchell building. Her program is sponsored by National Indian Youth Council, 201 Hermosa NE, and Albuquerque Urban Indian Center, 510 Second NW.

NIYC obtained \$27,000 from Community Development funds to have Mrs. Wilgus run the program, and AUC rents the building from the city for \$1 per year.

Tom Heidlebough of NIYC said funding is for one year, but leaders hope the programs will be continued for several years either with funding from the city or other agencies.

Programs in addition to guitar lessons include arts and craft classes, tutoring, movies, and general activities such as billiards, ping-pong, and library services.

The building is also used by AUC general assistance, referrals, and counseling services for Indian residents during the day.

Between 1 and 8 p.m., the building is used by the Indian youth. Approximately 20 students go to the building daily, said Heidlebough. Some students who have no transportation are picked up.

Heidlebough said about 4,000 Indian students are known to be in the Albuquerque Public Schools. He said approximately 40 per cent of the Indian students usually drop out of school every year.

"Indian students have the highest

dropout rate of any group," he said. When they get out of school, the students usually have nothing to do, he said. They are welcome to participate in the program.

The Mitchell building is also used by APS "School on Wheels" program. It holds classes for dropouts during the morning hours. During afternoon, most of the students need something to do. A few have jobs.

Several Indian students participate in the School on Wheels program. Heidlebough said the students get credits for taking the courses. Mrs. Wilgus, a Hopi and Isleta Pueblo Indian, teaches reading in one of the classes.

Mrs. Wilgus has been a teacher in APS for 10 years. She was recently appointed as coordinator for the youth program at the center. "We hope there will be parent participation," she said.

She explained that the building will be left open on Sundays for parents or other Indian organizations to use for meetings. She hopes to start an adult program soon.

Next Wednesday she will hold an adult organizational meeting at 7 p.m.

The next day, Thursday, she will hold a youth club organization meeting at 7 p.m.

# 'Flights' Pay Went to Tribal Official

By HOWARD GRAVES  
ALBUQUERQUE, N.M. (AP)—Bank checks used to pay charter air service statements were converted to cash and paid to a top Navajo tribal official, The Associated Press learned.

The estimated \$6,600, after being converted to cash, was hand carried to the executive at Window Rock, Ariz., the Navajo capital.

The checks were paid by Tucson Gas & Electric Co. to Atsidi Aviation, Inc., of Gallup.

The recipient of the money hasn't been publicly identified.

Those who participated in the transactions declined use of their names.

The checks were subpoenaed by a federal grand jury in Phoenix. No indictments have been returned and no charges have been filed related to the checks.

An Aug. 31, 1973, dated TG&E check for \$3,360 was converted to 33 \$100 bills and given to a courier.

A second TG&E check, dated Nov. 2, 1973, for \$3,336, was cashed at a Gallup bank,

according to knowledgeable sources.

One of the couriers said he appeared before the grand jury, which has been delving into alleged financial irregularities on America's largest Indian reservation.

A special Justice Department task force and the Federal Bureau of Investigation

recent interviews that he had no knowledge of what happened to the company checks after they were mailed to Atsidi.

Davis and TG&E vice president Thomas Via Jr. have said the company was billed by Atsidi for 55.5 hours of charter air services at \$120 per hour.

Via said Bill Moore, at the

## Chairman in Dark

ALBUQUERQUE (AP) — Navajo Tribal Chairman Peter MacDonald says the only thing he knows about utility company checks reportedly converted to cash and paid to a Navajo official is what he reads in the newspapers.

And MacDonald, speaking Thursday at an Albuquerque news conference, said, "As far as I know, the whole matter is in the hands of the grand jury."

have been conducting the probe since last January.

The U.S. attorney's office in Tucson declined comment on the check-cash transactions.

Four TG&E executives appeared before the jury Sept. 23.

One of them, board chairman J. Luther Davis, said in

time an assistant to Tribal Chairman Peter MacDonald, asked TG&E to pay the charter plane fares.

Davis and Via have said repeatedly that the checks were sent to Atsidi and not to individuals.

The flights were made by tribal officials, including Mac-

Donald, according to the Atsidi invoices made available by TG&E to a reporter.

TG&E was building a 345,000-volt transmission line across Navajo lands in northwest New Mexico in 1973. Davis said he told the grand jury that TG&E construction crews were encountering "disturbances) threats and opposition" from some Navajos. The company asked MacDonald to visit the protesters in the 78-mile corridor and explain the utility's position.

Davis said MacDonald agreed to make the trips if the company paid for the trips.

"I don't know to this day if they did or did not take the trips," Davis said after he appeared before the grand jury last month. "But we were able to build the line."

Via, in an earlier interview, said Moore had told him MacDonald went to chapter house meetings to explain the project.

Moore, a non-Navajo, at one time managed a tribally owned motel in Window Rock. He also formerly managed a Navajo

Arts and Crafts Enterprise store in Window Rock.

Davis and Via said TG&E paid Atsidi for charter air services on four other occasions between May 11, 1973, and April 1, 1974. They said those payments were "for purposes other than MacDonald."

Via said all Atsidi billing statements "had to be identified for trip purposes so that we knew they were in conjunction with our business and not for some other business."

OCT 29 1976

Farmington Daily Times

# Traditionalists

QUARTER  
OCT 28 1976

**KYAKOTSMOVI** -- About 35 Hopi traditional leaders gathered here Sunday, Oct. 24 and voiced strong opposition to the proposed \$5 million settlement the Indian Claims Commission has offered the Hopi Tribe.

The meeting was scheduled for the purpose of Hopi Chairman Abbott Sekaquaptewa and Hopi Agency Superintendent Alph Secakuku to explain the issue of why the Hopis were being asked to accept or reject the proposed settlement of the Hopi claims.

However, both officials declined the invitation of the traditionalists in formal letters stating their reasons.

In a letter dated Oct. 24 addressed to both the chairman and superintendent, which was signed by four traditionalist leaders, it stated:

**Mr. Sekaquaptewa and Secakuku:**

We, the undersigned Hopi traditional hereditary Kikmongwis, religious headmen of One-Horn and Two-Horn Soci-

eties and representatives from the majority of traditionally-established Hopi Pueblos, have met with our Hopi people in Kyakotsmovi and read your letters.

We all regretted very much that both of you stated in your letters that you would not come and meet with us today. We have given your letters serious consideration.

We found that Supt. Secakuku in his letter of Oct. 23, 1976, stated, "I do not wish to prematurely make my personal views known so as not to unduly influence anyone."

As an official of the Bureau of Indian Affairs (BIA) you have no business meddling with our Hopi affairs.

We have learned that you are not telling the truth in your letter for we now know that you have already held a meeting with government Hopi employees and some people from First Mesa. You have already "unduly influenced"

some of the people you talked to in Keams Canyon.

In a letter by Sekaquaptewa of Oct. 22, 1976, stated, "I feel constrained at this time to respectfully remind you that the harshness of your words and the name calling with which you indulge yourselves are contrary to the dignity and self-respect of true Hopi leaders and disrespectful of the high office that Mr. Kewanyawma holds and that Mrs. Lansa claims."

It is clear to us that Sekaquaptewa's attempt to make the Hopis believe that he does not indulge in harshness of words, name calling and unduly criticizing Kikmongwis and religious leaders or anyone who speaks for them.

He also stated in his letter that, "I offered to publicly debate this question with you or your spokesman on television just in the past few days, and you refused."

On Oct. 21, 1976, some of us spoke on

## oppose payment

television with Sekaquaptewa on the issue of the proposed settlement of John S. Boyden who has made a deal with the United States government in offering us \$5,000,000 for lands that U.S. government said he took away from the Hopis and never paid for.

We did not refuse — we were there on Thursday night. Again Sekaquaptewa is not telling the truth.

Following our serious consideration of the proposed settlement and other related issues, we have been asked by our religious headmen and people that:

1.) As Hopi Kikmongwis, we strongly oppose this proposed settlement of John S. Boyden and that we will never sell our sacred homeland.

2.) Both Hopi Supt. Alph Secakuku and Chairman of the Tribal Council Abbott Sekaquaptewa be informed by letter that there will be no voting by any Hopi on Oct. 30, 1976 on this proposed settlement, as was scheduled.

3.) We have just been informed about this proposed settlement of John S. Boyden's a week ago and since none of the Councilmen have up to the present time, fulfilled their duties by fully

explaining this vital issue, it is too late for any Hopi, especially traditional elders, to fully understand this lawyer's written language within two weeks.

Therefore, there must be no voting on this proposed settlement at this time or in the future.

4.) On Oct. 30, 1976, there will be a Women's Religious Society performing in Shungopavy Pueblo and our religious Hopi leaders all have asked that this Lolicon Ceremony be respected by all Hopi people, by members of the Council and the BIA.

5.) Since the majority of the people in traditionally-established Pueblos have never accepted the Hopi Tribal Council Constitution and By-Laws, never signed a contract or contracts of John S. Boyden's and have never send anyone to the Tribal Council, we will never accept the \$5,000,000 by voting, as we do not vote.

6.) It is your responsibility as servants to the Hopi people to do what the Hopi people want and not what you want.

Since you both have refused to face our people face to face on this vital issue, we will now take action to have both of you resigned or removed from your

positions.

You have failed to fully inform the Hopi people on things that concern the very land, way of life and religion of our people.

Instead of obtaining the aboriginal land of our people, the Tribal Council and BIA went along with attorney John S. Boyden to make our landbase smaller and smaller.

Both the Hopi Tribal Council and John S. Boyden are getting rich while the Hopi people are becoming very poor, money-wise. This must stop now!

We demand that you both inform all Hopi people everywhere that there will be no voting on this proposed settlement on Oct. 30, 1976. This is our decision and the decision of our One-Horn and Two-Horn Religious Society leaders.

Mrs. Mina Lansa, kikmongwi of Oraibi  
Claude Kewanyawma, kikmongwi of  
Shungopavy  
Ned Nayatewa, kikmongwi of First  
Mesa  
Guy Koechaftewa, religious leader,  
Mishongnovi

# Indian Medical School Construction Starts at Former Community Center

By SCOTT SANDLEN  
Daily Times Staff

SHIPROCK — With the pigeons and pigeon droppings cleared from the attic and sports equipment stored in the basement or covered with tarps, renovation of the Shiprock Community Center is in full swing.

The community center is not just receiving a facelift, however. The changes being implemented now are Phase One of a total project that will convert the one-time community center into the American Indian School of Medicine (AISOM).

All first-phase renovation is being financed through grant monies, says Phillip Longhurst, director of Planning and Development for the Navajo Health Authority and AISOM, despite initial hopes and plans to receive an appropriation from Congress for the school.

Longhurst said the medical school planners will again seek funding from congress in the next legislative session. The AISOM appropriation was stricken from the Indian Health Care Improvement Act passed this month while the bill was still in committee. The fear was that the medical school funding might jeopardize the entire bill, executive dean Dr. Taylor

McKenzie said earlier.

Phase One for the community center-turned-medical school calls for extensive renovation and addition of a library and office space.

Longhurst said AISOM received a \$75,000 grant from the W.K. Kellogg Foundation, \$5,000 from the Merck Foundation, and \$200,000 from the Navajo Tribe's revenue-sharing funds.

As with any monetary grant, he said, there are some strings attached. The Kellogg foundation designated its funds be used for the medical school library, and the Merck Foundation, an offshoot of the drug manufacturing firm, earmarked its monies for building renovation.

The \$300,000 renovation was contracted to Zuni Construction Co., an entity of Zuni Pueblo and the low bidder. Of the remaining funds, about \$30,000 will go for library equipment, most of the rest to architects' fees and the remainder into a contingency fund. Completion date is projected for the first of the year.

The renovated building, Longhurst says, will be used primarily for office and library space.

"We won't have any need for classes for a couple of years," he said.

Meanwhile, stacks will be

going up in the library and books going up on the shelves. A library which has been growing since NHA's inception in 1971 and is now housed in Window Rock, Ariz., will be moved to the Shiprock site.

The library, being converted from the community center stage area, will be equipped with infra-red security system to detect persons entering the room.

Physicians in residence at the Shiprock hospital, AISOM staff members and other health professionals in the Shiprock area will probably find use for the medical library before students actually arrive on the campus, Longhurst said.

The gymnasium floor will undergo repair, but remain at its present size, with office space gleaned from the former spectator area.

When the first students arrive at the fledgling medical school, Longhurst said, the gym will be converted into instructional area.

Just when the first students will arrive is an unanswered question for the school administrators.

The AISOM master plan now call tentatively for first hand second-year students to attend Northern Arizona University in Flagstaff to study basic sciences; third-year students studying at one of three Arizona hospitals under consideration: Maricopa County Hospital, the Veterans Administration Hospital and the Indian Health

officials also visited the Shiprock Hospital this month for an accreditation inspection there. And, since the AISOM program is tied to the Shiprock hospital, the school's accreditation will be dependent upon the hospital's.

Admission criteria have not yet been formally determined, Longhurst said. Those standards will be drawn up by the academic dean, Dr. Jasper McPhail.

"About all we know," Longhurst said, "is that Indians and others who agree to practice on the reservation and other rural, deprived areas will receive preference for admission."

While executive dean McKenzie was projecting a 1977 entering class during planning stages three years ago, Longhurst now says a 1979 class would be the earliest possibility for students starting at the Flagstaff campus, and 1982 or 1983 for the Shiprock residency.

"Probably for the first two years we will take only freshman students," he said. "After we get up and running, we may take transfer students as well."

Phase Two of the school construction would include additional renovation of the building and expansion of the medical library; Phase Three would see construction of housing units for faculty and students.

With the 60 acres withdrawn

by Shiprock Chapter for the school in 1974, there should be ample space for expansion.

In the interim, planning will continue, including garnering support from leaders of tribes throughout the U.S. for the project, designed as a school for members of all tribes.

Farmington Daily Times  
OCT 28 1976

# Reservation White Man's Park

LIVINGSTON, Tex. (AP) — Lester Battise, his stomach bouncing over his belt buckle, flashed a smile and told visitors to the Alabama-Coushatta reservation, "When you get aboard the bus have a ticket, money, or your scalp ready."

During the bus tour down a narrow, winding road deep in the Big Thicket of Southeast Texas, Battise said, "There are many snakes out there, but they have learned to live with us. They only bite whites."

A group of young Indian men and women don the colorful costumes of long ago and perform the traditional dances of the tribe.

One said, "It beats cutting timber for a living."

Others guide tourists through the Indian museum, serve hot dogs and cheeseburgers at the restaurant or sell jewelry, pottery, and toy tomahawks—in the gift shop.

There's a miniature train that wiggles through the underbrush and beneath the tall pines, giant oaks and fat maples, a reptile center and an outdoor theater.

The Alabama-Coushatta have turned the 4,560-acre reservation into an amusement

park, using the white man's ways to provide jobs, build new homes and eventually become self-sufficient.

Billboards dot roadways throughout Southeast Texas advertising the reservation. There are commercials on Houston television stations.

The buildings resemble a western fort far more than an Indian encampment. That doesn't seem to bother the hundreds of youngsters who dash across the grounds playing Indian around the Indians.

Roland Poncho, 33, director of the tourist section, said, "once long ago our people went to the federal government said 'we need some help, but don't help us too much.' That same feeling exists today."

The tribe now receives state aid and is under the direction of the Texas Indian Commission. Poncho said, "With the tourist attractions, which brought us 300,000 visitors last year, we are getting closer and

closer to the day when we will be self-sufficient, paying for all of our needs."

Emmett Battise, the assistant chief of the 550 tribesmen said, "We have made a delicate step forward, but it is a step. While we are a tourist attraction, we are showing visitors the culture and the life of the Alabama-Coushatta. While we attempt to become self-sufficient in this program, we are teaching non-Indians to know us, to understand us, and learn something about us."

Poncho pointed to a rusty colored creek that flows across the reservation and said an alligator nests there and if hungry can be brought to the surface with a whistle—a bit of outdoor knowledge for the tourists—and an attraction to bring the visitors back should the gator fail to appear the first time.

Before the seven-member tribal council decided to move into tourism, it considered a lumbering operation and a furniture factory.

"It wouldn't work," Poncho said. "The tribe was reluctant to cut the trees and feared pollution. They have a great love for the forest and the wildlife."

In the woodlands of the reservation—if you walk softly—a deer can be seen grazing, a big owl in a tree, and a raccoon scrambling down a branch.

With campsites now available along the banks of a fish-stocked lake, the tribe attempts to extend its attractions from the one-day visitor to the week-long outdoorsman.

Asst. Chief Battise was asked if the approach might

work for other Indian reservations where money and employment are problems. He answered, "We cannot relate to other reservations. Perhaps it could work, perhaps it couldn't."

# Navajo court rules on Pasture

WINDOW ROCK -- A Navajo tribal court judge on Friday, Oct. 22, granted a permanent injunction against the Hopi Tribe prohibiting any fence construction in the Pasture Canyon Dam area located east of Tuba City.

The hearing was unattended by representatives of the Hopi Tribe. According to Larry Ruzow, a member of the Navajo tribe's legal counsel firm, Hopi counsel John Paul Kennedy told him the Hopi Tribe would not attend the hearing because they did not recognize Navajo court jurisdiction over the area.

Raymond Tso, Navajo tribal prosecutor, however, told the court that Navajo jurisdiction over the area was established by the federal government's Bennett Freeze of 1972, which stated that both tribes must consent to any construction in the area.

The Pasture Canyon Dam area was the scene of a confrontation between the two tribes in late July. A fencing project initiated by the village of Moenkopi around the reservoir was removed by Navajos after the Navajo tribal court issued a court order claiming the fence was unauthorized.

Members of the Hopi Tribe started the fence construction, according to Ruzow, because they claimed they were protecting their water lines from damage caused by Navajo livestock wandering into the area and from Navajos dumping garbage.

The fencing project was subsequently dismantled by Navajo police after the court order was obtained, and no fencing has resumed since, according to testimony Friday by Dwight Marable, Navajo Area special officer for the Bureau of Indian Affairs (BIA).

Judge Merwin Lynch told the court that a permanent injunction was being granted in order to "preserve peace in the Pasture Canyon area." He stated that at an earlier hearing held in August where a preliminary injunction was granted against the fencing, testimony showed that Tuba City residents were planning to tear down the fence on their own and that there would be "irrepara-

ble harm" if the injunction was not granted.

Prior to issuing the injunction, Lynch said "testimony indicates that the BIA did nothing about the fencing and has no plans if it should begin again."

Val McBroom, BIA reservation program officer in Window Rock, who served as acting Navajo Area director July 23-28, testified that he issued an order on July 23 for the "unauthorized fence construction" to cease. On July 28, after the fence had already been removed, he ordered that no action be

taken "to remove or do damage to the fence, except under instructions of the secretary of interior," adding that the "area director is pursuing appropriate administrative and judicial action in connection with the fencing."

When the prosecuting attorney asked McBroom what action he had taken to see that the fence was not damaged, he said he had sent people to the judicial department, but since the fence had already been torn down, no action was taken.

## Canyon Dam

Graham Holmes, of the Office of Navajo Land Administration, said the more than one-mile-long pasture canyon area in 1934 was set aside for "Navajos and such other Indians as have settled thereon." In 1966, Hopis from the nearby village of Moenkopi were declared by the Interior Dept. solicitor to have some interest, as yet undefined, in the area, he added.

According to Ruzow, both tribes have traditionally used water from the Pasture Canyon reservoir.

QUA'TOQTI

OCT 28 1976

# Cash to Navajo probed

By HOWARD GRAVES  
AP Staff Writer

Bank checks used to pay charter air service statements were converted to cash and paid to a top Navajo tribal official, The Associated Press has learned.

The estimated \$6,600, after being converted to cash was hand-carried to the executive at Window Rock, Ariz., the Navajo capital.

The checks were paid by Tucson Gas & Electric Co. to Atsidi Aviation Inc. of Gallup.

**THE RECIPIENT** of the money hasn't been publicly identified.

Those who participated in the transaction declined use of their names.

**NAVAJO TRIBAL** Chairman Peter MacDonald today denied any knowledge of the alleged transactions.

MacDonald said in Albuquerque, "I only know what I read in the papers about the matter. As far as I know, the whole thing is in the hands of the grand jury."

He also said he could not identify the persons allegedly involved in the transactions.

"I participated in one or possibly two airplane flights sponsored by Tucson Gas & Electric," MacDonald said, "one to Farmington and one, I think, to Tucson."

**MACDONALD SAID** he made the flights to discuss a proposal by the utility company to build an electric transmission line across Navajo Reservation lands.

He said the company also made flights onto the reservation to deliver

checks to various Indians to pay for rights-of-way across their land.

The checks were subpoenaed by a federal grand jury in Phoenix. No indictments have been returned and no charges have been filed related to the checks.

**AN AUG. 31, 1973, dated TG&E** check for \$3,360 was converted to 33 \$100 bills and given to a courier.

A second TG&E check dated Nov. 2, 1973, for \$3,336, was cashed at a Gallup bank, according to knowledgeable sources.

**ONE OF** the couriers said he appeared before the grand jury, which has been delving into alleged financial irregularities on America's largest Indian reservation.

A special Justice Department task force and the Federal Bureau of Investigation have been conducting the probe since last January.

The U.S. attorney's office in Tucson declined comment on the check-cash transactions.

**FOUR TG&E executives** appeared before the jury Sept. 23.

One of them, Board Chairman J. Luther Davis, said in recent interviews that he had no knowledge of what happened to the company checks after they were mailed to Atsidi.

Davis and TG&E vice president Thomas Via Jr. have said the company was billed by Atsidi for 55.5 hours of charter air services at \$120 per hour.

Via said Bill Moore, at the time an assistant to MacDonald, asked TG&E to pay the charter plane fares.

**DAVIS AND VIA** have said repeat-

edly that the checks were sent to Atsidi and not to individuals.

The flights were made by tribal officials, including MacDonald, according to the Atsidi invoices made available by TG&E to a reporter.

TG&E was building a 345,000-volt transmission line across Navajo lands in northwest New Mexico in 1973. Davis said he told the grand jury that TG&E construction crews were encountering "disturbances, threats and opposition" from some Navajos.

**THE COMPANY** asked MacDonald to visit the protesters in the 78-mile corridor and explain the utility's position.

Davis said MacDonald agreed to make the trips if the company paid for them.

"I don't know to this day if they did or did not take the trips," Davis said after he appeared before the grand jury last month. "But we were able to build the line."

**VIA, IN AN** earlier interview, said Moore had told him MacDonald went to chapter house meetings to explain the project.

Moore, a non-Navajo, at one time managed a tribally owned motel in Window Rock. He also formerly managed a Navajo Arts and Crafts Enterprise store in Window Rock.

**DAVIS AND VIA** said TG&E paid Atsidi for charter air services on four other occasions between May 11, 1973, and April 1, 1974. They said those payments were "for purposes other than MacDonald."

Via said all Atsidi billing statements "had to be identified for trip purposes so that we knew they were in conjunction with our business and not for some other business."

# Indian official indicted

By HOWARD GRAVES

AP Staff Writer

PHOENIX, Ariz. (AP) — The former executive director of the Navajo Housing Authority was indicted today by a federal grand jury, which charged him with receiving \$42,000 in kickbacks from a California investment firm.

The alleged payments to Pat Chee Miller, 31, a Navajo, were from Ameri-

*Related story on Page A-3*

can Funding Corporation of Beverly Hills, the indictments said.

THE INDICTMENTS said Miller and three other persons named in the report caused investments of Department of Housing and Urban Development money with American Funding in return for "kickbacks consisting of 1½ per cent" of the total Housing Au-

thority money invested with American Funding.

Miller, between June 1974 and January 1975, placed nearly \$13.3 million of Housing and Urban Development funds with the firm for investment purposes.

The housing authority was established in 1963 to utilize Housing and Urban Development money for construction of low-rent, low-income housing on the Navajo Reservation.

THE EIGHT-COUNT indictment also named A. Gordon Eldred, American Funding's senior vice president, and Mervin B. Schaffer of Los Angeles.

Miller, Eldred and Schaffer were charged with conspiracy to defraud the federal government, misapplication of funds from an Indian tribal

Continued on Page A-3

## Jury indicts Navajo

From Page A-1

organization and interstate transportation of money obtained by fraud.

Leslie J. Hadden of Gallup was named as an unindicted conspirator, said Asst. U.S. Atty. Gary Scales.

BENCH WARRANTS were issued for the arrest of Eldred and Schaffer.

A summons was issued for Miller, who resigned last April from the Na-

vajo Housing Authority job he had held for nearly five years. His annual salary was about \$23,000.

HADDEN, vice president-secretary of Window Rock Constructors Inc., arranged for meetings between Eldred and Miller, Scales said.

Scales said Hadden paid income tax

on what the indictments termed the kickbacks.

He said Hadden first met Eldred through Schaffer, vice president of Jusco Construction Co. of Los Angeles. He said Hadden had met Schaffer while trying to arrange for bonding for Window Rock Constructors, which is based in Window Rock, Ariz., the Navajo capital.

# Indictment accuses 3 of misusing \$13

By BRENT WHITING

The former executive director of the Navajo Housing Authority and two California businessmen were indicted Thursday by a federal grand jury in an alleged fraud involving \$13.3 million in NHA funds.

Pat Chee Miller, 31, of Gallup, N.M., the former NHA official, was accused of accepting \$12,322 in kickbacks for investing the \$13.3 million with American Funding Corp. of Beverly Hills, Calif., a defunct investment firm.

Also named in the indictment were A. Gordon Eldred, 58, of Beverly Hills,

vice president of American Funding, and Mervin B. Schaffer, 45, Encino, Calif., a former officer of JUSCO Corp., a California corporation.

Federal Bureau of Investigation agents arrested Schaffer Thursday afternoon at his residence in Encino. He appeared before a U.S. Magistrate in Los Angeles and is being held in lieu of \$10,000 bond.

The other two suspects are at large.

The defendants were charged with eight counts of misapplying Indian tribal funds, interstate transportation of

money obtained by fraud and conspiracy to defraud and commit an offense against the United States.

Leslie Joe Hadden of Gallup, general manager of Window Rock Constructors, was named as an unindicted coconspirator.

Arizona Republic

OCT 29 1976

## million in Navajo funds

Miller, when contacted by a reporter, refused to comment on the indictment. Eldred and Schaffer could not be reached.

According to the indictment, the three defendants and Hadden devised a scheme in which Miller, Schaffer and Hadden would share in kickbacks totaling 1.5 per cent of the amount invested by NHA with American Funding.

NHA receives its funds from the sale of notes guaranteed by the U.S. Department of Housing and Urban Development. The funds are intended for the

construction of low-cost housing on the Navajo Reservation.

The indictment said Miller caused \$13,297,161 in NHA funds to be invested with American Funding from June 17, 1974, to Jan. 30, 1975.

In return, Miller received \$12,322 in kickbacks from Hadden, who was reimbursed for the payments by American Funding, the indictment said. The amount of kickbacks paid to Hadden and Schaffer, if any, was not outlined in the indictment.

Continued on Page A-1

## More about Navajo fraud charges

Continued from Page A-1

In March this year, American Funding was placed in receivership by a federal judge in Los Angeles after NHA filed suit against the Beverly Hills firm to recover \$5 million that had been invested and not repaid.

American Funding had returned about \$8 million to the tribe before the corporation was placed in receivership. NHA will lose in excess of \$4.5 million on the balance of the \$13.3 million due and owing, according to Assistant U.S. Attorney Gary Scales.

Miller stepped down from his \$20,000-a-year post April 10 after he and two other Navajo officials were told by Navajo Tribal Chairman Peter MacDonald either to explain their dealings with American Funding or resign.

The other two officials did not resign

and there is no evidence of criminal wrongdoing against them, according to Scales. The two are Marshal Tome, tribal operations director, and Carl Todacheene, Navajo Housing Authority board chairman.

It has been alleged that Miller and the others accepted checks totaling \$115,000 from American Funding, reportedly as personal loans for stock investments, but executives of a Farmington, N.M., bank said the checks were never cashed.

Miller, Eldred and Schaffer, if convicted, face a maximum sentence of five years in prison and a \$10,000 fine on each of two conspiracy counts, 10 years and \$10,000 on each of three interstate transportation counts and five years and \$5,000 for each of three counts for misapplying tribal funds.



# INDIAN NEWS CLIPS

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November 20, 1976

THE WASHINGTON POST

Thursday, November 18, 1976

*Jack Anderson and Les Whitten*

## Battle Over Alaskan Wilderness

In the name of civilization, white Americans have pushed the Indians off their hunting grounds and herded them onto reservations. The only wilderness left open to them is Alaska's vast, frozen tundra and timberland.

By act of Congress, this last open territory was granted to them in 1971. The Alaskan Indians, Eskimos and Aleuts were declared the rightful owners of Alaska's wilderness.

Their ancestors had roamed this harsh country for centuries. The Supreme Court supported their right to the region in an 1857 decision. Then in 1969, a giant consortium of oil companies, known as Alyeska, prepared to build the Alaska pipeline.

The company, in clearing the right of way for the pipeline, found the authorities unsure over who owned the Alaskan wilderness. The 1971 act was supposed to have settled the issue.

But the federal bureaucracy, as we've pointed out in the past, doesn't always pay attention to the laws that Congress passes. The Interior Department has shown a decided reluctance to implement the act.

The department has been receiving pressure from the same selfish white interests that have succeeded in subverting Indian treaties in the past. The big-game hunters and recreational interests fear, not without cause, that the natives will limit the hunting on their land.

Business and political circles also are uneasy over the economic power the natives will wield if they finally gain control of their vast acreage. Already, 12 federally funded, native corporations have been set up to determine how best to develop the land.

The Interior Department, therefore, has been obstructing the transfer of the Alaskan wilderness to its native owners. Congress gave Interior the authority, for example, to reserve certain easements. The purpose was to provide the general public with rights of way across native territory.

The department seized upon this provision to issue massive, blanket easements on the entire coastline of Alaska and around all inland rivers and lakes. The dispute over this action

has become bogged down in litigation. It's an old, sad story. Time and again, the federal government has signed treaties with the Indians, that guaranteed millions of acres but delivered only thousands.

At this moment, protected white interests are illegally draining off the life-giving water of tribes in various parts of the country—under the eyes of a government that systematically waffles on its commitments.



DENVER POST  
DENVER, COLORADO  
Date 11/8

## Wyoming Indians to get HEW grants

Associated Press  
The U.S. Department of Health, Education and Welfare has earmarked nearly \$218,000 in education grants for Arapa-

ho and Shoshone Indians in Wyoming.

Some \$50,000 of the money will go to St. Stephens Indian School south of Lander; \$125,000 to the Wind River Indian Education Association Inc.; and \$42,979 to the Arapaho Education Committee in Fort Washakie.

The grants represented only three of 42 HEW grants totaling \$4.5 million that went to Indians in the six states that comprise the department's Region VIII — Wyoming, Colorado, Montana, Utah and Dakotas.

Date 11/8

## Indian givers

Like old ghosts, the mistakes of the past continue to haunt us.

An interesting item caught our attention last week about a lawsuit in Maine which has significant consequences for the West.

Indians may legally own two-thirds of the State of Maine and right now they are doing battle in court to prove it.

This possibility, raised in a lawsuit that seemed insignificant, even ludicrous, four years ago has suddenly blocked the sale of millions of dollars of municipal bonds, cast in doubt the ownership of private lands and whole towns, and has thrown the state government into consternation.

The suit on behalf of the Passamaquoddy and Penobscot Indian tribes charges that their ancestral forest lands were illegally bargained away to the local white authorities in violation of the Federal Nonintercourse Act of 1790.

Like all litigation this case is bound to drag through the courts for years but already the Indians have won a significant victory with the finding that the ancient Act does indeed apply to the Maine tribes.

Claims in the suit center on more than 12 million acres of land, valued at \$25 billion. The litigation is one of several suits filed in the nation on behalf of the Native American Rights Fund, an Indian advocacy organization based in Colorado.

Regardless of the outcome of this particular action, it certainly is representative of the trend to come in Indian affairs all because of the imperfections of white man's law.

The federal government in the years ahead is bound to spend thousands in the West alone in trying to clear up the mess created by the Great White negotiators of lore.

Here in Wyoming the claims of the Wind River Indian Reservation to all water running into, out, through, under or over tribal lands is bound to be headed for a major court battle in the months to come.

This particular dispute could spell trouble for farmers in Fremont County and further downstream in the Big Horn Basin.

Ironically, we're learning in the Bicentennial year just how imperfect the reservation system really has been.

Indian-government relations is a major theme of James Michener's epic work, *Centennial*.

He aptly explains that a major downfall of the white man's treaties in the 1800's, and it follows, all through the nation's history, is simply that the federal government didn't know what kind of resources it had in its midst.

He cites the example of the Treaty of 1851 presented to the Plains Indian tribes at Fort Laramie.

The end result of this massive gathering was the fact that the government promised to pay the total Indian community an annuity of \$50,000 for fifty years.

The prairie was also divided in large segments and allocated to individual tribes.

The Cheyenne and Arapaho tribes ended up with a generous slice of the wind burned pie and the treaty in effect meant for these two tribes alone that 6400 Indians now owned in perpetuity some 90 thousand square miles or more than 57 million acres. Thus each Indian received 14 square miles or about 36,000 acres for a family of four.

Needless to say such an agreement didn't last very long.

"Why was so much potentially valuable land given to the two tribes in 1851?" Michener asked.

Because, he explains, "whites believed the plains to be a desert which could not be farmed. Indians were convinced they were useful only for the buffalo."

"As always," he points out, "when the significance of the natural resource is misunderstood, any land settlement must end in disaster."

At least in this respect let's hope history doesn't repeat itself for the sake of all parties concerned.

What's really occurring is that the Indians have reversed the role of "Indian giver" to work, at last, for their own interests.

"By no means would we give up this land again," remarked one Indian involved in the Maine affair. "Actually we didn't make the law. They made it."

# HUD questions Crow payments to building firm

By FLYNN J. ELL  
Of The Gazette Staff

A \$60,000 payment to a construction firm by the Crow Tribal Housing Authority has been questioned by tribal members and auditors for the Department of Housing and Urban Development.

Some tribal members say the payment may be only one of a number of questionable expenditures made by the tribal housing group.

"This thing is just partly exposed," said tribal delegate Bud Fritzler Wednesday.

"There's a lot more coming — they've even found people on the payroll who don't exist," Fritzler said.

Doyle LaVerdure, head of HUD's Office of Indian Programs in Denver, said in Billings Wednesday night that HUD has just completed the first audit of the housing authority in seven years, but he characterized the inter-tribal charges as only "allegations."

LaVerdure, the son of former Crow Agency Superintendent George LaVerdure, was in town following a meeting with Crow Chairman Patrick Stands Over Bull earlier in the day at Helena.

LaVerdure declined to comment further on the \$60,000 overpayment reported by his assistant William E. Hallett, who made the report in September and sent LaVerdure a copy.

HUD, LaVerdure said, has funded programs in excess of \$5 million at the Crow Reservation during the past seven years.

Tribal members are demanding audits of tribal, federal and Bureau of Indian Affairs funds. Fritzler said the Crows want to know who got the money which came up as an overpayment to G&R Construction in the audit. G&R Construction, a Lodge Grass-Seattle firm, has handled two housing contracts on the reservation, he said.

LaVerdure, said the audit was conducted because HUD issued new regulations March 9, taking over that the responsibility from the BIA, which had been in charge of audits since the housing authority was established.

Fritzler termed the \$60,000 error a "kickback" and blamed the BIA, which he said is charged with overseeing the housing authority's business.

The housing authority is scheduled to handle \$2.5 million for building 75 new homes on the reservation in a contract awarded to G & R, LaVerdure said.

Fritzler said the Crows are the ones being short-changed by disappearing funds.

The \$60,000 in question is only the tip of the iceberg in a game in which the Crows think they are being given the run around, Fritzler said.

Since July, Fritzler has contacted President Ford and Senators Mike Mansfield and Lee Metcalf and Senator-elect John Melcher to seek help in getting all Crow funds audited.

The Crows are asking that the tribal audit be retroactive to 1972. The tribe handles some \$3 million annually of combined federal, BIA and Crow monies, in addition to housing authority funds.

The best advice Fritzler received from elected officials was for the tribe to pass a resolution at a Crow Council meeting calling for an overall audit.

"We have commitments

from Mansfield, Metcalf, Melcher, the General Accounting Office, and the BIA in Washington to help us in any way they could if we got this done," Fritzler said.

During a special meeting of the tribal council on Oct. 10, the Crows passed, by a 289 to 4 margin, a resolution to audit the tribe's finances. But Fritzler said the present tribal administration headed by Stands Over

Bull has so far refused to sign the resolution.

LaVerdure said he and Stands Over Bull agreed in Helena to discuss the HUD audit problems at a "later date." LaVerdure declined to specify. Stands Over Bull was unavailable for comment.

Besides audit errors, Crows claim that homes constructed on the reservation are poor in quality.

Jerry Manus, Billings HUD representative, denied that charge, too, saying most homes he's inspected meet requirements with "minor exceptions."

Fritzler said the minutes of the last council meeting had not been approved by the tribal administration either, nor had a resolution calling for an immediate per capita payments to tribal members.

The angry Crows see Stands Over Bull's refusal to act on the resolutions as an attempt to squeeze them into a re-negotiated coal deal with Shell Oil Co.

"Then, Shell's cowboys will come riding out of Young's Creek with a per capita for the Crows and Stands Over Bull will be yelling, 'Hi yo, Silver' and reaching for his check," Fritzler said.

## The Boston Globe

BOSTON, MASS.

(MORNING)

D. 275,571 SUN. 570,839

NOV 1 0 1976

### Maine Indians told:

#### 'Be patient'

I urge the governor of Maine to reconsider his decision to halt negotiations with the Penobscot and Passamaquoddy Indians.

Their class-action suit alleges that 12 million acres of land were stolen by the State of Maine. In 1970 a Federal law was enacted that insists that the government must approve all treaties involving Indian land. The land-stealing treaties of 1794, 1796, and 1818 were signed without Federal approval, thus violating Federal law.

For thousands of years the native Americans were caretakers of their Mother Earth, while in only 400 years we have brought this land to the brink of disaster with nuclear holocaust, DDT, animal extinction, radiation and other maladies stemming from our general disregard for our environment.

On one hand, we have had for centuries a group of people telling the Indians to be patient and to trust the white man, act peacefully and through the courts. On the other hand we have a group of native Americans who have seen their mother beaten for hundreds of years while struggling to maintain a culture of their own.

The State of Maine is telling the Indians to forget the courts and negotiations and is handing them resource-depleted scraps.

The people of Maine should support the dislocated Passamaquoddys and Penobscots and educate their misguided governor as to who is the best caretaker and legitimate owner.

PATRICK J. O'CONNOR  
UMass-Amherst

Amherst

## Minneapolis Tribune

MINNEAPOLIS, MINN.

D. 223,455 SUN. 604,616

OCT 31 1976

### Navajo map offered

A map of Navajoland, U.S.A., published by the Navajo Tribal Council, can be obtained for 50 cents from the Navajo Tribal Museum, Window Rock, Ariz. 86515. It is also available at information centers and trading posts. Free, but far less detailed maps of the region can be obtained from the Gallup-McKinley County Chamber of Commerce, 103 West U.S. 66, Box 1395, Gallup, N.M. 87301.

## The Dallas Morning News

DALLAS, TEXAS

D. 259,569 SUN. 314,000

NOV 2 1976

## Indian officials planning major national meet

Indian officials from across the Southwest met here Monday to pursue recent promises from Dallas Native Americans for more political involvement.

The chiefs and tribal representatives met at the American Indian Center (AIC) to plan a major national political convention of the National Congress of American Indians (NCAI) here next year.

It marked the first time in several years that representatives from Dallas' rival Indian communities in East Dallas and Oak Cliff had joined in a common project, officials said.

Tribal chiefs and Indians in government and local agencies discussed NCAI's political strategy Monday during their initial planning meeting for host arrangements.

The main priority of the 34-year-old Indian congress is to gain more influence with the U. S. Congress, said the NCAI delegation.

NOV 5 1976



JOHNNY CHUMWALOOKY, LEFT, AND  
TOMMY WANEGO

## Indians make 'good' welders

A large group of Indian youths are learning the welding trade at a private Tulsa school and the owner says they have a "natural" ability to perform the work.

Noel Adams, owner of Tulsa Welding School, said he is training 33 of the young men, many placed by the Area Employment Assistance Office in Muskogee.

International pipeline construction

firms are providing high pay and other incentives to attract welders willing to stay a sufficient amount of time, often in remote areas, Adams explained. Adams said the demand has caused the school to teach three shifts per day, five days a week.

He said 82 per cent of all students are graduated from the school course which runs from five to 16 weeks.

# NOV 5 1976

## Sioux to be honored today

Participants in a conference on Indian education will have a ceremony in Mankato, Minn., today to honor 38 Sioux Indians who were hanged in the aftermath of the 1862 Sioux uprising in Minnesota.

The ceremony will be held on Main St. near where the gallows were erected in 1862.

The weeklong conference is being held in the Twin Cities to discuss alternate schools controlled by Indians and to focus attention on the recent cut in federal funds used specifically for educating Indian children.

Funds have been cut from \$55 million to \$40 million. The two Indian-run alternate schools in the Twin Cities—the Heart of the Earth Survival School in Minneapolis and the Red School House in St. Paul—rely heavily on federal funds.

The Minneapolis school, which has about 95 students, received grants this year totaling \$240,000. The St. Paul school, which has about 100 students, received \$210,000, according to the Department of Health, Education and Welfare.

Other grants in Minnesota went to the Mille Lacs Reservation at Onamia (\$148,000), the Minnesota Chippewa Tribe (two grants totaling \$165,500) and the National Indian Education Association in Minneapolis (\$133,000).

The conference is scheduled to end this weekend with powwows Saturday and Sunday and suppers both nights with traditional Indian foods. The meal Saturday will be at the Union Gospel Mission in St. Paul and Sunday at the Native American Center at 6 p.m.

OCT 23 1976

# Ray Tracey: Indian for Indian

By PATHANNA  
News Staff

WHEN RAYMOND TRACEY was a little boy back on the Navajo Indian Reservation in northern Arizona, he and the other kids went to see western movies like everybody else.

"We'd see those Indians up there on the screen portraying a massacre, burning homes, shooting the whites with bows and arrows, and when the trumpet blew and the U.S. Cavalry came galloping to the rescue, we Indian kids cheered for the good guys. The whites.

"I was always asking my dad to buy me six-shooters so I could play cowboys and Indians. Everybody wanted to be the cowboys, nobody wanted to be Indians . . . ."

The handsome young man with the intense eyes relaxed. Then smiled. "We were seeing ourselves through the eyes of the white man and we were savages."

Tracey is 23 now with 2½ years of college work toward a civil engineering degree and two films towards a career in the movies behind him. But he still remembers the fear he experienced when his parents decided it was time for him to leave the reservation and go to the white man's school in Kaysville, Utah, in the Latter-day Saints placement program for youngsters.

"I HAD THE SAME problems any minority kid has — there were so many of 'them' and only one of me. I felt I wasn't as good as the white kids. My foster family was very good to me but it was still awfully hard for a young Indian to be thrown into a completely different world."

In retrospect he realizes "We had it pretty good on the Navajo reservations. We had a fantastic school system for such a remote area. You could get a good education if you wanted it, and my parents prodded me to do my best in school. Still the best training and the best grades in the world don't make you too sure of yourself in a new environment. It took me a long time before I snapped out of it and started going after things at school... joining clubs and going out for athletics. I ended up vice president of the student body.

"It took me all that time to realize people are the same . . . it's the individual who puts himself in a situation. White kids had been trying to be friends. I just wouldn't let them because I felt different. Actually I became popular BECAUSE I was different.

"Finally I made peace with myself. I realized

there are some whites who just don't like Indians, but people are generally good and just care what's in your heart."

When he started college, he found militant Indian friends who wanted to stick with the Indian ways. "No Indian is going to forget what has happened in the past. The militants have their place. I'm not saying Indians had a fair shake in the land treatment. But I have learned to like the white man's world. What's past is past. My culture is today. If I take the best from Indian tradition and white technology, I can be my own man and hopefully do anything I want."

WHAT HE WANTS IS as much a question to him as many other young men his age. He had planned to be a civil engineer, following in his father's footsteps, until a chance meeting led to a screen test and a leading role in "The Great American Indian" a couple years ago. "I was the kid who never watched TV in the evening and hated having his picture taken and here I am, an actor!"

Next came the title role in "Joe Panther," premiering in Denver Tuesday, before opening in 37 theaters across the state. What had seemed a "kick" has taken on a new importance. "I'm serious about a film career. It's shaky business but I'm all for new things to see and learn and do. I still want to get that engineering degree but first I want to see what happens with this. I'm going as far as it takes me."

He hasn't been back to the reservation — doesn't plan to go back. "But my dad's proud of me. My mom . . . well, she is more education minded. She keeps asking 'When are you going to get out of the movies and get on with your education?' My dad's cool. I like my dad."

HE'S ALREADY GOTTEN some hassling from his militant friends . . . expects more. "I know I'm going to get feedback, but I'll accept it. There are always two sides of an issue. If you live in the past, you'll end in the past. I want to live in the future. I want to be a winner. I don't want to die wishing I could have tried something.

"Besides, I think these movies might help the Indian cause. They show Indians and whites are pretty much the same. A lot of people on reservations have it rough but what can I do about that? This way I can help a few kids. by showing another Indian is trying to make good." Besides, now Indian kids can cheer for an Indian instead of the cavalry.

## kids to cheer

# BIA Job Actions Inept,' Says CSC

NOVEMBER 15, 1976 FEDERAL TIMES

In a blistering condemnation of Bureau of Indian Affairs' handling of such personnel activities as merit promotions, recruiting, equal employment and illegal detailing of employees, the Civil Service Commission rapped the agency's job personnel services unit as "inept, totally ineffective and ruinous for a headquarters establishment."

This is the thrust of a recent CSC evaluation report, which also accused the personnel services office of having met with "a complete and total breakdown" in its efforts to fill vacancies in BIA, an agency of the Interior Department.

Deficiencies in BIA's personnel servicing, as spelled out in the commission's evaluation report, follow:

- The placement process is "poor."
- There are long delays in completing job processing actions.
- Qualifications of prospective employees are poorly evaluated.
- Merit promotion program operations are fraught with violations.
- Recruiting is ineffectual, particularly with regard to Indians.
- The servicing personnel office "is inept and almost totally ineffective — ruinous for a headquarters establishment."
- Staffing level and mix of jobs are not related to the work that must be done.
- The level of expertise is low, essentially it is a clerical operation.
- Technical guidance is not available to the job servicing unit from the bureau's personnel management division.

In view of its findings, the commission recommended that the servicing personnel office be placed under BIA's personnel management division, since managers do not trust the servicing personnel office in critical or key actions.

Among other weaknesses it uncovered, the commission noted that although BIA has available most of the information necessary to project manpower needs, the agency possesses no complete

manpower planning system.

In conjunction with the budget process, input is obtained from tribal sources concerning future needs of BIA-provided services.

This information is used by program officials to determine the future level of services to be provided while taking into account anticipated appropriations.

These data are translated into projected manpower needs to ensure that the right numbers of people with the necessary skills and abilities are available throughout the organization to carry out the BIA mission.

CSC noted, however, that "this information is not transmitted to the personnel management division for dissemination to operating personnel offices."

Consequently, these offices are unable to respond "in the most effective manner to the needs identified.

"Thus handicapped, it is not surprising that recruiting efforts have been ineffective and are not meeting BIA central office needs," CSC said.

BIA's recruiting needs are somewhat different from those of other federal agencies.

This is because the legal mandate of Indian preference and what CSC described as "the uniqueness of the BIA mission" tend to narrow the potential labor market from which the bureau may draw.

CSC was told by numerous BIA officials that "it is extremely difficult to attract Indian candidates to Washington, D.C."

CSC contended, however, that "these difficulties and constraints only underscore the need for a more active approach to manpower planning and recruiting.

"The absence of a unified manpower planning program and the ineffectiveness of recruiting efforts have resulted in a failure to obtain people with the necessary skills and abilities to fill key positions in the BIA headquarters office," CSC said.

As evidence of this failure, CSC cited statistics which show that at the time of the evaluation, there

existed 95 vacancies in BIA headquarters, "an extremely high percentage — over 25 percent — of total positions."

CSC noted, for example, that the position of support services officer, GS-15, has been vacant since September 1974, or more than two years.

Regarding the merit promotion program, CSC said that the results of questionnaires and interviews with BIA employees indicate "an extremely low number of employees believe that promotions are given fairly in BIA."

For instance, only 15 percent of employees responding to the commission's questionnaire believed that promotions are given fairly, compared with a governmentwide average of 30 percent.

Although acknowledging that this can be traced in part to the effects of Indian preference on promotion opportunities, CSC noted, nevertheless, that "the fairness of promotions ranks low among Indian employees also.

"This is not surprising in view of the nature and number of promotion-related procedural and regulatory violations found by the survey team," the commission said. "These violations have had a net effect of reducing opportunities for employees to compete for promotion."

CSC also rapped BIA for improper use of details of employees.

The commission's survey team uncovered 22 instances of employees informally assigned to other positions for extended periods, more than 30 days, without appropriate documentation.

Such action, said CSC, was in violation of the requirements of Federal Personnel Manual Chapter 300, subchapter 10, which stipulates that any detail exceeding 30 calendar days must be documented in the employee's official personnel folder.

Details which extend beyond 120 days must be approved in advance by CSC. The commission noted that 15 of the 22 detail violations involved situations requiring prior approval from CSC.

Regarding Indian preference and staffing practices, BIA officials sought to vilify the Indian preference practice as being the major deterrent to a merit staffing program within BIA.

CSC disagreed.

"It is not Indian preference per se which has caused the problems," said CSC, "but the lack of a comprehensive and definitive policy on how Indian preference is to be administered in the context of merit staffing practices.

"Neither top management nor personnel has put forth such a policy," the commission added.

Consequently, interpretations of how Indian preference applies in merit staffing actions differ in various parts of the organization.

For example, some vacancies have remained open because no qualified Indians had applied while other vacancies have been filled by non-Indians, "with no apparent attempt to recruit Indians," the commission noted.

"This causes a ripple effect on staffing programs, as evidenced by high number of vacancies, long delays in filling positions and excessive use of details," CSC said.

The commission also leveled sharp criticisms of the agency's equal employment opportunity program, charging that it "is characterized by a lack of support by top management and little acceptance by supervisors and employees."

Employees expressed disbelief to CSC interviewers that there was even a program in existence — and the prevailing view at all levels is that EEO and Indian preference are incompatible.

"Overall, little attention is given the program and even less interest is shown in developing positive action in response to requirements," the commission said.

Even though there are 531 minority group employees out of an agency employment total of 832, CSC contends that BIA efforts are inadequate in recruiting and developing Indians, other minority group members and women.

The commission also found that there exists no upward mobility program in the agency, even though 65 percent of Indian employment is concentrated at the GS-2 through 7 levels.

Also, CSC noted that "there has been no EEO training provided to supervisors, managers or employees during the past 12 months."

Nor has there been any wide issuance of EEO policy guidance or dissemination of information, particularly on Indian preference and its interrelationship with the overall EEO program.

— ANDRONICOS.

## 15 Papago Indians Nab Smugglers

Five more Papago Indian patrol officers have been hired by the U.S. Customs Service to help patrol the smuggler-ridden 60 miles of U.S.-Mexican border near Sells, Ariz.

The new recruits bring to 15 the number Customs has assigned to the area, which lies within the Papago Indian Reservation.

Previously, non-Indian Customs officers faced difficulty disguising their presence, negotiating the desolate terrain and communicating with the Papago tribe members who speak an unwritten language almost impossible for outsiders to learn.

U.S. Commissioner of Customs Vernon D. Acree appointed seven members of the Papago tribe as Customs patrol officers in 1974. Later, their number was increased to ten.

Since their appointment, the Papago Customs patrol officers have made 63 drug seizures totaling 37,256 pounds of marijuana. There have been 45 arrests, with 48 vehicles and 16 horses seized. Many of the horses have been put to work with the Customs Service in the Sells area and at Lukeville, Ariz.

OCT 22 1976

## Indian Arts For Women Are Planned

/"INDIAN Fine Arts - A Female Prospective", jointly sponsored by the Oklahoma Arts and Humanities Council and the National Endowment for the Arts, Washington, D. C., will be presented at 7 p.m. Oct. 29 in the University of Oklahoma Stovall Museum, 135 Asp, Norman.

Aiding with the fine arts program is the Norman-based "New Sooners," an organization for women and

their husbands who are employed by the university.

Spokesmen for the group, Sharon Garcia, said the event will be geared toward the Indian woman.

"There will be two parts to the program. Lucillia Wise will give a talk on 'Appreciation of Indian Creativity' and students from Concho Indian School will give readings of their own poetry," she said.

ON DISPLAY will be original paintings by five female Indian artists, Mary Adair Horsechief, Sharron Ahtone Harjo, Ruth Blalock Jones, Virginia Stroud, Carrie Wahnee (who paints under the name "Water Girl"), and Mary Bresser Young.

The paintings will be on exhibit on the second floor of Stovall and the "New Sooners" will be available as tour guides. The artists will be present to discuss the paintings.

TULSA WORLD

TULSA, OKLA.

D. 114,227 SUN. 200,191

NOV 2 1976

## Lo, The Poor Indian!

REMEMBER the crying Indian of tv commercials? Well, the warrior moved to tears over the littering habits of Americans has done his job too well.

At least that's the opinion of the container and packaging industry which sponsored the Keep America Beautiful campaign, of which the warrior was a part.

The Indian and other efforts to spotlight litter problems prompted three States to ban non-returnable containers from even being used.

Tuesday, four more States will vote on measures to halt the use of non-returnables. The results of the vote in Colorado, Maine, Massachusetts and Michigan could well determine the direction of the "bottle battle" in the U.S.

Both sides have won some skirmishes in the war and basically are

arguing economics. The container industry contends the ban of non-returnables would cost 82,000 jobs and the industry millions in no longer needed machinery.

But the Environmental Protection Agency said such a ban nationwide on throwaways would save the equivalent of 115,000 barrels of oil a day and provide 118,000 jobs for recycling activities.

Regardless of the outcome, the weeping warrior isn't anymore. His industry sponsors want to run a tv commercial of him smiling over the success of cleanup campaigns and coincidentally show there is no need for anti-throwaway laws.

The EPA and the National Wildlife Federation dropped out of the anti-litter campaign over this, calling the proposal an industry front.

Lo, the poor Indian! He can't win, even when he does win.

OCT 10 1976

# Charlie Knows His Trade

**ROOSEVELT NATIONAL FOREST, Colo. (UPI)** — When an elderly woman tourist marched into his trading post and tried to teach him about Indian jewelry, Charlie Eagle Plume threw her out and closed early for the 1976 season.

"I ain't never hit old ladies," he said. "They fight dirty and I ain't as young as I used to be."

If there is one thing Charlie knows, it is Indian jewelry. Charlie was sitting in the back of his shop, braiding a long Indian-style wig he wears while on his winter lecture circuit. At his feet sat a huge black Doberman who watches over his master.

## Nestled Among Trees

The trading post is nestled among the Aspen trees on the winding highway between Allenspark and Estes Park, at the base of 14,256-foot Long's Peak. You have to look closely though, for Charlie's place is small and only has one small sign out front.

"It's my theory," he said, "if you come up here I figure you want

to look at the mountains, not signs. I try to be inconspicuous."

He sat in the tiny room, a short, hunched-over man with a large nose and dark black hair combed straight back. He worked on the wig, chain-smoking cigarettes as he talked.

"Got to clean this here wig up for my lectures. Got to look neat, clean and sexy."

The shop is only open from June to September, when Charlie begins traveling throughout the country lecturing to any group that will pay to hear him.

## Recognized Expert

Despite his contankerous nature and tendency to spin tall tales, he is a recognized authority on the artifacts and jewelry of the Navajo, Hopi and Pueblo Indian tribes.

"I'm a damn good talker," Charlie said. "I say things in my lectures that would drive a man outta town. They'd drive him out on a rail."

"But I wear this here wig, see, and an indian costume and I can

get away with it. I'm one-quarter Blackfoot, one-half German and a quarter French, but they look at me and say he's just an Indian."

During the three-month tourist season, Charlie operates his trading post with the help of 11 part-time workers. He says he has an estimated \$3 million worth of artifacts and jewelry in his shop. Each year in September, he packs it up and ships it to a nearby storehouse for the winter.

Anthropologists at the University of Colorado Museum in Boulder said Charlie promised to give them \$1 million worth of artifacts upon his death. But the old trader said he would include a provision in his will stating if the security at the museum doesn't improve in 15 years, the collection will be transferred to another school of his choice.

"The other \$2 million worth of stuff I'll give to a couple of kids who take over my trading post. If they don't want it, I'll just give the whole damn lot to the state."

MILWAUKEE SENTINEL  
MILWAUKEE, WISC.

D. 167,765

OCT 30 1976

## Fifteen Indians Deny Charges Over Hunting

Special to The Sentinel

Hayward, Wis. — Fifteen Indians pleaded innocent in Sawyer County Court here Friday to charges involving violations of various Wisconsin hunting, fishing and safety regulations.

Trial dates for the suspects, all members of the Lac

Courte Oreilles band of Chippewa Indians, were set for late November and December.

A motion for change of venue was submitted for those requesting jury trials. Atty. Gene Potack, representing the Indians, said that the suspects could not receive a fair trial in Sawyer County.

An earlier motion submitted by the defendants to dismiss the charges because Indians retained hunting and fishing rights on lands ceded to the US in various treaties was dismissed by County Judge Alvin Kelsey.

"All people off the reservations should be treated equally," Kelsey said. His decision earlier cleared the way for the 15 Indians to be tried in his court.

Some of the violations occurred more than two years ago. The most recent was last April.

Charges include possessing deer or fish out of season, hunting with an artificial light, possessing a loaded firearm and taking fish from a fish refuge.

He was informed by Commissioner Robert V. Smith the city council decides how many members sit on the housing commission.

George Ormiston, authority executive director, endorsed the idea of a special Indian counselor and recruitment program.

He noted, however, that staff positions and his budget are subject to approval of the housing commissioners.

In other action at the board meeting, attorney Dan Fowler said there was no way the authority could enforce a curfew on tenants of Sooner Haven and SE 15 and High housing projects.

He said authority security guards do not have the police power to enforce such a curfew, and that such a regulation might constitute illegal selective enforcement of a city ordinance.

The projects have been plagued by vandalism and crime late at night and Ormiston said several tenants had requested such a curfew.

In other action, Danforth was voted vice chairman of the housing authority, filling a vacancy created when former commissioner Lloyd C. Roach was declared ineligible to serve on the board.

Under board procedure, Danforth will become board chairman July 1, 1977, when the term of current chairman Mrs. W. Rogers Abbott expires.

The Miami Herald

MIAMI, FLA.

D. 384,824 SUN. 486,568

OCT 2 9 1976

Statistics for 1972-74

## Minorities Increase In College Classes

WASHINGTON — (AP) — Minority enrollment in the nation's colleges and universities rose 11.7 per cent between 1972 and 1974, with major strides in private colleges and universities, the U.S. Office for Civil Rights announced Thursday.

The government survey showed that white enrollment in public institutions actually decreased during the two years, from 3,986,450 to 3,964,292. White enrollment in private schools rose modestly from 1,405,862 to 1,448,368.

MINORITY STUDENTS represented 11.9 per cent of the total higher education enrollment in 1972 and 13.1 per cent in 1974.

During the the two-year period, black enrollments in private schools increased by 27.9 per cent,

Spanish-surnamed by 105.4 per cent, Asian-Americans by 33.7 per cent and American Indians by 6.4 per cent, the agency said.

Total minority enrollment in 1974 was 587,835 in public institutions and 227,301 in private institutions.

Across the board, American Indian enrollments were up 2.3 per cent from 33,919 to 34,692; blacks up 19.2 per cent from 489,496 to 539,500; Asian Americans up 8.7 per cent from 67,662 to 73,527; and Spanish-surnamed up 20.8 per cent from 138,631 to 167,417.

The one exception to the trend was in graduate schools, where enrollments of American Indians and Asian Americans declined over-all.

IN PRIVATE professional schools, American Indian enroll-

BILLINGS, MONT.

GAZETTE

D. 44,000 SUN. 56,000

OCT 3 1976

## An Indian view

I read the brochure circulated by the Montanans Opposing Discrimination (MOD), and I should like to make the following comments in regard thereof.

It is apparent that the members of MOD are not wholly aware of United State's past history and probably could care less. Two hundred years ago your forefathers had a conscience concerning the ravishing

of this great country we call America. I wonder what happened to posterity along the way. The MOD organization advocates objectives which I feel are dictatorial. This is supposedly a democratic form of government with electoral representation.

American Indians have fought in many wars for the ideals of this great country. Many died, large numbers disabled, many highly honored and decorated. What greater love hath man that he lay his life on the line for his neighbor or friend? Indians owe allegiance to the United States of America, not citizen-organized groups who are concerned with the loss or gain of self-preservation. I hardly think Fort Peck reservation would want jurisdiction over non-Indians. We couldn't build a jail quite that big.

Contrary to belief, Indians do pay federal income tax on earned income. Trust income, no. Businessmen on the reservation have prospered very well. Also, I haven't seen any starving farmer-ranchers lately.

MOD speaks of the Homestead Act. Non-Indians and lobbyists were responsible for making this possible. The American Indian could only abide and Fort Peck Indian reservation has been gobbled up since. Yet we have survived.

MOD wants supremacy over Indian treaty laws. Article II, section 2, part 2 gives Congress the power to make treaties, not only with the Indians, but foreign powers also. MOD defies this portion of the U.S. Constitution, reference MOD declaration of purpose. Article III, section 2, gives the judicial branch of government the power to resolve these treaties.

The MOD organization has shed new light on the true feelings of their group as far Indians are concerned. Custer made his last stand gallantly. MOD may very well see the American Indian make his last stand for the Indian is a true warrior.

Ray K. Eder  
Poplar

Cont'd

OCT 26 1976

# Center named after recovered alcoholic

By MARJORIE JONES

Six years ago an Athabaskan Indian looked through the bars of his padded cell in the city jail, so ill that his future was questionable.

Yesterday he stood in front of the new Indian residential-treatment center at the Cedar Hills Alcoholism Center in Maple Valley and heard County Executive John Spellman dedicate it in his name.

"It's quite a surprise," said Ernest Taylor as Spellman shook his hand. "I had no idea you were going to name it after me."

The Ernest Taylor Residential Center will provide intensive care to Indian alcoholics, long considered a major need. There are 32 beds for men and 12 for women.

"We're not segregating Indians as an ethnic group," Taylor said. "We're segregating the problem which we recognize as the No. 1 problem among American Indians."

THE \$200,000 center for Indians and a new 96-bed long-term facility to be opened in January were funded by Referendum 29. The total cost will be about \$1 million, with 25 per cent coming from the county.

"Lack of understanding of Indian ways, cultural heritage and lifestyle has hampered treatment," Spellman said. "With the opening of this facility an important missing link is added to King County's comprehensive treatment system."

Spellman cited Turner's leadership in getting the center established.

Turner, 46, came here in 1950 for treatment of tuberculosis. When he recovered, he became a barber, but

he also became an alcoholic. In the mid-1960s he hit Skid Road, working only occasionally when he sobered up. Finally his health again was affected.

In August, 1970, when he was arrested, a woman physician in the city jail suggested Turner ask the judge to sentence him to Cedar Hills.

"I did and it saved my life," Turner said.

TURNER, DETERMINED to help other Indians, went to the University of Utah to take a course designed to help Indian alcoholics. Returning here, he put together an alcoholism program through the Seattle Indian Health Board.

For the past three years he has been director of the program. He will supervise activities at the center.

Turner is chairman of the National Indian Alcoholism Advisory Committee. He also coordinates activities of the Thunderbird Fellowship House, a halfway house for Indian alcoholics and an information-and-referral agency on Skid Road.

D. 91,114

OCT 20 1976

# Racial bias claim made on housing

By Teresa C. Pitts

A public housing commissioner today accused the Oklahoma City Housing Authority of "gross discrimination" by not providing homes for more American Indians and Mexican Americans.

Out of 2,300 families living in homes or apartments subsidized by the federal government in Oklahoma City, more than half are black, and only 15 are Indian, commissioner Louis F. Danforth told a board meeting today.

"According to the 1970 census, the ratio of blacks to Indians (in Oklahoma City) is 4 to 1, yet in public housing, blacks occupy 57.1 per cent of the units, and Indians six-tenths of 1 per cent, and Chicanos and Orientals three-tenths of a per cent," Danforth said.

"These figures prove, to me at least, that there is gross discrimination in the system and that this situation should be remedied immediately."

Danforth proposed that government funds provided under a new rent subsidy program be utilized to increase the number of non-black minorities in public housing.

The Native American Center in Oklahoma City has complained of housing discrimination to the U.S. Office of Housing and Urban Development. The complaint has been turned over to the office of fair housing and equal opportunity in Dallas.

The center has asked HUD to investigate the housing authority's policies for evaluating minority applications for housing and to require the authority to hire a special counselor to work with Indian applicants.

Bob Gardner, of the Indian Training and Employment Program, told commissioners today they also should allow an Indian to sit on the board.

Cont'd

# Waukau Ousts

Green Bay Press-Gazette Wednesday, Nov. 3, 1976 A-9

## Menominee Sheriff Fish

**KESHENA (PG)** — One of the more controversial sheriffs in Wisconsin, Kenneth M. Fish, has lost in his bid to remain as Menominee County sheriff.

He was defeated 599 to 547 by William (Kooch) Waukau Tuesday, according to Menominee County Clerk Louis Dickle.

Fish, a Democrat, was appointed sheriff by Gov. Patrick J. Lucey on April 16, 1975 and was seeking his first two-year term as sheriff of Menominee County.

Waukau, a Republican,

presently is a deputy who claims that Fish has demoralized the department.

Since being appointed, Fish has come under criticism for his actions during a shoot-out Feb. 3 of last year that resulted in the deaths of John Waubanascum Jr. and Arlin Pamanet. A state Justice Department probe cleared Fish in that matter.

He also was cleared of an allegation that he was intoxicated while breaking up a drinking party in Keshena about a year ago.

Nine of his deputies also



**SHERIFF FISH**

presently are enjoined from serving because they have felony records.

In another race, Marie L. Frechette, a Democrat, defeated independent Mabel E. Brown for the county clerk job. The vote was 563 to 446.

The present clerk, Louis Dickie, is retiring.

Robert Waukau, a Democrat, is the new coroner. He defeated Coroner Alfred Corn Sr. in the Sept. 14 primary, and was unopposed in the general election.

Also elected without opposition were Democratic Treasurer Barbara Frechette, Register of Deeds Jean S. Besaw and Clerk of Courts James La Rock.

La Rock was appointed last

summer to replace Mary Grignon, who resigned to be tribal courts clerk.

Republican Richard Stadelman also was unopposed and was re-elected as district attorney.

MINNEAPOLIS, MINN.  
MINNESOTA DAILY  
DAILY 35 000

OCT 19 1976

### Group asks release of Indian

About 50 members of the Native American Solidarity Committee (NASC) and their supporters marched to the Canadian Consulate in Minneapolis Monday to demand the release of Native American activist Leonard Peltier.

Peltier, a Sioux from Grand Forks, N.D., has been imprisoned in Vancouver, B.C., since February. The United States has asked for Peltier's extradition to stand trial for a murder in a June, 1975, shootout at the Pine Ridge Reservation in South Dakota in which two FBI agents and one Native American were killed.

Cathy James, a member of NASC's national coordinating committee, read a statement asking for Peltier's release and political asylum in Canada to Canadian consul John H. Bailey. James said the United States seeks Peltier's extradition as "part of a systematic attack on Indian people through our country's courts."

A District court judge in Vancouver ruled in September that sufficient evidence existed for Peltier's extradition. But David Tilson of NASC

explained that two other Native Americans charged in the same case were acquitted this summer and charges against a third were dropped.

Bailey assured the demonstrators that their statement would be considered when Peltier's appeal comes up later this month and that a copy would be forwarded to Canadian Minister of Justice Ronald Basford, who would make the final decision if the matter is not resolved in court. "We'll just have to wait and see now," Bailey said.

But according to NASC member Karen Northcote, NASC has no intentions of waiting.

The organization's 26 chapters will hold demonstrations in several cities and gather petitions and sponsoring speakers. A people's tribunal also is being organized, Northcote said, "to expose and challenge the role of the FBI in oppressing native people."

At a press conference Friday, James said Peltier's case has received a lot of support in Canada. But his chances of winning the appeal, she explained, would be helped by similiar support in the United States.

ment rose the fastest although the actual numbers of those students remained small. There were 538 Indian students in private professional schools in 1974, up 24.2 per cent from the 433 in 1972.

The number of blacks in private professional schools increased 7.5 per cent, from 8,684 to 9,334; Asian Americans up 4.6 per cent from 2,457 to 2,569; and Spanish-surnamed up 13.8 per cent from 2,625 to 2,998.

Total minority enrollment in law schools rose 111 per cent, to 11,103 in 1974. Total minorities in medical schools increased 50 per cent, to 6,119.

In 1974, there were 3,757,916 female undergraduates and 4,403,316 male undergraduates. In graduate schools, there were 469,267 females and 599,125 males. In professional schools, there were 48,480 females and 179,944 males.

THE DAILY OKLAHOMAN  
OKLAHOMA CITY, OKLA.  
D. 162,001 SUN. 182,676

NOV 4 1976

# Indian Activist Lashes Out at Hometown Ponca City Police

PONCA CITY — In his first visit to his native Ponca City since being released from prison, Indian activist Carter Camp lashed out at the local police force during a rally here Wednesday.

The afternoon rally, which included Camp and other American Indian Movement leaders, was held to protest alleged police brutality in Ponca City.

City officials and the FBI are investigating allegations that a 24-year-old Indian man was beaten while under arrest on a public drunkenness charge. Neither of the investigations is complete.

"I knew we had a lot of things wrong here in Ponca City," Camp said. "But when these police, these pigs, brutalize my brothers then

it's time to come home."

Camp was recently released from a federal prison after serving 14 months for his participation in the Wounded Knee seizure and occupation in South Dakota.

"I'm perfectly willing to have another Wounded Knee in Ponca City if that's what it takes for justice," Camp said.

City officials have temporarily suspended the police officer involved in the arrest of Edward Calls Him, said Marion Van Huesen, assistant police chief. An internal investigation by the city of the Oct. 22 incident is expected to be complete by Monday.

Van Huesen said the internal investigation is being hindered because Calls Him, who was reportedly treated Oct. 23 at a Ponca City hospi-

tal, has not given a statement to police.

An AIM spokesman said Calls Him would contact city officials Thursday.

AIM members, city officials, and the five-member city commission met here early Wednesday to discuss how to stop alleged similar incidents from occurring in the future.

Mayor Kenneth Holmes said a grievance committee or council that will be appointed by the Indian

people" will be established "so we can build the bridges and not dig

the gullies between our people."

"I think we will have

a healing process that comes out of this," Holmes said.

NOV 3 1976

Still cling to past

# Navajos reject offer to improve

By Ann Impey

*Ann Impey*

**MONUMENT VALLEY, Utah** — The Navajo reservation is a world apart. The sun's hot glare blazes into the deepest recesses of natural sandstone canyons. Even the insects seem to have forsaken this desolate land, for the silence can be complete.

Occasionally, a small herd of sheep tended by a young Navajo or an elderly woman will pass into view, in search of further grazing among the scattered tufts of grass and desert bushes.

Navajoland covers 25,000 square miles across Arizona, New Mexico and Utah.

But it is more like a poor, underdeveloped country of the Third World, struggling with the same problems of poverty, drought, illiteracy, lack of decent roads. Its language is obscure, making education difficult. Many of its people trust the old ceremonies and medicine men more than doctors.

Many of the people still live in mud-and-log huts called hogans. They say these are cooler in summer and warmer in winter than conventional-style houses.

Susie Black lives in a hogan in Monument Valley, an isolated, beautiful area of sandstone monoliths on the Arizona-Utah border. The area has often been used as a backdrop for television commercials and Westerns.

Susie Black has six children to raise in this octagonal one-room hogan. A small barrel converted to a stove provides heat. Light streams through the smoke hole and door. There are no windows.

The metal beds, overstuffed armchair, wooden shelves and gas stove look out of place on the dirt floor, against walls of skinned juniper logs. A tiny propane tank is stuck into the mud that covers the outside of the hogan.

Susie Black must travel 30 miles over rutted dirt and sand roads for water and supplies.

## Change of power

On March 12, 1966, President Sukarno of Indonesia turned over his power to anti-Communist Lt. Gen. Suharto. —

Many houses of Navajoland are not much better than Susie Black's hogan. Only 18 percent are large enough for all their inhabitants (usually six or seven), and have water, electricity and access to a road, according to Bureau of Indian Affairs figures.

Navajos live in this largely desolate reservation because it is their ancient homeland, because they were born here, and because the government put them here.

Much of the Navajo reservation is desert scrubland. During the hot summer months, it is rare to find water in the streambeds, baked and cracked from the blazing sun.

But in the mountainous areas, the pine forests are cool and green.

The chief form of transportation is the pickup truck, often battered into premature middle-class America. In fact, tribal leaders are trying to bring middle-class America to the reservation with modern housing, supermarkets and some industry. The transition is difficult.

Lack of experience with such modern skills as business management has resulted in Federal old age by the rugged roads. Only 4 percent of the reservation's roads are paved, mostly by the Federal government.

There is nothing tangible to prevent the Navajos from crossing the reservation border to try to make their way into investigations of the tribe's finances.

No one pays property taxes, for the Navajos do not own their land. The tribe does. Only those who live in tribal housing pay rent.

Characteristics and customs instilled by the Navajo culture — alien to the rushed and competitive life of the rest of the United States — hinder the Navajo's way into the white man's world.

Navajos teach their children deference and cooperation. They try to reach their decisions by consensus.

In the white man's world these characteristics come across as extreme shyness, lack of competition, indecisiveness. Non-Indian teachers find that children will neither ask questions in class nor volunteer answers.

The is enough tribal and Federal scholarship money available for every Navajo who wants to go to school to be able to do so on a full scholarship, said Thomas Jackson, president of the College of Ganado, a private junior college on the reservation. But he added that few do.

"If you've been herding sheep all your life, the possibility of your dreaming to be an airline pilot is very remote," he said.

Virtually every Navajo, from shepherd to secretary, still participates in the ceremonial "sings," part religious ceremony, part medicinal and part social.

Friday Kinlicheene, 81, is a Navajo medicine man. He specializes in the Night Way, or Yeibichai Dance, a ceremony for mental illness. Medicine men specialize in only a few of the more than 50 ceremonies, for they are complicated. In the nine days of the Yeibichai Dance, Kinlicheene will sing 576 songs and supervise four sand paintings and four ceremonial dances.

OCT 24 1976

Explore  
Arizona

## How to see Havasupai

<sup>6297K</sup>  
SUPAI — Havasupai Indian Reservation in the extreme western end of Grand Canyon National Park is a remote spot among towering red cliffs and waterfalls.

To get there turn north off U.S. 66 six miles east of Peach Springs and travel north passing through the southeastern section of the Hualapai Indian Reservation and across the Coconino Plateau. It is a drive of 64 miles to Hualapai Hilltop where you park your car.

Advance reservations are a must. You have three options as to how you want to make the trip down into the Havasupai Canyon. Many prefer to hike down the twisting eight-mile trail to Supai. All campers are required to call the Campground Reservation Office to confirm or make reservations before leaving the rim.

To make sure you have a place to camp write Campground Reservations, Supai, Ariz. 86435. Reservations will be held until 10 a.m. on the day of use, unless confirmed by calling from Hualapai Hilltop. Camping permit tags are issued on arrival at the tourist office in Supai. The Tribal Council limits the maximum number of campers to 135 per day.

For those riding down, reservations for horses must also be made in advance. Payment for all services should be made in cash. Riders need carry only a camera, canteen and similar items needed for the trail. Transportation from Hualapai Hilltop to Supai Village by saddle or pack horse is \$25 per animal round-trip or \$20 per animal one way.

A limited number of motel-like accommodations are available. These include beds, linen and bath. A communal kitchen with dishes, cooking utensils, gas stove and refrigerator is located in the building for the use of all guests. Rates are modest. A tribal store offers staple groceries, fresh meats, fruits and vegetables at reasonable prices.

For the less hardy, Grand Canyon Helicopters, P.O. Box 455, Grand Canyon, Ariz. 86023, provides service into the canyon. Individual rates are determined by the number of people taking the flight. Each aircraft has a seating capacity of four persons in addition to the pilot.

The Havasupai Indians first settled in the Grand Canyon around 1200 A.D. They traded with other tribes, such as the Hopi. Father Francisco Garces, a Spanish priest, found his way into Havasu Canyon in 1776. He was probably the first European to make contact with the Havasupai. Spanish missionary efforts failed and the Havasupai continued to live happily — and separate — from the rest of the world.

Their sanctuary was finally penetrated in the second half of the 19th century — by cattlemen, prospectors and loggers. A small reservation was established in 1882 but the Havasupai continued their separate existence. It is only in recent years that many outsiders have found their way into Havasu Canyon.

For additional information write the Arizona Office of Tourism, 1700 W. Washington, Phoenix, Dept. H, 85007.

OCT 24 1976

# Black River region has

# great fishing

It isn't too late for river bass fishing and the spot-of-the-month definitely is Black River which divides San Carlos and Fort Apache Indian reservations.

The two most successful Arizona fish introductions in decades have been stripers in the Colorado River and smallmouth bass in Black River. I'll leave it to your own pet fishing fancy which rates highest.

This time of year, thoughts swing to beautiful Black River where foliage has turned to crimson and gold and bronze-backs are foraging for food in a crisp and clear river.

Black River is strictly a backpack adventure and the toughest routes will lead you to hottest bass action. You can catch small bass until your arm gives out using muddler minnows and streamers on flyrods, or, by casting spinning lures like the Mepps and Z-Ray.

Such was the case for Phoenicians Bill



Bob  
Whitaker

and Steve Carey, Chuck Raines, and Stan Eissinger. On a recent three-day trek into the depths of this unscarred canyon with towering cliffs rising 600 feet above the river, they caught and released batches of pound-size bronze-backs. They went in from the Fort Apache side, dropping into the canyon above Bonito Creek. They reported ideal weather and stream conditions.

These conditions should hold up well into November. As waters chill, smallmouth action increases until

temperatures turn icy and the metabolism rate of the smallmouths slows down for winter.

The last week in October and early November are hard to beat in Black River. This is especially a good time for large flyrod streamers and topwater popping bugs. The traditional Calmac bug remains one of the deadliest for late-season smallmouth action.

Although Bill Carey and his party scored well on tiny plugs, more fish are caught on Mepps spinners than any other smallmouth enticer. Favorites are evenly divided between those with buck-tails and the standard version with red plastic tail.

Black River remains one of the truly wilderness backpack fishing streams in the state. Chances are you will see black bear, deer, bobcat and perhaps even a mountain lion on a two-or three-day hike. You actually are more apt to

see bear tracks than human footprints along wildest stretches of the stream.

There are several well-defined trails leading into good fishing water, but best results are found where you reach the stream by following game trails. I've fished the river five times and always found poorest fishing around the established trailheads.

If all this has whetted your fishing appetite, here are a few tips to remember: use lightweight backpack gear and keep your load to a minimum; hiking boots are a must for hiking in and out, but canvas shoes are the ticket for wading once you hit the stream. Stay alert for rattlesnakes—even scorpions—and carry a first aid kit.

One last suggestion, pick yourself up a Fort Apache Indian Reservation small game permit because pine flats flanking the canyon generally play host to heavy flights of bandtail pigeons.

OCT 30 1976



## MINORITY VOICES

# Fund Cutback Hurts Local Indian Education

BY TERRY TAFOYA *W 10/29/76*  
President, Indians into Communications

"For the First Americans the past has often been stained and shameful. In the last few years your hard work and the cooperation of our federal government have been dramatically turning this tide. Today, the future for Indian children is full of new found freedom, opportunity and self-fulfillment. I commit myself unequivocally to the kind of coordinated effort that will continue this trend in the years ahead." The above quotation is from President Gerald Ford's recent letter to the National Indian Education Association.

Indians are used to hearing fine words from high places ... but we live daily with the actions of administration rather than the words.

The reality is that Native Americans have accomplished a great deal toward improving their educational situation in spite of the government rather than because of it. For example, in Washington State for 1975, the ratio of non-Indian teachers to non-Indian students is nearly 23 students to one teacher. "The ratio of Indian pupils to Indian teachers is 139 to one," according to the last annual report on Indian education, prepared by the State Superintendent of Public Instruction (SPI).

Little can change in Indian education if we do not have Indian educators in the school system. Unfortunately, the federal government sees more in numbers than in needs. To the federal eye, there is a teacher surplus. But "... out of 40,593 (FTE) certified positions in the public schools, 193 are Native Americans," reports Harold Patterson, from the SPI's office. Patterson (a non-Indian) supports Native American recruitment into education. Indian teachers would serve "as role models for Indian children and combat alienation," he said.

The cutback in federal funding to education in general, continued Patterson "... does not relieve us of the responsibility of dealing with the imbalances that exist. Native Americans are not only a racial entity, they are political entities as well. They have special rights which are based on constitutional law which guarantees the treaties. One guarantee was education."

One of the local programs severely affected by cutbacks in fund is the Indian Teacher Education Program (ITEP) at the University of Washington. Headed by Willard Bill, a Duwamish-Muckelshoot Indian, ITEP has lot its federal money. The program provides a training ground for teachers of Indian students and a resource center for the Indian community. In the past the program has operated by providing services to paraprofessionals, including teacher aides going to community colleges, who could then transfer into the ITEP undergraduate component at the UW, and finally enter the ITEP graduate program. Graduate ITEP students serve as community resource people and staff for the ITEP center.

Ford also stated in his letter to NIEA:

"The progress of the '70s toward establishing a firm base from which to build quality education programs for Indian children will not go unnoticed. As educators, parents and laymen actively participating in this vital effort you are to be commended for your energy and success in the past few years. My administration is solidly behind your endeavors."

ITEP has a proven record of accomplishment and the general support of the community. ITEP has no more federal funding.

Bill Daisy, a student in ITEP has said, "they took a few years out of 200 to provide for Indian educators. Now they don't see it as a priority any more."

NOV 1 1976

# Indian Opportunity program director cites gains

By KATHY CALLAHAN  
Of The Tribune Tempo Staff

NORMAN — WHEN IOLA HAYDEN INITIATED THE economic development drive for the Oklahomans for Indian Opportunity program, she was told the only way to help the Indians in eastern Oklahoma was to buy them a bus ticket out of the region.

She didn't listen to that suggestion.

As director for the OIO, Mrs. Hayden believes the non-profit corporation has made strong economic gains in recent years.

In 1975, the Oklahoma Indian Development Corporation, a subsidiary of OIO, purchased the Moore Hat Company in Lawton. "We put together our own resources and purchased the company," Mrs. Hayden explains. "If we hadn't, the company would have left town." It manufactures western style straw hats.

The second company owned by OIOC is the Red River Stitchery in Anadarko, which produces home furnishings. The items are sold at such stores as Bloomingdale's and Macy's.

"We are a statewide self-help organization trying to make things happen," she says.

Mrs. Hayden joined the OIO staff in 1965 as the assistant director when the program was organized. "I was told an Indian woman couldn't be the director, in title, but I did the work of the director."

The program was begun with a rather vague idea, Mrs. Hayden continues. This was during the early years of the War on Poverty and the focus was on leadership training.

"We could write pages on the problems we saw. Finding solutions to the problems was what we needed. We initiated training to get Indians involved with the communities in which they live." Indian Centers were organized— one of which was in Tulsa — with the focus on youth programs. The youth programs no longer are funded by the OIO office, but are supported by other organizations.

THE OIO BEGAN TO concentrate on economic development about eight years ago because "Indians are farther behind in economic development than blacks and other minorities.

"We can't push someone to go into business," Mrs. Hayden contends. "We must make sure the feasibility for a particular business is there and that the Indians can work at it." OIO is funded by the Office of Native American Programs in the Department of Health, Education and Welfare; the Office of Minority Business Enterprise in the Department of Commerce, and by a grant from the Ford Foundation.

Mrs. Hayden, a full-blood Comanche, says as the OIO becomes better known, the public will feel less threatened by the office.

"There is a positive view by the public toward us," Mrs.

Hayden continues. "That wouldn't be the case if we didn't do anything; we are viewed as an organization which gets things done. We might have been feared for a while because we were an unknown factor. Now what we have done is more evident.

"Some tribes in Oklahoma have felt threatened by this program," she adds. "And, the majority of the staff is female. The tribes really don't have to fear us as much as they used to. The youth programs have been successful; there are people working at our centers who formerly were in the programs."

The OIO has set up centers throughout the state — Lawton, Holdenville, Ponca City, Sallisaw, Weatherford and Wright City.

"These centers are there for all people," Mrs. Hayden says. "In particular, we want to make Indians aware of what programs are available to them."

A comparison cannot be made between the OIO programs and those of a similar nature in other states, she contends.

"We are further along here in a lot of things. We are moving toward having more tribally oriented Indians, and this can be beneficial. But, those in the urban areas aren't tribally oriented. When dealing with federal funding, the urban Indians are pitted against the 'reservation Indians,' which divides us even more.

"Recently, a lot of people have claimed 'Indian' ancestry, when they have minimal Indian heritage," she continues, "more so on the East coast than locally. This partly is due to the Indian Finance Act passed in 1974."

FOR TWO YEARS, Mrs. Hayden directed the Americans for Indian Opportunity program in Washington. Later, she was with a HEW program for one year, before returning to OIO.

"I am having the opportunity to do the type of work I was wanting to do." As OIO director, she also is the president of the companies owned by the OIOC. and, since the office receives federal funds, Mrs. Hayden must spend a lot of time visiting with government agency officials. She describes herself as being a "tough task master."

"This work is somewhat unstructured. I have to be able to move and do things on my own." There are about 20 people on the paid staff throughout the state. The local centers have volunteers and actively seek more volunteers. The board of directors is composed of 41 Indians and non-Indians, who meet four times a year. Nine members of the board comprise the executive committee, which meets once a month.

The staff is working with the local groups to provide training and technical assistance for the centers. "We work with the staffs on basic counseling, the use of resources, and how to remove the barriers which keep Indians from getting services.

"Some feel they have a to identify with an Indian person for that person to like them, by saying 'I am related to an Indian princess.' I don't need that. I accept people as they are."

OCT 23 1976

Next stop, Washington

# Indians wind up meet

By Twila Van Leer  
Deseret News staff writer

"Justice through Sovereignty," the theme of the convention of the National Congress of American Indians which ended at the Salt Palace Friday, was supported by action on a number of resolutions.

Delegates from 113 tribes have considered several areas of government-Indian relations and developed resolutions intended to reestablish the tribes as independent entities within the United States.

The resolutions will be considered during deliberations of an Indian Policy Review Commission in Washington, D.C., which will make recommendations to Congress on Indian policy.

It was the consensus of delegates that the Bureau of Indian Affairs should be abolished and replaced by an agency on which Indians would have more power, possibly with cabinet status.

In a resolution on tribal government, the delegates reaffirmed their contention that the federal government has no right or authority to limit Indian tribal organization, and that federal responsibility is primarily to protect the rights of Indian tribes to continue to exist as sovereign, self-governing bodies.

In the resolution, the Secretary of the Interior and the BIA are excluded from any authority except in the exercise of trust responsibilities. Under terms of the document approved by delegates this week, Indians would have sole jurisdiction of all lands and people within their boundaries, with right to tax, regulate land use and natural resources.

In meetings regarding jurisdiction, intergovernmental relations, health and welfare and natural resources, the NCAI representatives have repeated-

ly urged that federal funds be directed to tribes without going first through the states in which they are located.

The tribes also will seek legal recourse against infringement on trust rights and responsibilities, either through the Department of Justice, or, in cases of conflict of interest, through U.S. payment of fees for lawyers and other private counsel.

Delegates heard a report Friday from a committee which has studied the provisions of Title 20 welfare benefits. The provisions were unacceptable in their present form, a panel told the delegates.

Suggestions for refinement to benefit Indians and recognize the sovereignty of tribes included providing for funding direct to the tribes rather than through states; basing of grants on need, rather than on percentage of the population; simplified accounting procedures.

Trust income should be exempted in determining eligibility for health and welfare programs, delegates agreed. A separate social services act to deal with specific Indian welfare and social needs will be sought.

The delegates also approved an international, intertribal pact to monitor agencies which handle adoptions and to trace children adopted out of the tribes contrary to tribal policy.

These children fail to learn their identity as American Indians, panelists said, and do not receive other benefits they would if not adopted outside the tribe.

The convention also agreed to persist in obtaining a \$450,000 Health, Education and Welfare grant to assess social and welfare needs of Indians. The grant was promised, but has never been forthcoming.

NOV 2 1976

# Legal warriors upholding Indian rights

By BILL SAMPSON  
Of The Tribune Staff

A pattern of revived Indian rights is emerging in eastern Oklahoma.

It can be seen in several developments during 1976. They include:

1. The startling \$177 million appraisal of the Arkansas River bed property owned by the Cherokees, Choctaws and Chickasaws announced last spring. The amount stunned even the lawyers for the tribes who had proven the Indians' fee title in the U.S. Supreme Court.

The bulk of it was in powerhead value at the dams on the river generating electrical power. That principle, developed by appraiser W. R. Holway and Associates, opened new avenues of thought for the Indians in regard to their water rights and revenue from them.

2. Implementation of a new Cherokee Nation constitution that authorized a deputy chief and a 15-member elected council. This should provide not only a "check and balance" and a minority voice in the tribe's government at Tahlequah but also a stronger representation of this second largest American Indian tribe as an influence in Congress and in eastern Oklahoma politics.

3. The Harjo vs. Kleppe decision in a Creek Indian case which ordered reconstruction of the Creek Nation government centered at Okmulgee. The Creeks must include legislative features of their 1867 Constitution in a new constitution they have planned.

More important than the local political impact on the Creeks, the court also held that the Bureau of Indian Affairs had overstepped its authority considerably, using bureau-

**a news  
analysis**

cratic policy decisions to impose unwritten law upon the Creeks since Oklahoma statehood.

According to the court, the BIA must back up, loosen its hold on the Creeks and let them exercise more freedom in deciding their own affairs. This development is not lost on many other tribes which have meekly followed the BIA dictate for years.

4. The American Indian Policy Review Commission hearings in Oklahoma which provided a platform for airing Indian grievances and expressing Indian ideas. They were

many and serious. Problems concerning health, education, housing, employment, tribal government and BIA domination were exoosed.

Several tribes, notably the Creeks, presented a comprehensive recommendation for reform of Indian policy. The commission is authorized to present such recommendations to Congress for consideration. Many Indians are hopeful more enlightened Indian law will result, but those experienced in Indian-government relations are not holding their breath until then.

5. The recent Cherokee claim that federal revenue derived from generation of electric power from surplus unappropriated water by the Southwestern Power Administration in streams covered by treaties and patents in the old Cherokee Nation is theirs. This is symptomatic of the Indians' new legal aggressiveness, standing up for their rights which were ignored 70 years ago when Oklahoma became a state. They point out the SPA is as much their trustee as any other part of the federal government.

If there is anything to this claim, it could provide a source of continuing revenue for the Cherokees that might relieve the government of considerable expenditure for Indian affairs.

6. Delay of a proposed water sales contract between the City of Tulsa and Public Service Co. of Oklahoma for Verd-

is River water stored in Oologah Reservoir and covered by 19th century Cherokee patent and fee title. The issue has attracted the attention of the state attorney general and a new BIA Rights Protection Office being established at Muskogee.

The developments cited are new but the principles upon which they are based are old. They have been ignored for years and the Indians have until recent times been virtually powerless to protect themselves even from their own legal guardian, the United States government, in many instances.

Whatever guilt feelings there may be about Indian treatment among some elements of the American public aside, the developments cited here are based on law, not emotion or sympathy.

The Indian wars are over and the battles on the plains are history, but the historic documents—the solemn treaties, the acts of Congress—are alive.

They are inspiring the late 20th century Indian legal warriors to take their fight for existence into the white man's arenas—the courts, the Congress, the Indian Claims Commission.

And it is hoped in some quarters that those locations need not be used as a last resort. Honorable and responsible men reviewing established facts and law regarding Indian rights should be able to reach reasonable settlements of Indian issues without always entering litigation.

OCT 21 1976

## A boy to commend

October 9, while in Billings on an infrequent personal and business shopping trip, I lost a container holding my personal credit cards and a sum of money from parent fees from the Ashland Child Development Center which I direct on the Northern Cheyenne Indian Reservation.

My container was found by an unknown person, the money taken and the holder and the credit cards discarded in the parking lot of the grocery store where I lost it.

Young David Carpenter, 2324 Stillwater Avenue, found the items, took them to his parents, and they called me Saturday night and told me of the discovery. I want to publicly commend David for his honesty and his parents for their concern in getting the found items back to me.

It certainly is to be regretted that the first party that found my holder did not have the

same honest character that David has. The 15 Indian children that come daily to the Center surely need the food that the money could have purchased.

The Center is having to operate on a very limited budget since the project is no longer funded by the agency that supported it last year, and we are trying to keep the Center open for the benefit of the children and their working mothers who are trying to provide for their families.

Again, I want to commend David and his family for their willingness to assist me. It surely would be wonderful if the party who first found my money and cards could reconsider their action and mail the money to me. I certainly would love to write a thank you note to that person in the name of the children of the Center.

Barbara R. Mefford  
Lame Deer

NOV 1 1976

## Indians win state fight

TACOMA, Wash. — Puyallup Indians who carried out a week-long armed occupation of a state juvenile facility have smoked the peace pipe with the government and left after getting a promise the 33-acre facility would be turned over to the tribe. Tribal Leader Ramona Bennett signed the agreement minutes before a court-ordered deadline for removal of the Indians. When the settlement was announced, several Indian men circled a large drum set up on the front porch of the main building, raised clenched fists to the sky and sang tribal songs.

The Tulsa Tribune

TULSA, OKLA.

D. 79,425

NOV 4 1976

## Cherokee council to meet Dec. 4

Indians  
Tribune State Staff

TAHLEQUAH — Cherokee Chief Ross Swimmer has announced he plans to convene here Dec. 4 the new tribal council being elected this month.

The Cherokees are electing by mail ballot 15 council members, and a new deputy chief authorized by the constitution they adopted last summer. The voting deadline is Nov. 12.

Swimmer guessed that about 90 to 95 per cent of the votes that will be cast in the election have been mailed here now although he said he didn't know how many of the more than 20,000 ballots have been returned.

"I think most of those who are going to vote have voted by now," he said.

SWIMMER SAID he envisions the nature of the council as a board of directors or advisory board more than a political body. He said he will express that idea to the new council when it convenes and emphasize that political differences should be settled so the council's efforts can be directed toward

getting on with important tribal business.

The political campaign to elect the deputy and council caught the chief in a bind recently when he approved an endorsement of 15 candidates by tribal business manager Vance McSpadden. He has opposed slate tactics.

"The McSpadden endorsement is not a slate," Swimmer said. "Vance showed the names to me and asked if I approved of the people he listed and I told him I did, but there are others I also encouraged to run for the council and they would be acceptable to me if elected."

"Some of the people on McSpadden's list did not even know he was endorsing them, so they could hardly be considered a slate," the chief said. "They didn't get together and organize themselves and actively campaign together."

Swimmer named Richard Spohn, Nelson Smith and Frank Coon as candidates he had encouraged to run in ad-

dition to telling McSpadden those on his list were "acceptable."

A TULSA CANDIDATE on the McSpadden list, Lowell Townsend, said he appreciates the McSpadden endorsement but emphasized he is an independent candidate and not on any slate.

Townsend, who owns a claims business, said he is a halfblood Cherokee, a native of Eldon community, and that if elected he would not be subservient to Swimmer but he would work with him for programs he considered best for the Cherokees.

A powerful force in the campaign has been a slate of candidates headed by Tulsan James Gordon, seeking the deputy chief post, and supported by a new Indian political party, Cherokees for Responsible Government.

Tulsa County Sheriff Dave Faulkner has been campaigning as an independent for deputy chief. Swimmer has endorsed Sallisaw Mayor Perry Wheeler for the deputy job.

TNT 11/6/76

## ECONOMIC HORIZONS

By ROBERT B. MOTTAM  
TNT Staff Writer

The Puyallup Indian Tribe is using its 2-month-old Indian smokeshop business as a means of raising the capital it needs to move into a wide range of new economic enterprises, a tribal spokesman disclosed yesterday.

Richard Erlich, manager of the tribe's Community and Economic Development Enterprise, outlined the plan for the Industrial Committee of the Tacoma Area Chamber of Commerce.

**THE PLAN** includes possible construction of a 125,000 square-foot sheet-metal fabricating plant on trust land within the Puyallup Reservation; negotiations with a non-Indian construction firm for possible creation of a tribally owned, joint-venture construction company; creation of a restaurant-museum on the reservation; construction of a tribal school at what is now the Cascadia Juvenile Diagnostic Center; and development of plans "to deal with the whole fishing, boat-

tugs will be equipped with air-polluting

TNT 11/4/76

## Indians seek help in tagging salmon

The Small Tribes Organization of Western Washington has asked sportsmen to cooperate in a fish-tagging study under way in the Northern Kitsap Peninsula area of Puget Sound.

The project is being sponsored jointly by the Suquamish Indian Tribe, the Bureau of Indian Affairs and the Small Tribes Organization.

The organization says participants in the study include the Suquamish, the University of Washington, the State Fisheries Department and the U.S. Fish and Wildlife Service. It involves the tagging of chinook and coho salmon aboard a purse seine vessel near the peninsula in order to estimate the rates and the paths of their migra-

building, aquaculture" potential of the reservation area.

The Puyallup Tribe, as an enterprise, already pumps about \$1.5 million a year into the Tacoma-area economy, Erlich said, obtaining it from federal grants and other sources.

"Our joint objective should be to have the money circulate in this area," he said, "whether it be in the native community or the non-native community. It's good for the area."

**ERLICH SAID** that objective is not being met in connection with the tribe's cigarette business. It buys its cigarettes outside the state, he said, because it fears local supplies could be too easily cut off by state officials contesting the tribe's right to sell untaxed cigarettes to non-Indians.

"But people are going to continue to buy cigarettes," he said, "and we're going to continue to hassle the state. We're not going to shut down."

Developments in the tax dispute with the state that would allow the tribe to buy its cigarettes from local wholesalers "would be beneficial to this community," he said.

tion into Dyes and Sinclair Inlets.

The aim is to tag 100 fish a day, with an ultimate goal of 5,000 taggings, a spokesman said. The purpose is to determine whether salmon go through Agate and Rich passes to streams on the Kitsap Peninsula, to estimate the rate of migration and to estimate the density of different stocks on the spawning grounds.

The organization has asked sportsmen who catch tagged fish to return each tag to John W. Hitron at the University of Washington, along with information on the time and place of capture, the condition of the fish, its sex and its size.

The project ends Nov. 24.

22

# Boldt rule still standing <sup>1/2</sup> *1/2*

U.S. District Judge George Boldt's 1974 order granting special fishing rights to Indians covered by a series of 19th century treaties has survived yet another legal test.

On Monday, the U.S. Supreme Court refused to consider a challenge to Boldt's order by a Seattle commercial fisherman. So the Boldt decision remains in effect.

But the latest action — or refusal to act — by the high court probably won't put an end to legal and legislative efforts to mitigate the effects of Boldt's decision. Other legal challenges are in process or planned. Legislators promise efforts on the state and national levels to do something about the 1974 ruling. And some fishermen, notably the gillnetters working Puget Sound, continue attempts to change the law by demonstration and protest.

It isn't likely the Boldt reading of the old treaties will be changed in court. Every time the Supreme Court acts as it did Monday, the body of precedent supporting Boldt grows. Nor are the treaties likely to be abrogated by Congress.

Sen. Warren Magnuson, D-Wash., touched on the matter during a visit to The Columbian last week. He said that even if Pacific Northwest congressmen were to introduce a bill, it would never pass. Furthermore, if any bill modifying one treaty were introduced, it would immediately become the target of hundreds of amendments dealing with every Indian treaty the government ever signed.

About the only hope Magnuson could hold out was that the federal government would continue to increase the amount of money spent on enhancing the fish runs so that Indian and non-Indian fishermen will have abundant fish to share.

That's what it finally comes down to. The fisheries have to be improved. And state officials and non-Indian fishermen have to recognize that the Boldt decision is the law of the land and must be lived with.

Whether Dixy Lee Ray or John Spellman is elected governor today, fisheries in general and the Boldt decision in particular should be given priority attention in the weeks ahead.

OCT 28 1976

# Ramona Bennett—a Cool, Witty, Charming Leader

By JACK WILKINS  
P-I Southside Bureau *W6297*

TACOMA — Ramona Bennett scheduled a demonstration three years ago at the Cascadia juvenile detention center — and concerned Tacoma

police worried that she might be planning a takeover then.

Two police intelligence officers went to her mobile home near the town of Rainier, held brown-eyed Indian children on their knees and listened to a lecture on American history.

"She was so charming, we almost forgot what we went there for," one of the officers recalled.

To ask Bennett, 38-year-old chairwoman of the Puyallup Tribal Council, the number of demonstrations, arrests, sit-ins and other confrontations in which she has played a part is like asking

German Gen. Heinz Guderian how many Russian tanks he saw in 1944.

At times, her blue eyes have been like ice, freezing a zealous Game Department officer or an aggressive newsmen in his tracks.

Yet, despite her gutsiness she obviously hates violence. Recently she referred contemptuously to some armed Indians as "The Puyallup Tribe's answer to John Wayne."

Whenever she is around children, Indian or non-Indian, the eyes dance, and invariably the children go to her.

Who is this lithe wisp of a woman, whose face and biting wit could place her in County Court but whose family tree contains some roots planted in this continent long before the first caucasians arrived?

There are many Ramona Bennetts, but she maintains strongly that there is one thing she definitely isn't.

"The press creates a whole set of so-called Indian leaders, but there are no Indian leaders because there are no Indian followers," she said yesterday at Cascadia while waiting for a decision from U.S. District Court Judge Morell Sharp on whether he would accept jurisdiction in the state's suit to force the Indians to leave the building.

"If there had been Indian followers, there would be no Indians left now. Indians would have been wiped out. We are individuals, acting



—P-I Photo by Dave Poffa

PUYALLUP TRIBE CHAIRWOMAN RAMONA BENNETT

"It's a real honor to be with the people here" through our hearts and thoughts. Sometimes, in this case, we spontaneously come together," she said.

"No, I'm not a leader. It's a real honor to be with the people here. They have a dream of a strong community with families growing together, re-developing our unity and spirit that were almost destroyed by alcohol and drugs and the

*Cont'd.*

# Postscript: Catch 22 for Indians: U.S. Gives Them Land but They Can't Use It

It has been two years since President Ford signed a bill in which the government tried to make things up to the tiny Bridgeport Indian colony of Mono County by handing over 40 acres of federal brushland as a new home.

But the Bridgeport colony—fewer than 20 Paiute families who in 1972 suddenly found themselves “squatters” on land they thought they owned—have yet to move from their shacks to proposed new housing on the adjacent property deeded to them under the bill by Sen. Alan Cranston (D-Calif.)

It turns out someone found some Indian artifacts on the colony's newly won property, which means that under federal law an archeological clearance must be obtained before federal funds can be granted to build low-cost housing.

In effect, the Bridgeport Indians face more delay because some long-dead ancestors were careless enough to leave a few tools and rock scratchings around.

“We've waited and waited and still don't have anything to show for it,” says Henry Glazier, 33, reservation project director. “Some of our people don't think anything will ever happen.”

Other than the death of four elders, little has changed in the shantytown colony in the Sierra since 1972 when it turned out ownership of the land had slipped from the Indians long before.

They were suddenly told they were to be evicted for a subdivision. The colony members learned they lost ownership when the U.S. Senate refused to ratify a treaty way back in 1851.

And they found that a succession of new owners began in 1914 when someone took over the property by the simple means of swearing there were no Indians living on it.

The current owner is not pushing the eviction and is willing to wait for the latest problem to be worked out.

The Western Archeological Center in Tucson, an agency of the National Park Service, is about to award an archeological environmental study contract, probably to the University of Nevada.

Presuming a significant number of Indian artifacts are found on the property, the government will have to decide how to construct low-cost homes for the Bridgeport colony without too much archeological damage.

“We're thinking in terms of having the study completed by the end of the year,” says John B. Clonts of the center.

But most of the Bridgeport Indians have long since stopped thinking in terms of time at all.

Jack Jones



Paiute Indians' outside shacks at Bridgeport colony that has been awaiting new housing. Times photo by John Malmin

OCT 29 1976

# Cherokees' power sale issue aired

By BILL SAMPSON

The Cherokee Indians have "vested rights" in millions of dollars of federal revenue derived by the Southwest Power Administration's sale of electric power, a tribal lawyer claimed today.

The claim was made by attorney Earl Boyd Pierce of Fort Gibson, who has been studying the matter of Cherokee water rights for years.

He said revenue from electric power generated at Tenkiller, Fort Gibson, Robert S. Kerr and Webbers Falls Dams and sold by the SPA belongs to the Cherokees because the dams are on streams in which the tribe has rights to the surplus unappropriated water used to make the power.

The attorney said he is confident litigation can be avoided by a review of historical facts and law in the matter and through cooperation of government officials with the Cherokees, and the Choctaws and Chickasaws who have similar rights insofar as the Kerr Dam is concerned.

Pierce said the question of surplus unappropriated water rights in streams in the old Cherokee Nation of northeastern Oklahoma has been renewed because of the immense value placed upon it in recent years, partly as a result of claims and court decisions involving the Cherokees.

HE SAID HIS LONG study of Cherokee water rights has convinced him the federal government and its agencies, as trustee for the Cherokees and their property, owe the Indians the revenue derived from the sale of all power generated at the four dams since they were built.

Pierce's contention might appear laughable except for the sobering fact he has been laughed at before in similar cases, only to prove Cherokee claims in court or before the Indian Claims Commission, claims which have resulted in millions of dollars in awards for the Cherokees.

"If the Indians have a legal right in the water I think they should receive a royalty," said Peter King, administrator of the SPA.

He indicated the legal argument is a matter for lawyers rather than the agency he administers to decide. Pierce contends federal administrators have as much trust responsibility for the Indians as do lawyers.

At the request of The Tribune, SPA is compiling a report of how many kilowatt hours have been generated by the dams in question since they were built. It is predicted by some at SPA that a

probable "average" price per kilowatt hour of about 9 mills (almost one cent) per hour applied to the total hours expected to be revealed by the requested report will show Pierce is talking about many millions of dollars.

SPA OFFICIALS said the kilowatt hours record can be ascertained but that it would be impossible to determine exactly how much revenue each of the dams produced because SPA power is "pooled" in a grid system and sold at various rates in different places.

The SPA grid covers six states — Oklahoma, Texas, Kansas, Missouri, Arkansas and Louisiana.

SPA energy sales reached 9.5 billion kilowatt hours in fiscal 1975, an increase of 12 per cent over 1974. SPA hydro generation totaled almost 9 billion kilowatt hours in that period, 10 per cent higher than fiscal 1974 and 70 per cent higher than the average annual generation estimated by the Corps of Engineers as the system was developed.

There are 24 hydroelectric dams in the SPA system: eight in Oklahoma, including the four named by Pierce; nine in Arkansas; two in Missouri; two in Texas and none in Louisiana. They represent a federal investment of \$607,846,000 which coupled with an investment of \$57,723,000 in transmission facilities totals \$666,569,000.

Revenue from the SPA provided a repayment of the federal investment in the system of \$20.4 million in fiscal 1975.

All the above figures are from SPA's annual report.

A CHEROKEE concern expressed over the proposed sale of unappropriated surplus water in Oologah Reservoir by the City of Tulsa to Public Service Co. of Oklahoma apparently has stalled signing of that contract.

Tulsa has a contract with the Corps of Engineers to store water in Oologah and an allocation of water from the state Water Resources Board, but neither the state nor the city has proven title to the unappropriated surplus water in the Verdigris River claimed by the Cherokees.

The state attorney general's office has begun legal research into that question and the Bureau of Indian Affairs area office at Muskogee has said

the matter will be examined by its new Rights Protection Office when it is established.

Pierce is perhaps the foremost authority on Indian legal affairs in Oklahoma. He was instrumental with associate attorneys in obtaining an \$18 million judgment in the tribe's Cherokee Outlet case finally resolved by the Indian Claims Commission in 1972.

Pierce, Muskogee attorney Andrew

Wilcoxon and their associate attorney proved Cherokee fee title to the Arkansas River bed in eastern Oklahoma before the U.S. Supreme Court in 1970. A subsequent government appraisal set the value of that property at \$177 million, the bulk of it powerhead value of Kerr and Webbers Falls Dams on the river.

PIERCE'S VIEWS of the entire question of surplus water rights in eastern Oklahoma were sought by The Tribune as the issue continued to make news — the Tulsa-Public Service proposal being one example and the periodic discussion of transfer of water from humid eastern Oklahoma to the more arid western Oklahoma being another.

Pierce said the Cherokee claim to unappropriated surplus water in the streams of the old Cherokee Nation is mainly based on the same principles proven in the Arkansas River bed case, the Cherokee Outlet case, and referred to in the 1960 U.S. Supreme Court decision in the Grand River Dam Authority case.

"The Cherokees stand on their treaties with the federal government and a patent in fee simple issued by the government to the Cherokees for their land in northeast Oklahoma and the Outlet, and on the intent and acts of Congress regarding the existence of the tribal government and the federal government's trusteeship of residual Cherokee property," Pierce said.

"THE TRUSTEE HAS faithfully kept the books on all revenue derived from those dams," Pierce said, noting the SPA in Tulsa has the records and is a branch of the Department of Interior, which also oversees Indian affairs.

"The control by the office of electric energy begins at the damsite and although it is co-mingled with energy from other sources in a power grid, that agency can properly identify and credit on its books the Cherokee revenue," Pierce said.

"The Cherokee moral and legal right to be protected by the trustee in these specific vested rights and properties is in no sense a case of over-reaching the guardian.

"The valuable damsites on the Arkansas River below Muskogee owned by the Cherokees and their sister tribes were chosen by the trustee as the best suited to meet its needs for navigation purposes.

"The trustee's need for additional reservoir space for flood control — as well as more navigation — at Tenkiller and Fort Gibson when fairly and justly considered will more than justify the initial expenditures by Congress for their construction.

*Continued*

with corporate executives at luncheons, and toured the area Lockheed Corp. and Northrop Corp. facilities. A principal speaker for the conference was Al Zapanta, assistant Secretary of the Interior.

Similar conferences have been held in Chicago and St. Louis.

Roessler, himself an American Indian, said that, while there are disadvantages to locating business on or near reservations — mostly due to the isolation of the areas — there are advantages not found elsewhere. These include:

- Indians are not required to pay taxes on their land or buildings. Thus a tribal group owning and

leasing a plant could pass on savings to the lessee.

- Some Indian groups are willing to invest and have invested in firms to assist them with their operating capital. Industrial development foundations also are geared to help such endeavors.

- The Bureau of Indian Affairs' on-the-job training program decreases starting expenses since it pays one-half of the beginning wages of the Indian employe.

- The Bureau can advise businesses because of its position as a coordinator with state and federal agencies.

Other speakers at the conference included Donald A. Koepfel,

chairman and president of Blue Chip Stamps, who discussed bringing minority businesses into

the mainstream of the American economy.

## THE ARIZONA REPUBLIC

PHOENIX, ARIZ.

D. 401,700 (Circ.) 3-4, 213

NOV 4 1976

### May delay allotments

# Indians sue to void CAP's water order

By BRENT WHITTING

The Salt River Pima-Maricopa Indian Tribe filed suit Wednesday in federal court seeking to void an Oct. 12 order designating the amount of water the tribe will receive from the Central Arizona Project.

The lawsuit could delay the release by the State Water Department of recommendations of organizations to receive CAP water allotments according to statements about the threatened suits made last month by state Water Engineer Wesley E. Steiner.

The suit was filed against Secretary of the Interior Thomas Kleppe, who issued the order allocating CAP water to five central Arizona Indian tribes, including the Salt River Tribe, and the Central Arizona Water Conservation District.

Kleppe's order provides for 13,300 acre-feet per year to the Salt River Tribe — out of an Indian allocation of 257,000 acre-feet — from the commencement of the CAP in about 1985 to 2005, the suit said.

The order will harm the Salt River Tribe because the allotment is insufficient for the Indians to survive as an agricultural community, the suit said.

The water allocation to the tribe is based upon 4.59 acre-feet per acre per year when the reasonable requirement for the irrigation of reservation lands is 6.25 acre-feet per acre per year, the suit said.

"The allocation substantially favors non-Indian lands held in private ownership in excess of 160 acres and not occupied by the owners in continued

disregard of longstanding congressional directives that federal reclamation projects not be operated to subsidize large, commercial farm interests," the suit said.

Kleppe's order is invalid because it constitutes a major federal action significantly affecting the quality of the human environment without the preparation of an environmental-impact study

as required by the National Environmental Policy Act of 1969, the suit said.

Kleppe's order provided 938,700 acre-feet for apportionment to non-Indian users in Maricopa, Pinal and Pima counties. An additional 4,300 acre-feet would be available to the non-Indians if Orme Dam, proposed for construction at the confluence of the Salt and Verde rivers east of Phoenix, is not built.

An acre-foot is 325,000 gallons of water and covers one acre to a depth of 12 inches.

The other four Indian reservations and their allocations of water are:

- Ak-chin, just south of Maricopa in Pinal County, 59,300 acre-feet.

- Gila River, south of Phoenix in Maricopa and Pinal counties, 176,000 acre-feet.

- Papago, south and west of Tucson, 8,200 acre-feet.

- Ft. McDowell, east and north of the Salt River Reservation, 4,300 acre-feet.

The Ft. McDowell reservation, home of the Mohave-Apache, will receive the

water if Orme Dam is built because the lake created by the dam would flood their agricultural lands watered by the Verde River.

Steiner said last month that the State Water Department was ready to name those recommended to receive CAP allotments.

He added, however, that any legal challenges to Kleppe's order could delay the release of the recommendations.

The State Water Commission will decide who gets CAP agriculture and municipal water allotments. The Central Arizona Water Conservation Board will manage the contracts.

Steiner said that if there were no legal challenges, the allotment list would be released by the State Water Commission and reviewed at a public hearing.

He said the state has received applications for 2.3 million acre-feet of water — twice the amount that will be available in the best water years. Much of the water has been requested by land developers in Maricopa, Pima and Pinal counties.

"THE CHEROKEES are of one mind in their faith that the trustee in the end will make matters right for them. They foresee the next president, whoever he may be, joining hands with the Congress in urging all responsible agencies of the federal government to work conscientiously with tribal leaders in a fair adjustment of the entire matter." Pierce said.

"It is a universal principle of law that the guardian should not profit at the expense of a ward by use of the ward's property and that's exactly what the government has done," Pierce said.

He said an act of Congress in 1906, placed the residual of Cherokee property after allotment in trust in the hands of the government.

Noting that the SPA is an agency of the government, Pierce said "I don't think the government as trustee can put on another hat and walk away from its responsibility to the tribe in this matter."

The lawyer said there is no law that rates Indian affairs below regulation of commerce and that both are "co-extensive" within the U.S. Constitution.

## The Oregonian

PORTLAND, OREGON

D. 224,202 SUN 392,715

OCT 28 1976

# Indian matriarch copes with impact of modern era on her quiet village

ANCHORAGE, Alaska — Maggie Johns, 81, is the matriarch of Yakutat, a woman who has outlived 11 of her 13 children and still teaches beadwork to the young girls of the village. She has successfully weathered the impact of the modern era on her quiet village.

Yakutat, a town of 475 white and native people is now the headquarters for extensive offshore oil exploration in the Gulf of Alaska.

Maggie, a Tlingit Indian, grew up there in a community house with 50 families sharing the labor. Now she sees jet planes land near her home and oil drilling in the bay that once provided much of the food for the village.

"This used to be the richest village for food," she said. "We ate halibut, herring, red snapper and hooligan in the spring, and salmon in the summer.

"We put up our winter supplies from around our house — blueberries, strawberries and sometimes salmonberries. It's hard to get the food now."

The Tlingit Indians lived a fairly isolated life during Maggie's childhood with only an occasional fur trader or miner coming to town. The Indians lived in split-log houses "planed up into planks as shiny as little buttons." Today, Yakutat has modern housing developments with modular units built of metal siding.

Although not bitter about the inevitability of progress, Maggie clings to the memory of early native ways.

"We had a law for everything. We knew the Ten Commandments before the white man came. There was no divorce among us. We weren't greedy or selfish and the native people had no enemies. When we hunted for food we didn't take more than we could use and we all shared. The natives lived like one body."

Maggie's religious faith is rooted in both the older native religion and the beliefs of missionaries and she regularly

attends a Protestant church. She learned English reading the scriptures.

She has lived in the same village all her life and remembers well three of Alaska's most devastating earthquakes which occurred in 1898 and 1899. But her most memorable adventure came

when she was 13 years old and accompanied her uncle, by canoe, to a gold mine, the only woman among 600 men.

In those days Indians would travel as far down the coast as Vancouver by canoe, a distance of some 1,000 miles, she said. "I never got seasick in a canoe."

The matriarch was first married at 14 to a Tlingit hunter, who died from German measles. They had six children. Later, seven more children were born of her union with a Mexican miner.

Although most of her children have died, 113 grandchildren survive. "I love children and if you do things with love you make success," she said.

As a village midwife, she delivered 43 children and took care of 63 more who lost their parents. The natives taught each other love and charity and trust long before the white man came, she said.

Maggie Johns has seen native values change. "The native kids go to school and they forget everything," she said. "It's the school teacher's fault: that we don't talk Tlingit. Our kids were forbidden to talk Tlingit in school."

When statehood came, Mrs. Johns was asked to sign citizenship papers. "We were born here and God created this country for us. How could we have citizenship papers when it's our own country? Now it's oil. The whole bay is nothing but white people drilling."

By continuing her beadwork, she is holding onto her heritage and trying to teach it to others. She also makes mukluks, parkas and weaves baskets. "I know how to make every thing."

Cont'd

The secret of Maggie's rich and long life appears to be her faith. "It's because you're willing to die that you live long," she said. "If you're scared to die, you go a long time ago."

Mrs. Johns has lived long enough to

see the U.S. Congress settle her people's claim to their land. In 1971, Congress passed the Alaska Native Claims Settlement Act granting Alaska natives 40 million acres of land and \$962.5 million.

Corporations have been formed to manage the land and Maggie, her children and her grandchildren are eligible stockholders in these corporations no matter where they live.

Anyone who is at least one-quarter Alaska Indian, Eskimo or Aleut, and a U.S. citizen who was living on Dec. 18, 1971, — the date the act was signed into law — is also eligible to share in the settlement.

Applications may be obtained from: Pouch 7-1971, Anchorage, Alaska, 99510. Applications must be submitted by Jan. 2, 1977.



**NATIVE** — "We were born here, and God created this country for us," believes Maggie Johns of Yukutat, Alaska. Maggie (pictured above working traditional Tlingit bead patterns) was born in the remote Indian village 81

years ago, and has lived to see her home become a thriving modern community and to see her 113 grandchildren grow up in a modern world far different from her own childhood world.



# INDIAN NEWS CLIPS

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The Sioux City Journal, Tuesday, November 2, 1976--

## 'Blackbird Bend' Trial Opens

# BIA Official Says Tribe Paid Landowner \$16,000



By Cathie Carter  
Journal Staff Writer

The Bureau of Indian Affairs paid \$16,000 to the Omaha Tribe this year to allow the tribe to plant and harvest about 3,000 acres, according to court testimony.

The money went not for farm equipment or seed but to an adjacent landowner for the privilege of access to the land, it was brought out in opening day testimony Monday of an Indian land dispute trial in U.S. District Court here.

Charles Cork, a Bureau of Indian Affairs official, said the tribe negotiated with Harold Sorenson to use a road across his property to get to the disputed land, called Blackbird Bend.

The property is on the east side of the Missouri River near Onawa, Iowa. Sorenson is one of several defendants being sued by the tribe and the U.S. government to determine ownership of Blackbird Bend.

In all, about 11,000 acres in that area are under dispute, but this trial is concerned only with the 3,000 acres in the immediate Blackbird Bend area.

The Omaha tribe contends the government deeded the land to Indians under a treaty with the tribe in 1854. Landowners say they have title to the property.

Cork said he is a hydrology engineer and has worked with the Iroquois along the Colorado River to solve boundary disputes. He said he has been studying the Omaha claim for the past three years.

He said the tribe had access to the Blackbird Bend area in 1975 and planted a crop of corn. That access was across a road owned by Sorenson. In the fall, before harvest, Sorenson closed the road.

At that time, Cork said, the tribe paid Sorenson \$8,000 to open the road. This year, he testified, the tribe paid \$16,000 for access to the land.

In both instances, Cork said he saw to it that the tribe was reimbursed.

Cork's testimony followed that given by Edward Cline, 50, chairman of the Omaha Tribal Council at Macy, Neb. Cline was the first witness.

He said he first became aware of the Blackbird Bend situation while working as a financial advisor for the tribe in 1962.

At that time, Cline said, he negotiated leases for the tribe with Indians and non-Indians. In the course of one of those negotiations, he said, he had access to plat

books belonging to the neighboring Winnebago Tribe.

Cline said it was at that time that he and other members of the tribe decided that land across the Missouri River from the reservation was in reservation boundaries.

Between 1962 and 1966, he said, the tribe began communicating with the BIA about ownership of the land. During that period the BIA approved funds for the tribe to hire an attorney to have the title researched.

It was not until the spring of 1973 that some members of the tribe decided to do

something about the question of ownership and occupy Blackbird Bend.

That occupation lasted for about 30 days, Cline said, and ended with his arrest. After that occupation he said he had to appear before a Monona County grand jury, but the jury never indicted him.

Cork later testified that it was the 1973 occupation of the land that brought immediate attention to the case. It was then, he said, that funds became available for technical investigation of the land.

Cline said the tribe occupied the land a second time in 1975.

Jack Peters, one of five defense attorneys, asked Cline why he and others decided to occupy the land. After asking the question several times, Peters indicated to U.S.

District Court Judge Andrew Bogue he was not happy with the response.

Bogue, of Rapid City, S.D., who is trying the case without a jury, said he did not think the question was answered but he also thought the question was irrelevant to the case.

"This lawsuit has to do with movement of a river," he said. "Let's go forwards and hear about what the river did."

A couple of different times Bogue stopped questioning by both the tribe's attorneys and the landowners' attorneys and asked that they keep to the relevant matters of the case.

Tribal counsel is Don O'Brien with William Veeder acting as trial counsel. James Clear is representing the government's interest in the case on behalf of the Omaha Tribe.

cont'd

# Navajo Police Face \$3 Million Lawsuit

Fifteen Navajo and two other youths filed a \$3 million lawsuit against the Navajo tribal police department in Navajo tribal court Tuesday for alleged unlawful arrests during a high school graduation party May 20.

On behalf of the youths, the lawsuit was filed by DNA—Peoples Legal Services of Window Rock, Ariz., and the National Indian Youth Council of 201 Hermosa NE in Albuquerque.

The youths, 15 Navajos and two Anglos, allege they were "unlawfully, willfully and maliciously" arrested by 30 Navajo officers. They are seeking \$180,000 each for physical and mental suffering during and after their arrests.

The suit, filed by Daniel Deschinny

of DNA and Marcia Wilson of NIYC, said that on May 20 about 85 youths held a graduation party at the ranch home of Jack Jackson east of Navajo, NM.

The party in a house enclosed by a fence was conducted "in a manner that the event did not disturb or disrupt any of the neighboring residents' right to peace and quiet..."

At approximately 1:30 a.m. May 21, Navajo officers Roy Bilagody and Raymond Cooke, wearing civilian clothes and arriving in an unmarked car, entered the ranch home and mingled with the students for several minutes, the suit alleges.

The officers then left the house but

returned later and identified themselves. The suit alleges the officers drove out again and parked outside the fence gate, "which caused plaintiffs to suspect a threat of some kind of action..."

The suit said the students began to scramble, ending the graduation party abruptly. More officers began to appear. Officers Bilagody and Cooke entered the fence area with other officers without a warrant, the suit said.

The Navajo officers with their weapons drawn immediately began arresting the students, the suit alleges. When asked for a warrant, one officer replied that no warrant was necessary, the suit said.

The youths claim that officers were

unlawfully making arrests and that officers tossed tear gas into the residence. As the youths came through the front door, officers clubbed, slugged and grabbed them without provocation, the suit said. The students were also beaten, maced and thrown to the ground, they allege.

About four hours later, the students were booked and processed at the Navajo tribal jail but were not allowed to contact their parents, the suit said. Later most of the charges were dismissed by a tribal prosecutor.

One girl was tried in a tribal court but charges against her were dismissed because the prosecution could not establish she violated any law, the suit said.

## Girl's Slaying Brings Count

Albuquerque Journal

NOV 4 1976

A Ft. Defiance, Ariz., man has been charged with second degree murder in the death of a 14-year-old Indian girl.

Phillip Bolliman is named in a federal indictment released in Albuquerque charging him with the shooting death of Brenda Notah, 14, on the Indian reservation in Ft. Defiance.

Miss Notah was shot Oct. 6 and died Oct. 8.

According to an agent's report filed with the indictment, witnesses reported Bolliman was shooting at bottles and cans Oct. 6 when he allegedly turned and said, "Who wants to get shot?"

The report says he then allegedly shot the girl at point blank range.

Attorneys for the defense include Edson Smith, representing Roy Tibbals Wilso, Harold Jackson and Charles Lakin, all landowners; Jack Peters, representing RGP, Inc., an insurance company, and Otis Peterson, a landowner; Maurice Neiland, representing Harold, Luea and Darrell Sorenson; Bennet Cullison, an assistant attorney general, representing Iowa; and Lowell Kindig, representing Travelers Insurance Co.

Attorneys for both sides estimated the trial will last anywhere from 10 days to two weeks. Testimony begins at 9 a.m. today with Cork on the stand.

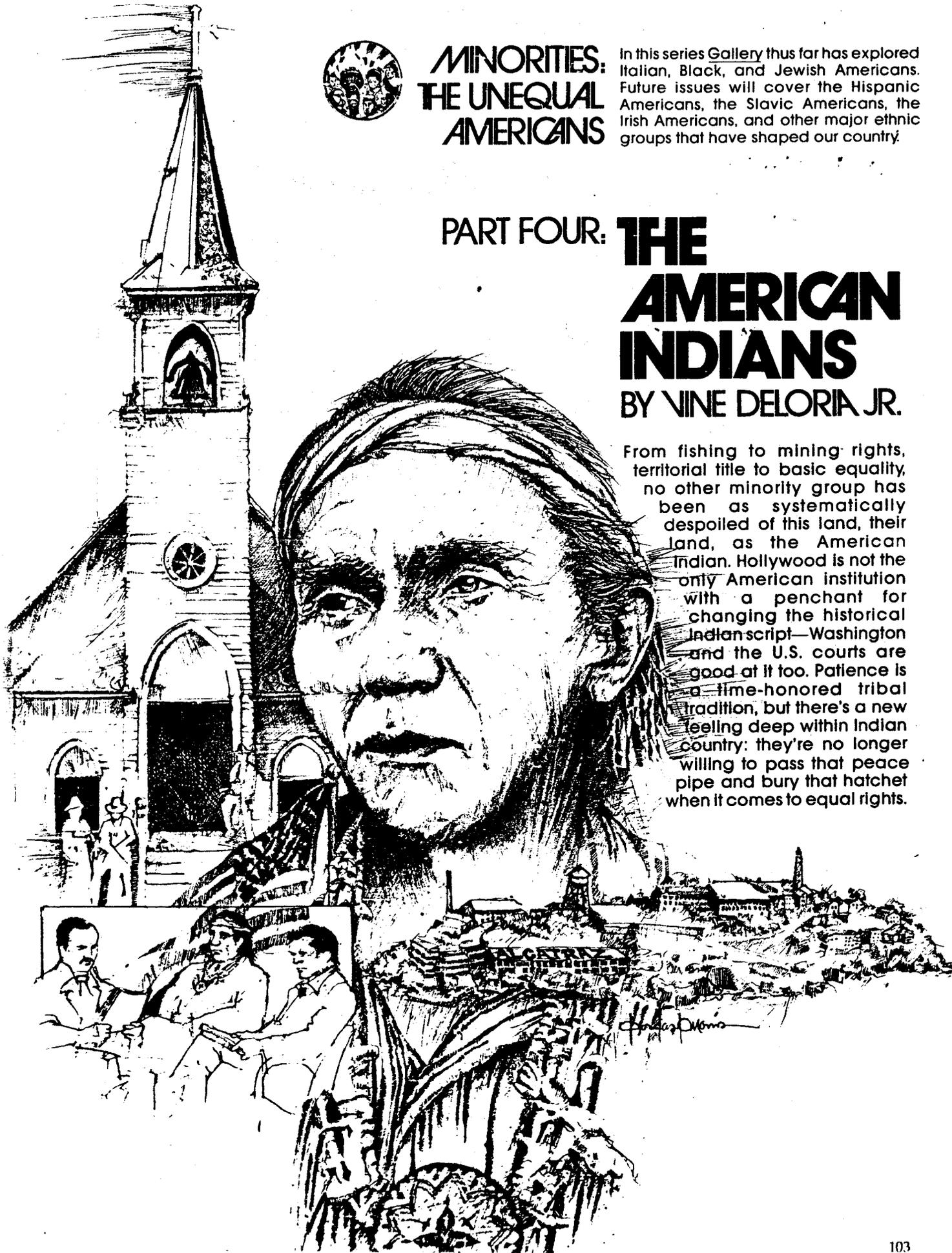


# MINORITIES: THE UNEQUAL AMERICANS

In this series Gallery thus far has explored Italian, Black, and Jewish Americans. Future issues will cover the Hispanic Americans, the Slavic Americans, the Irish Americans, and other major ethnic groups that have shaped our country.

## PART FOUR: **THE AMERICAN INDIANS** BY VINE DELORIA JR.

From fishing to mining rights, territorial title to basic equality, no other minority group has been as systematically despoiled of this land, their land, as the American Indian. Hollywood is not the only American institution with a penchant for changing the historical Indian script—Washington and the U.S. courts are good at it too. Patience is a time-honored tribal tradition, but there's a new feeling deep within Indian country: they're no longer willing to pass that peace pipe and bury that hatchet when it comes to equal rights.



Federal marshals stalked the courtroom, hands gripping the air slightly above their holsters, ready to draw down on anyone who looked suspicious. The Indians sat quietly, row upon row of stolid faces, eyes fixed intently on the judge who stared back with unfocused vision as he listened to the prosecutor's argument. The trial centered on the two Indian women, Carrie and Mary Dann, who had deliberately grazed their cattle on lands managed by the Bureau of Land Management. They wanted charges to be pressed against them, for only by proving in court that the Western Shoshones owned the lands which the two women had used could the title to twenty million acres be declared the Shoshones' property and not the Government's.

"After all," the Federal prosecutor droned, "we have no real evidence that these women are even Indians."

The stunned silence of the courtroom was broken by a wave of laughter followed by the judge's irritated response.

"Counsel, do you have any reason to believe these women are not Indians?"

"Well, your honor, all we have is their affidavit stating that they are tribal members, but they could be Italians or

Sicilians, or some other nationality than Indians."

Even the judge could not contain himself, and in the aisles the Federal marshals, trying desperately to control their laughter as they patrolled the courtroom, winked slyly at the Indians.

Flustered, the Federal prosecutor made one last effort at clarifying the situation. "Not only that, your honor," he gamely continued, "the United States Government now formally charges the Western Shoshones with abandoning their lands. We've looked all over Nevada and we haven't been able to find any Indians at all."

"Counsel," the judge said wryly, "I think you'd better sit down."

An unusual case? Not really. The United States Government has never given Indians serious consideration in court whether the case involves land title, social services, fishing rights, or the continuing harassment of the Oglala Sioux, which began during the occupation of Wounded Knee, South Dakota and is being conducted with little fanfare in the Federal courts in South Dakota, Nebraska, Minnesota, and Iowa. The courts, after all, belong to the same government that signed the treaties, to the same government which

now leases Indian mineral rights for pennies on the dollar, to the same government which secretly encourages the State of Washington to harass the Indian fishermen while publicly maintaining that it is enforcing their treaty, and to the same government which has conducted systematic exploitation of Indian lands and peoples for over a century.

No other minority group in American society is treated as unjustly in the courts as is the American Indian community. Courts assume that because Indians stand in a unique legal position to the Federal government as defined in the nearly four hundred treaties between the various Indian tribes and the United States, that the burden of proof should always fall on the Indians and not on the Government. Morality has long since been compromised in the doctrine that Congress in its wisdom always acts in the best interests of the Indians. Thus any inconsistencies which might appear in the treatment of Indians must logically be the fault of the Indians.

But much more is involved in Indian legal problems than simply the good intent of Congress. Quite often, courts change the historical facts to coincide with the decisions which they are required to make. Never does the question arise concerning how historical fact can be altered to conform with legal decisions which the Government feels are its due. The most blatant example of this tendency is the current struggle over the Black Hills of South Dakota and Wyoming. In 1875 the United States sent a commission to the Sioux Indians to see if they would sell their sacred Black Hills, which the Government knew contained billions of dollars in gold and other precious minerals.

The Sioux were aware of the value of their sacred lands, and Red Cloud, the chief negotiator for the seven bands of the Western Sioux Nation, asked for seventy million dollars to lease the area with the provision that the lands would be returned to the Sioux if and when they had been mined out. The Government felt such a price was too high, and the Grant administration took steps to provoke an Indian war in which the Government could take the lands instead of paying for them. The following year, 1876, Custer and other generals rode out on the plains eager to meet and defeat the Sioux, and in a series of battles lasting most of the summer, the U. S. Army was nearly decimated. Custer lost his entire command.

The lands were taken in 1877 through a combination of trickery and fraud, and in 1920 the Sioux tribes were allowed, through the provisions of a special statute, to sue the United States for the value of the land. Part of the case



### Delores Tidrick (Pueblo)

Actress, artist, and now president of the National Friends of Public Broadcasting, Delores Tidrick represents a new generation of Indian women who seek professional competence in the larger society while maintaining a strong sense of personal identity with the Indian past. Although a Pueblo from New Mexico, Delores played the leading role in *Unto These Hills*. This drama about the Cherokee Removal was put on by the Eastern Cherokees in North Carolina as part of their summer activities and ran for three years beginning in 1954.

A graduate of Colorado College, Delores studied at the Chicago Art Institute and Oberlin College, achieving proficiency in weaving, sculpture, painting flat-pattern design, and jewelry making. She follows a highly traditional tendency among Indians: using arts as an expression of practical things and refusing to allow her best creations to be sold commercially.

The interest in art led her to organizational work in a variety of groups. She became an active member in fund raising and exhibits for the Denver Art Museum and for the educational television station KRMA-TV in Denver. Her enthusiasm led to increasing responsibilities until she was elected president of the National Friends of Public Broadcasting in 1975. She is currently reorganizing the organization, moving it westward where it can represent a broader constituency of interests, and revamping the fields of interest which the group will pursue in the future.

The mother of three children, Delores is hardly a stay-at-home. For nearly a decade she has spent the summer climbing mountains, rafting western rivers such as the Colorado, the Yampa, and the Green, and in 1971 she hollered an obscenity across the Grand Canyon which, superstitious friends believe caused a flash flood that washed out Highway 66 from Peach Springs, Arizona south.



Chief Sitting Bull  
chief of the Sioux



Charles Curtis,  
U. S. vice president



Jim Thorpe,  
football player



Richard West,  
sculptor



Johnny Bench  
baseball player



James Welch,  
novelist

which is not yet finished some fifty-six years later, involved a determination by the Indian Claims Commission and the Court of Claims of the exact date when the lands were taken away from the Sioux. In a decision in 1942, the Court of Claims maintained that the Government had faithfully kept the provisions of the treaty of 1868 regarding the cession of lands by the Sioux, and the court found that the Government had maintained an armed force in the Black Hills until February 28, 1877. This force was supposed to have prevented miners and other settlers from entering the Sioux sacred lands until the cession of those lands was made official by the Congress.

When a court makes a finding of "fact," it is supposed to mean that the fact which is "found" is the true version of the historic events surrounding the controversy. So one would suppose that the decision of the Court of Claims, which described how carefully the United States worked to keep the provisions of the treaty, was an accurate rendering of the events of 1877. But in 1973, after Wounded Knee had been occupied for nearly a month, the Indian Claims Commission, which now had the Black Hills case, reviewed the facts of the case and decided that the Grant administration had indeed pulled the soldiers out of the area in November 1875, thereby provoking the war with the Sioux in which Custer lost his life.

Now the problem is that either the Grant administration did remove the troops or it didn't remove the troops.

The actual situation should be fairly easy to determine, considering how extensively the Custer era has been researched. But the Government seems to have the power to maintain simultaneously that the troops in fact did stay in the Black Hills until February 1877 for some purposes, and that the troops were removed from the Black Hills in November 1875 for other purposes. The purpose in each instance is that the Government does not want to pay for the Black Hills and it does not want the Sioux to have their day in court. And the best way to prevent any decision favorable to the Sioux from being rendered on the Black Hills case is to simply change the historical facts to suit the situation. That is how the Federal courts treat Indian cases.

The Western Shoshone case is another example of frivolous litigation being conducted by the Government. In 1863 the United States was engaged in the Civil War, and the nation badly needed the gold and silver produced by the Comstock Lode in Nevada. But the southern route from Virginia City, the "capital" of the lode, to Missouri was threatened by the Confederates. A northern route was badly needed, so the Government called together the various bands of Shoshones for some treaty-making. The Western Shoshones agreed to allow the passage of mail and freight through their land, and in one of the articles of the treaty they allowed the United States to send miners into their country to prospect for gold. Additional rights which the Uni-

ed States received allowed settlers to establish ranches to support mining activity. Agricultural products and cattle were essential to mining camps.

The treaty promised that at some future date the United States would establish a reservation for the Western Shoshones. The future date, one might suspect, never arrived. Settlers came and went, and as the mining camps dwindled, eastern Nevada fluctuated between the unoccupied desert which the Shoshones had once roamed and sporadic waves of settlement as civilization followed the trail of the miner. Nearly twenty million acres were not permanently settled by either the miners or their supporting ranchers, and in the Thirties this land was placed under the Bureau of Land Management in accordance with the Taylor Grazing Act.

The Shoshones still considered the land theirs because the only rights granted to the United States in the treaty involved mining camps and supporting ranches, not the cession of all the Shoshone lands. In 1950, as the five-year period began to expire in which Indians could file claims against the Government at the Indian Claims Commission, a claim for these lands was filed on behalf of the Western Shoshones. Except that the Western Shoshones were not informed that a claim was filed for them. The case was in court for nearly two decades and neither the Government nor the attorneys handling the case spent much time on it. The crucial question, whether the land had in fact ever been legally ceded by



Geronimo,  
leader of Apache



Ben Reifel,  
congressman.



Robert Bennett,  
former commissioner



Annie D. Wauneka,  
woman of the



Dennis Banks,  
leader of Wounded



Chief Joseph,  
Nez Perce warrior

the Western Shoshones, was carefully sidestepped and the Government and the attorneys stipulated that at a certain date the United States had officially taken the lands of the Western Shoshones. So much for evidence and adversary proceedings.

The Indian Claims Commission awarded some twenty million dollars to the Western Shoshones, and one day the Bureau of Indian Affairs sent a person out to ask them how they wanted to spend the money. He got a not too pleasant reception, and the traditional Shoshones rejected the settlement out of hand. In an emotion-laden meeting, the Bureau of Indian Affairs official informed the Shoshones that the Constitution had a provision which enabled the United States to take their lands. But when confronted, he refused to point out exactly which article of the Constitution gave the Government this power. The traditionals are today fighting the Government and the Shoshones who favor the settlement and are simply trying to get a fair hearing on the issue of how and when their lands were taken. The attorneys, be it noted, receive approximately two million dollars for their work.

The land claims are one continuous horror story of fraud, misrepresentation, and trickery, and they have been for a century. The only modern twist is the long-term lease, which is used in place of the outright land cession. Indian lands are subjected today to all kinds of leases under the guise of "development," but in most cases the development creates immense wealth for the whites and reduces the tribes to poverty status. Because of the increasing pressure to strip-mine the western coal fields and because Indian tribes own nearly two-thirds of the soft coal reserves in the western states, it will be only a matter of time before Indian reservations and Appalachia are both desolate areas, stripped of everything except the sulphurous residue of stripmining.

The land tragedy stands out clearly as a condition unique to the Indians because no other minority group has its property systematically despoiled by

the Federal government. And compounding the irony is the fact that while Indians rank the lowest of any minority group in the indices of social welfare, on a per capita basis Indians are the wealthiest single group in the nation. Reasonable estimates of Indian wealth—lands, timber, minerals of all kinds including gas, oil, coal, lead, uranium, and gypsum and miscellaneous sources of income—would reach nearly sixty billion dollars. Yet all but a tiny portion of this immense wealth goes to non-Indians who seem to have absolutely incredible luck in securing beneficial arrangements from Federal officials charged with finding ways of developing Indian resources.

The first inclination of everyone discovering the desperate condition of Indians is to inquire how such a situation could come into existence. Discovering the causes of Indian poverty and discontent was the specific congressional charge given to the American Indian Policy Review Commission, established in 1975 to review the conditions of Indians in the United States. Headed by Senator James Abourezk of South Dakota and co-chaired by Congressman Lloyd Meeds of Washington, the commission was initially viewed by most Indians as a welcome relief from the continuous efforts of the Bureau of Indian Affairs to cover up its misdeeds. But the commission has been one of the greatest disasters in Indian history.

The commission began its life by establishing eleven task forces which were charged with the job of determining the problems in such fields as treaty rights, education, health, economic development, alcoholism, tribal government and so forth. Appointment to the task forces became a political grab bag whereby senators, congressmen, and influential Indian politicians handed out positions to fulfill old political debts or to create new political obligations. So instead of sending experts out into the field to survey the conditions of Indians, some thirty-nine assorted political camp followers tramped around the nation holding hearings and making vaguely worded promises of the radical changes they

were intending to create once their reports were filed.

The commission's two major staff positions, executive director and general counsel, were filled by two former Bureau of Indian Affairs employees who carefully avoided using the commission's subpoena powers to investigate instances of fraud or misrepresentation by Federal employees. The goal of the major staff members seemed to be the creation of sufficient evidence to justify the creation of a new super agency with a budget double or triple the present Federal expenditure allocated for Indians. Speculation on who will head this new agency seems to be concentrating on the staff people, although others have also been mentioned in connection with the new agency.

The report of the Abourezk Commission is not due for another year, but the task forces have now all returned their reports and the materials strangely read like the traditional nonsense which the Bureau of Indian Affairs has spoon-fed Congress for several decades. In short, the great push for reform which Indians believed to be in progress with the establishment of this special commission has proven to be the ultimate cover-up—and it has been performed for the most part by Indians themselves, particularly by those Indians who were already beholden to either the Bureau of Indian Affairs or to particular senators and congressmen with aggressive white constituents.

One would suspect that deep within Indian country a consensus has emerged in the last decade. Indians have become more vocal about their rights and a consensus does in part exist. The American Indian Movement, a militant group that occupied Wounded Knee in 1973 and in the last half decade provided many minor disturbances to draw public attention to the conditions of Indians, seems to have gathered many traditional people together in a national alliance. A.I.M.'s tactics have bordered on violence at times, and this tendency has driven many Indians into the waiting hands of the Bureau of Indian Affairs. But on the

Photo: Museum of the American Indian



Crazy Head,  
Cheyenne Indian



LaDonna Harris,  
women's right



R. C. Gorman,  
artist



Orville Moody,  
professional golfer



Louis Bruce,  
former commissioner



Fritz Scholder,  
artist

nis Banks, is presently in California fighting against extradition to South Dakota. William Janklow, Attorney General of South Dakota, has been pressuring California Governor Jerry Brown, to surrender Banks to South Dakota officials so that Banks can be returned to that state for sentencing in a conviction of rioting in Custer, South Dakota in 1973. All indications seem to be that the move to return Banks to South Dakota is merely a ploy to get him back into the hands of state officials who intend to dispatch him forthwith.

The harassment of traditional Indians would be greatly reduced if Indian political groups such as the National Congress of American Indians and the National Tribal Chairmen's Association would call upon the President to cease the harassment of their people. But these groups are engaged in a game of their own, competing with each other to determine which group will make Federal policy governing Indians. Their concern is influence, not people. Of the two groups the N.C.A.I. is the more desperate because it depends almost exclusively on Federal funding for its operations, and thus it is continually caught between its Indian constituency and demands placed upon it by Federal officials to support Federal policy.

Unwittingly, the N.C.A.I. began a treacherous ploy in 1975 when it passed a resolution against the Lumbee Indians of North Carolina who were attempting to secure Federal recognition as Indians. Arguing that the Lumbees had not preserved their language, customs, or traditions, that they had no treaty, and that they had mixed blood, the N.C.A.I. opposed legislation which would have clarified the legal status of the Lumbees with respect to Federal services. This example did not go unnoticed among the tribes, and when the small unrecognized tribes of western Washington attempted to secure the same Federal recognition, the Tulalip Tribe of that state began to oppose their efforts. Indian country is thus presented with the spectacle of Indians fighting Indians to keep the



### Hank Adams (Assiniboine)

The brightest and best of the current crop of Indian activists, Hank has "paid his dues" to social reform in a life filled with danger and intrigue. The target of vigilantes in the Pacific Northwest during the struggle for

larger of Federal funds the exclusive property of a few powerful tribes. The excuse of the N.C.A.I., that the Indians not getting Federal aid have few cultural attributes that other Indians have, is a false claim in that few of the N.C.A.I.'s officers could qualify as Indians under the criteria the organization has established.

Dark as the Indian situation may seem, it appears to be better in many respects than what has gone before. In the field of education great progress is being made. About five years ago Indians began to demand control of their own schools, and out of this movement came several education organizations of much promise. The Coalition of In-

Indian Controlled School Boards, a Denver-based group which assists local school committees in establishing Indian-operated schools, has now built up a constituency of some 160 school boards operating at both the primary and secondary level. The Coalition now plans to make Indian control of schools a major budget item which will finally free local Indian schools from the heavy hand of the Bureau of Indian Affairs.

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In the ongoing pursuit of justice the Native American Rights Fund, an organization created by the Ford Foundation nearly half a decade ago, has finally developed into a major influence in the field of Indian law. With nearly a dozen young Indian attorneys,



Buffy St. Marie,  
folk singer



Will Rogers, Jr.,  
actor/politician



Jamake Highwater,  
author



Russell Means,  
leader of Wounded



Cher,  
actress



Sequoyia,  
inventor of the

whole, A.I.M. has made good progress all over the nation in bringing Indians to an awareness of their common plight. Traditional people in many tribes have begun speaking out when they feel that the tribal council or the Bureau of Indian Affairs has been double-dealing them, and at least a part of this resistance is due to the activities of A.I.M.

But A.I.M.'s very ability to draw Indians together has made it a target of Federal security agencies who have begun using Indians as pilot projects for training Federal officers to quell domestic disturbances. The Nisqualli Indians of western Washington have been designated the "enemy" in summer training of the National Guard by that state. And Operation Cablesplicer, a national plan to round up any potential subversive in times of either crisis or bureaucratic paranoia, seems to be partially designed to counter Indian resistance to Government policies. But the worst and most systematic oppression of Indians by Federal agencies is the continuing harassment of the Oglala Sioux by the F.B.I. on the Pine Ridge Indian Reservation in South Dakota.

Since Wounded Knee in 1973, nearly a hundred Indians, mostly full-bloods and traditional people, have died of violence on that reservation. Carloads of tribal police, aptly labeled the "goon squad" by reservation residents, follow people suspected of anti-Government or antitribal council activities, often shooting at their cars and houses with abandon. F.B.I. agents pursue and harass the reservation residents whenever they attempt to fight back. Reporting acts of violence to the Government, which is supposed to provide law and order on the reservation, has had few results. F.B.I. officials routinely report that they are unable to find the culprits whenever a traditional Indian is murdered, although they seem to have amazing luck in finding suspects whenever a tribal official or Government agent is attacked.

In June 1975, two F.B.I. men were killed at a small reservation settlement. Almost immediately the reservation was covered with some two hundred

Federal officials flying helicopters and dressed in combat gear. Initial news reports claimed that the two agents were ambushed from a cleverly disguised Indian fortress in which bunkers and trenches figured prominently. According to the Government, the two agents were innocently attempting to serve some warrants when they were treacherously assaulted and executed by a swarm of seventeen armed Indians.

Closer examination of the situation indicated that the "bunker" was merely an abandoned root cellar, and that the seventeen Indians were composed mostly of women and children who were living in a tent camp. But four Indians were indicted for the slayings and two, Dino Butler and Robert Robideau, were tried for the killings in Cedar Rapids, Iowa last summer. The best evidence the Government could muster from informers was that the Indians were all sitting around their campfire cooking lunch when someone started shooting at them, and the Indians returned the fire, hoping that in the confusion the women and children who were in the camp could reach safety. Butler and Robideau were fortunate to have a good defense team headed by William Kunstler, and they were found innocent. Two others, Jimmy Eagle, a teenager, and Leonard Peltier, now fighting extradition from Canada on the same charge, remain to be tried for the killings. The evidence against them is less convincing than that which was presented in the Butler-Robideau trial.

Members of the American Indian Movement remain under continual surveillance by the Federal government. A.I.M. leader Russell Means has already been through seven trials on a variety of charges ranging from inciting a riot to first-degree murder. Means has been acquitted in every trial and it is now apparent that the Government is using spurious charges against Means to keep him in court and away from his home with the hopes that the movement will die without his charismatic leadership. The other leader of the Wounded Knee occupation, Den-



### N. Scott Momaday (Kiowa)

A hypnotic poet, Pulitzer Prize-winning novelist (*House Made of Dawn*, 1969), and literature professor at Stanford University, Momaday is transforming traditional oral legends of Indians into a new format, bringing the written word a new sense of beauty and purpose. A member of the prestigious Black-Legging Society of the Kiowa tribe of Oklahoma, he yearns for those rare times when he can dwell in solitary splendor in the sacred Rainy Mountain, center of the Kiowa universe.

As an orator Momaday is spellbinding, a speaker who stands as a historic figure in a tribe noted for its picturesque and incisive language. Although he attended Government schools for part of his life, Scott's parents being art teachers in the Bureau of Indian Affairs, Momaday has little patience with the lethargy of Government educational programs, and seeks to inspire younger Indians to take pen in hand and preserve their tribal histories in the language of the white man. But his major emphasis is transforming the traditional Indian propensity for action into poems and novels which energize both reader and writer and leave a sense of growth in their wake.

Perhaps the leading American Indian writer and poet today, Momaday is now branching out into television, writing scripts, narrating films, and generating interest in Indians in a media which has long shunted aside Indian demands for authenticity. The image of the Indian will change beyond recognition when Scott is finished with his work - and Indians will be content that he has been a warrior with words.



Ernest Soyback,  
artist

Roman Gabriel,  
football player



Barney Old Coyote,  
president,

Billy Mills,  
1964 Olympian

N.A.R.F. has started a supporting litigation program which has enabled many tribes to undertake extensive litigation at a minimum cost. Because of funding restrictions, N.A.R.F. cannot take criminal cases and if it has a shortcoming in its program it is in this area, but the breadth of the program in the fields of natural resources and tribal sovereignty seem to make it effective in the areas it does cover. Whether it would expand into the criminal law field with additional unrestricted funding remains to be seen, but in the present crisis in which Indian natural resources are coming under increasing pressure from developers, expertise in its present areas stands N.A.R.F. in good stead in the Indian community.

Perhaps the best progress being made by Indians today is in the all-important field of media and communications. Will Sampson, who played Chief Bromden in *One Flew Over the Cuckoo's Nest*, is presently in great demand in Hollywood, and his portrayal of an Indian after endless Italians have graced the screen as Sitting Bull, Crazy Horse, or other Indians is qualitatively different from what has gone before. Sampson's success is expected to lead a general movement in movies to secure Indian actors to play Indians, a self-evident proposition which took nearly seventy years to bring to fruition.

In television a new group of Indians in Los Angeles, the Native American Media and Communications organization, has been in the forefront of developing Indian programs. Headed by Sandra Osawa, a Makah Indian woman who produced a ten-program

### Betty Gress (Mandan)

Growing up on the Fort Berthold Reservation in North Dakota meant herding cattle, singing in the church choir, learning Indian cooking, attending pow-wows, and being fired with a desire to bring a better life to Indian people through education. Betty's first job was as girls' guidance counselor in a Government school where, seeing daily that other Indians were having problems adjusting to the white man's way, she determined to devote her energies and talents to helping Indians devise their own educational systems.

After setting up the Adult Education Program on the Rosebud Sioux Reservation in South Dakota, Betty tagged along as tutor-teacher for the delegation of Sioux traveling to Mexico for the filming of *A Man Called Horse*, educating both Indians and whites while on location. Returning to her own reservation, she estab-

lished a Moral Concept Development series for the NBC affiliate in Los Angeles, the group is planning additional programs dealing with Indian life and culture. N.A.M.C. is not oriented toward urban problems, however. Their policy is to assist reservation people who have a story to tell, and one of their first projects is bringing the story of the Northern Cheyenne people of Montana to television.

Indians are also pushing forward in the field of economic development in some unique ways. The Lummi Indian tribe of western Washington works in aquaculture. The tribe raises oysters, salmon, trout, and clams. Originally designated as "hopeless" by the Bureau of Indian Affairs which wanted the Lummis, natural fisherman for thousands of years, to become weavers, the tribe went through a period of benign neglect during which the Bureau refused to even visit them. Being studiously avoided by the Bureau of Indian Affairs meant that the Lummis could put some "Injun-uity" to work and they decided that the scientific cultivation of seafood suited their fancy. They initially built a four-acre pond as a test site to see if the program was feasible. It was, and they became so excited by its prospects that they raised sufficient funds to expand into an 800-acre pond. They presently raise literally billions of oysters, undercutting Japanese producers of oysterseed by half the price.

The success of the Lummis was so startling that other tribes began to investigate such innovations as hydroponic farming and freshwater aquaculture. The Paiute Indians at Pyramid Lake, Nevada have started

lished a Moral Concept Development Center, first of its kind on an Indian reservation, to teach traditional Indian values in a contemporary format, enabling Indians to cushion the culture shock of dealing with the fast-paced world of the white man.

Married, the mother of a lovely three-year-old daughter, Betty combines a busy and happy life as a homemaker with a rigorous professional career. She visits 160 local Indian schools as part of her job as associate director of the Coalition of Indian Controlled School Boards in Denver. A new generation of Indians has taken the reins of leadership in recent years; well-educated, experienced in the hardship that has become the lot of Indians in this century, they are determined to reverse the trend of decline so evident in Indian communities and to understand the rapid pace of the modern world. Betty Gress is typical of the new breed.

scientific fish farming at their freshwater lake, and the Quechan Indians at Yuma, Arizona along the Colorado River are now looking into new farming methods which will utilize the latest knowledge in hydroponic techniques. In the eastern states some of the Indian tribes such as the Shinnecocks on Long Island are developing their version of aquaculture, planning in the near future to raise lobsters commercially.

The basic statistics which outline the poverty conditions of Indians remain much the same, however, in spite of the advances in economic development among the tribes. Reservations as a whole have desperate housing needs with an estimated 40 percent of the families living in substandard homes. Unemployment remains a serious problem for the larger reservations with a national figure of some 35 percent unemployed and some reservations, notably the Pine Ridge Reservation in South Dakota, reaching as high as 75 percent. This figure, of course, describes a condition so severe as to make figures irrelevant.

It is difficult to find reliable figures on the drop-out rate of Indian school children because the families, in order to make a living, travel from place to place seeking work. Children are often enrolled at several schools in the course of a year on many of the northern reservations. Indian educators maintain that it is less a drop-out problem and more of a push-out situation, because Indians are not made welcome in the schools and eventually disappear through benign neglect. The suicide rate of teenagers reflects this condition, and Indians have the highest rate of young suicides in the nation. The young people, with no future in front of them, contemplate another world as much as they consider this one.

The average life expectancy of Indians is about fifty years today, although nearly every Government agency dealing with Indians creates its own estimate for this figure, coinciding, quite often, with the programs and budget requests of the agency. A major factor in determining this figure is the appalling accident rate on the reservations and the many deaths which are alcohol-related. Indians rank first nationally in these statistics. The crime rate is also high but artificial in the sense that Indians have an extremely high rate of arrest for drunkenness, loitering, and other minor crimes, which indicates a general inability to behave in non-Indian terms, rather than a propensity for hard-core criminal activities such as bank robbery, auto theft, drugs, murder, and armed robbery.

Of the nearly one million Indians today, nearly 65 percent live in urban  
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## AMERICAN INDIANS

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areas and small, nonreservation settings. The reservation population is primarily full-blood and traditional people who have refused to leave their lands or make accommodations to the white society. It is this group, which fails to understand how to manipulate the Federal bureaucracy, that provides the traumatic statistics, for they are always the last recipients of Government largess. The Indians of mixed blood who know bureaucratic methods long before took the major portion of funds available for Indian programs.

Indian country is perhaps more turbulent today than at any time in North American history. Today Indians are making amazing strides in many fields. Since 1960 nearly four hundred Indians have become lawyers. Only a thousand Indians were in some form of higher education in 1960, but now nearly thirty thousand Indians are pursuing

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college degrees, many of them advanced degrees. The community college movement is strong on several reservations because Indians want to avoid the culture shock of the large university and to tailor their higher education to fit the needs of the reservation community. In the past fifteen years, Indians have accomplished tremendous gains. Whatever activity a few Indians were timidly attempting in 1960 is today being aggressively mastered by hundreds of Indians working like experts.

It is this great surge of confidence and activity that makes the present conflicts and confusion in Indian Affairs tolerable. For one can easily see that the political leadership in the field of Indian Affairs has not kept abreast of the rank and file of Indian people, and that the administrative structure of the Federal government which has always hemmed Indians in is about to collapse from its inability to keep pace with developments. Indians have made a quantum jump of centuries in a mere decade and a half and would have developed even more significant pro-

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grams had it not been for the policy pursued during the Nixon-Ford years. The tendency of the past eight years has been to throw Federal funds about indiscriminately in order to keep the Indians pacified. Many people occupying leadership roles have allowed themselves to be led astray by the easy availability of Federal funding. Once the political leadership understands the price of easy Federal funding, Indians should be able to adjust to their new opportunities and present a united front.

Yet the political leadership is notoriously slow in discerning its errors. Prior to the Republican National Convention last summer, President Ford invited Indians to the White House and asked that they come in costume. Many tribal leaders rose to the bait, paid their own way to Washington, and docilely listened to what the great white father had to say. The fact that Ford was pursuing stray delegates to support his renomination seemed not to register on the tribal leaders. After the ceremony and promises by Ford to be more friendly toward Indians (wonderful!), some tribal officials wondered aloud if they had been used. Well, chiefs, being outfoxed by Gerry Ford is not exactly a demonstration of swiftness, is it?

When we compare Indians with other minorities in American society, the real strength of Indian culture begins to assert itself. Indians seem somehow to maintain the important aspects of community life to a much better degree than other groups. No matter if the oral tradition has now become partly a written tradition, and that students today learn some of their tribe's customs from books. Or that cassette tapes are the better means of preserving traditional songs. Scandinavians don't troop about in Viking costumes, the Anglo-Saxons have shed their armor, and the Italians no longer go about in togas. So there is no reason for Indians to continue to act as if the twentieth century has not had its effect on them. The real issue is always how many people want to help when a crisis occurs in a community. In the determination of the traditional full-blood Indian, be he or she Sioux, Iroquois, Hopi, Lummi, or Cherokee, we see a brighter day ahead. After all, part of our problem is that we have not had a very good group of immigrants to educate, and it has taken four centuries to zero in on their shortcomings. But we have been here for thousands of years, and until the other groups have had a chance to adjust to this land, we can't expect them to understand law, economics, religion, art or any of the things that enables a people to exist in a civilized manner. So we will be patient.



# Probe Hits Sterilization Of Indians

United Press International

A congressional investigation revealed yesterday that more than 3,400 American Indians, mostly women, were sterilized by the government's Indian Health Service over a three-year period.

The investigation was conducted by the General Accounting Office at the request of Sen. James Abourezk (D-S.D.), who said he had received numerous complaints that Indian women were being sterilized as a birth-control procedure without their consent or knowledge.

The GAO report said that 3,001 sterilizations were performed by the Indian Health Service on women of child-bearing age between 15 and 44. It said that 30 per cent of the sterilizations were done outside IHS facilities and were performed by doctors or in facilities which had contracted with IHS for payment.

The report also said that 36 women under the age of 21 were sterilized during this period despite a court-ordered moratorium on sterilizing persons under the age of 21.

The report indicated that there may not have been informed consent by the sterilization patients as required by law and that the consent forms in the IHS medical files "were generally not in compliance with the Indian Health Service regulations."

Abourezk said that "given the small American Indian population, the 3,400 Indian sterilization figure would be comparable to sterilizing 452,000 non-Indian women in the U.S."

## The Washington Post RELIGION

FRIDAY, NOVEMBER 19, 1976

### Council Raises \$70,000 for Crow Dog's Defense Indian Religious Leader Serving Time After Battle at Wounded Knee in 1973

By Janis Johnson

Washington Post Staff Writer

The National Council of Churches has undertaken the cause of Leonard Crow Dog, an Indian religious leader serving prison sentences for convictions arising from the Indian occupation of Wounded Knee, S. D., in 1973.

The council's division of church and society has raised about \$70,000 since July for Crow Dog's legal defense through direct mail appeals that portray him as "a victim of outrageous injustice."

Earlier this year, the council's governing board declared in a resolution that Crow Dog, 33, a Sioux medicine man, has been "pursued, prosecuted, imprisoned and victimized for what were at most minor offenses, suggesting that his real offense has been to lend spiritual force and dignity to the struggle for Indian rights."

The Justice Department's position

is that Crow Dog's record of criminal charges, trials and convictions speaks for itself, a department spokesman said.

Since the council has attempted to reduce what its religious and civil affairs director, the Rev. Dean Kelley, terms Crow Dog's "excessive" punishment, several of the Indian leader's sentences have been reduced.

The council now is pushing for a parole hearing for Crow Dog in December and to have him transferred from maximum security at Terre Haute, Ind., to a medium security prison.

Crow Dog is serving two concurrent terms, one reduced last month from 8 to 3 years, and the other for 3 years, for "interfering with federal officers" during the 71-day Wounded Knee siege in which two persons died and many others were injured.

The council says Crow Dog was per-



forming religious and medical services in the occupied area and had nothing to do with assaults against postal inspectors and the theft of an officer's pistol. He was convicted of both offenses.

Crow Dog was given two five-year prison sentences for assault convictions in connection with incidents in September, 1975, when two individuals trespassing on his property were beaten with a rifle.

In sentencing him last year, U.S. District Judge Robert R. Merhige Jr. of Richmond, said that Crow Dog, "though himself not striking a blow, should have prevented this fight, because he, a medicine man and leader, was the responsible person on the spot."

In September, Judge Merhige commuted the sentences to time already served.

Crow Dog also is on five years pro-

bation for a conviction of attacking with a chain saw and a tomahawk a man who had entered his home uninvited and made passes at his wife in January, 1976.

The council, a cooperative agency of 30 Protestant and Eastern Orthodox churches, has committed money to parties in several highly political cases, such as some Mississippi Freedom Riders in the 1960s and parents of Kent State victims.

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A16  
Clinic Is  
Okayed

GALLUP INDEPENDENT

Navajo...

(Continued From Page 1)

This year's budget, he said, provides \$111,000 for establishing a clinic at Rough Rock. He said it still may be awhile before a clinic is established, since there are more steps the tribe has to take before a contract between Rough Rock and IHS is written. Then the contract must go to the House Services Administration, a governmental agency, for approval.

On two other items on the agenda, the council voted to go into executive session, thereby barring non-Navajos and the press from attending.

The first subject to be discussed during the executive session was a report from the Navajo Tax Commission on proposals to establish a tax system on the reservation.

The commission was expected to recommend to the council a program by which large utility and mineral companies doing business on the reservation would be taxed.

Second in the executive session was a report from Manuel Pete, director of the Navajo Land Dispute Commission, on the status of the stock removal program from the Joint Use Area.

The fall session of the council was expected to adjourn Friday, possibly as early as noon, according to Navajo tribal Chairman Peter MacDonald.

Most items still to be discussed dealt with amendments to this year's tribal budget. MacDonald told the council to carefully consider these requested appropriations, since the tribe is trying to work under a balanced budget for the year.

By BILL DONOVAN

WINDOW ROCK, Ariz. (Dine Bureau) - The Navajo Tribal Council Thursday approved a resolution allowing Rough Rock Demonstration school to contract operation of a medical clinic from the community.

The school will contract the clinic, at a cost of about \$111,000 from the Indian Health Service. The resolution added a stipulation that the contract should be given only if it does not cause problems with funding other programs within the Chinle area by the IHS.

Residents have been trying to get a clinic established at Rough Rock for a year with little success. Dr. Donald Gatch has been donating his services to the community for the past year.

Previous attempts to get a clinic at Rough Rock have been unsuccessful because no money has been allocated in previous budgets. IHS officials have said previously that to establish a clinic at Rough Rock would have resulted in program funds being taken away from other IHS facilities.

According to Don Meyer, director of IHS's sanitation program on the Navajo Reservation, that no longer is the case.

# Charlie John Begins Term As Judge

By SCOTT SANDLIN  
Daily Times Staff

SHIPROCK -- "The system of government on the Navajo reservation is like a three-legged stool, with one leg shorter than the other two," says Charlie John. "All branches need to be strengthened."

But John, the first permanent, full-time judge in Shiprock in the more than a year since Judge Joe Benalley resigned, focuses his attention on one branch of Navajo government: the judicial.

"I've always felt that to strengthen tribal sovereignty, it must be done through the judicial system and civil law," he says. One problem John sees is the limited jurisdiction on the reservation: tribal courts have jurisdiction over misdemeanors committed on the reservation by Indians, but are not permitted to try non-Indians.

He says, however, that a recent case in a federal circuit court of appeals decided that Indians have jurisdiction over any person committing a misdemeanor on an Indian reservation.

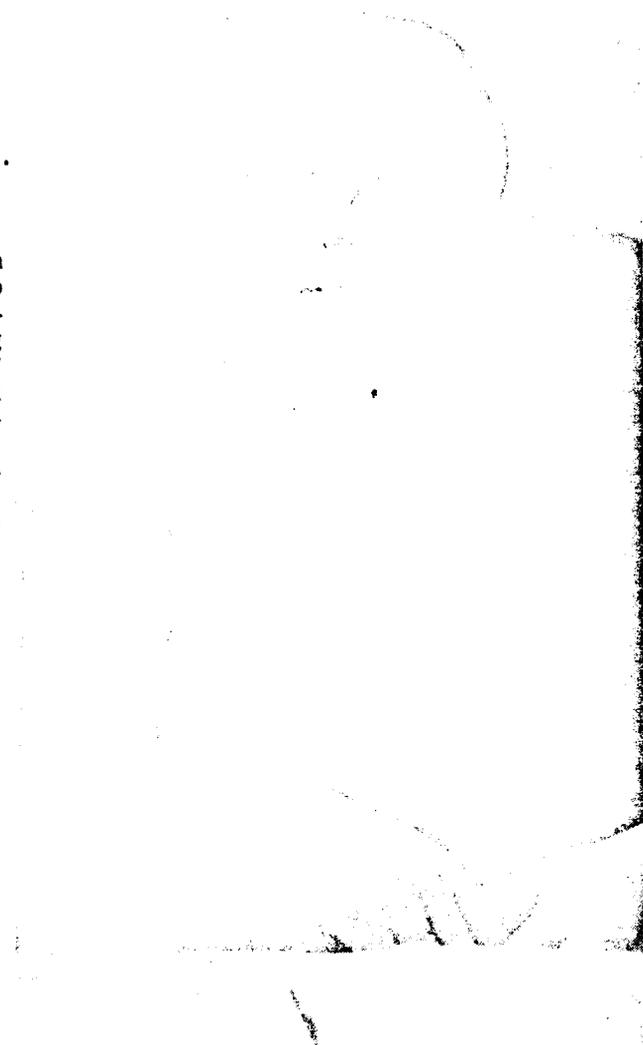
The 12 "major" crimes are handled by federal authorities such as the Federal Bureau of Investigation.

A ruling, John says, "has to come from the (Navajo tribal) council permitting us to assume jurisdiction over anglos."

John also sees a need for amendment of tribal codes. "With all the complexities arising from contractual obligations on the reservation between anglos and Navajos, there is a need to amend the codes."

John, who was approved as judge by the tribal council at the end of October and assumed his duties Nov. 1, is no newcomer to the tribal court system.

He was one of four tribal advocates when DNA Legal Services in Shiprock first opened in 1967, working with former Shiprock Judge



**Tribal Court Judge Charlie John** (Staff Photo)

Navajo tribal court judge Charlie John, who assumed duties Nov. 1, is a former DNA Legal Services tribal advocate and former associate director of the National Indian Youth Council.

Benalley, the late Shiprock Councilman Fred Johnson and current DNA advocate Perry Garnenez.

A Central High School dropout who later joined the Marines and saw duty in Cambodia, Thailand and Laos in the mid-1960s, John attended the summer Indian Lawyer Training Program at the University of New Mexico in 1971 and later enrolled at UNM full-time. He received his bachelor of arts degree last May in political science and philosophy.

In 1972, he was associate director of the National Indian Youth Council. "I wanted broader experience on Indian problems in the U.S.," he says.

While at NIYC, he says he

was involved in negotiations on behalf of various Indian tribes.

"In Oklahoma, for example, they were expelling kids from school who braided their hair in traditional fashion." Other NIYC work involved dealings with U.S. Civil Rights Commission on employment problems and health care delivery.

John lives with his wife, Marian, son Gabriel and daughter Richanda in judge's quarters in Shiprock.

NOV 1 1976

Farmington Daily Times

## MANDATED BY NEW LAW

# Federal Land Use Reviewed

NOV 10 1973  
PHOENIX  
GAZETTE

WASHINGTON (AP) — Under congressional orders, the Interior Department is taking a fresh look at how the government administers federal lands, which make up one-third of the land in this country.

The study is expected to have sweeping effects.

The review was ordered in legislation known as the Bureau of Land Management Organic Act, passed in the closing days of Congress and recently signed by President Ford.

The legislation removed some 3,000 outmoded laws from the statute books. The aim was to update and streamline administrative policies.

THE LAW directs the interior secretary and the bureau to examine and review all the possible uses of public lands and determine whether a section is to be set aside for grazing, mining, timber, recreation or wilderness.

The Homestead Act was symbolic of the outmoded laws removed from the books by the new law. Homesteading had served to populate the West, but it had virtually ceased for lack of suitable farmland.

However, Congress did leave the interior secretary the discretion to allow homesteading in Alaska for 10 more years. And, it allowed a similar approach for developing promising desert lands, notably the Sand Hill region of Idaho.

THE BUREAU has had to rely on other federal or local law enforcement officers to protect and patrol its lands. It proved to be a losing effort: timber and Christmas trees were being chopped; cactus, rare desert flowers, and ancient Indian paintings and carvings were being carted off for sale in the cities, and game was being poached.

Under the new law, the bureau still may contract for law enforcement with local sheriffs, but it may field its own force of trained and armed agents who will have full powers of arrest, search and seizure.

The Interior Department did not seek this power, and sources there talk in terms of only a small force of agents to begin with.

In Western states, up to 80 per cent of the land may be federally owned. This creates problems for towns that want to expand. This situation is especially urgent in the coal and oil shale towns of Montana, Utah, Colorado and Wyoming.

AS IT WAS, federal land could be transferred only in token amounts or in larger blocks only for recreation purposes.

Under the new law, the secretary can sell up to 2,500 acres to a town, at the going market price, if he thinks the sale is for the general public good. Larger sales can be ar-

ranged, but they require review by Congress.

Some two per cent of the nation's beef herd is raised on western rangeland under grazing permits issued by the bureau. For years ranchers have fought hikes in the grazing fees which were being pushed in an effort to bring the fees into line with the costs of grazing cattle on private lands.

Congress eventually settled on a compromise grazing provision freezing the fee at \$1.51 per animal per month while the whole issue is studied for a year. Also, Congress decided to extend the rancher-dominated grazing advisory boards for 10 more years and to earmark half the annual fee revenue of \$25 million for range improvements.

RANCHERS also have fought for stepped-up roundups of wild horses, which came under expanded federal protection in 1971. The protection law banned all mechanical vehicles in roundups.

But the bureau said the roundups were proving to be too lengthy, costly and dangerous by horseback and so, over the protests of humane groups, Congress decided to allow everything from four-wheel-drive motor vehicles to helicopters

Some other provisions in the law would:

● For the first time allow portions of the public lands to be set aside in

the federal wilderness area system.

● Liberalize procedures for cost-free transfers of public lands to other federal agencies and states for recreation.

● Require the Interior Department to complete a comprehensive plan for use and protection of Southern California desert lands — an area equal in size to West Virginia — by Sept. 30, 1980.

● Streamline procedures for granting rights-of-way on federal lands for everything from transmission lines to water flumes. The general aim is to restrict future rights-of-way to specific corridors to minimize environmental damage.

● Review all the land that has been put off limits to mining and to require that any future mining bans on tracts in excess of 5,000 acres be approved by Congress.

# Taos Pueblo unchanged

**EDITOR'S NOTE:** Pete Lee, editor of the El Paso Herald-Post, a Scripps-Howard Newspaper, recently visited the Mesa Verde cliff dwellings in southwest Colorado and the New Mexico pueblos country. This is a column he wrote on his impressions.

By PETE LEE

Editor, El Paso Herald-Post

According to Hopi legend, Tawa the Creator made the planets long ago, and deep in the Earth he placed life in the form of insects, expecting them to live peacefully together.



Lee

But the insects fought, and Tawa sent Spider Grandmother down to lead them up to a new level within the planet, and to a different life.

When they emerged into this second world they found themselves changed into fur-bearing animals — the rabbit, wolf and bear. Even in that form, however, they fought amongst themselves, so Spider Grandmother came again to lead them up to a third level of existence, just below the surface of the Earth.

In this new level, the creatures found themselves in the form of men. And still some of them fought, stole and gambled.

SO SPIDER Grandmother came for the last time, to lead the good people up to the surface of the Earth, sending them across the land in the form of different tribes.

And the whole through which they emerged to the open air was called "sipapu."

In each of the circular kivas of the cliff dwellings of Mesa Verde you will find a sipapu — a small hole dug in the ground to commemorate that long-ago emergence of man on Earth.

The legend of sipapu was not confined to the Anasazi people who built the cliff dwellings, for you will find similar holes in the kivas of pueblos built along the Rio Grande. It seems a common thread which binds together the many tribes of ancient days.

AMONG THE pueblos of the Rio Grande, one of the greatest is that at Taos, whose terraced apartments, linked by ladders, have been inhabited for hundreds of years.

It was to Taos our vacationing party went after leav-

ing the ruins of Mesa Verde and swinging north through the San Juan Mountains and the Black Canyon of the Gunnison and then south again to cross the Gorge of the Rio Grande to Taos Pueblo.

The pueblo seemed unchanged since the last time my bride and I saw it some eight years ago. The big plaza between the north and south structures was vacant save for a few picture-taking tourists like ourselves, and some Indian youngsters — all in modern dress — playing along the banks of the stream that bisects the plaza.

Take away those visitors and the modern garb of the kids, and the pueblo looked much as it must have looked when Spanish explorers first came across it — and possibly, if it existed then, when remnants of the Anasazi, fleeing their cliff dwellings to the west, made their way to the Rio Grande and merged with the tribes living there.

BUT IF THE pueblo has changed very little the same cannot be said for the city of Taos, just below it. When last we were there it was a small and quiet village, with the greatest stir of activity — and not very much activity at that — centering in the town plaza.

We found the town mightily expanded — motels blossoming where once had been empty ground, art galleries and souvenir stores everywhere. And people. Taos was jumping in the throes of one of its frequent arts and crafts fairs. The narrow streets were clogged with cars, and a parking space was scarcely to be found.

I guess I should not object to the march of progress, but somehow I resented this population explosion and all the new stores, even as I enjoyed greatly poking my nose into the galleries and viewing some truly beautiful art work.

WE PULLED OUT of Taos after a few hours' visit, spent the night in Old Santa Fe, drove down next morning to poke through the stores of Old Town in Albuquerque, and then headed down the long road home to El Paso.

I won't say I'm glad to be home. It would have been nice just to have spent a few nights sitting all alone in one of the kivas of an abandoned cliff dwelling in Mesa Verde, looking at the sipapu and listening to the ghosts of the Anasazi tell tales of Tawa and Spider Grandmother and how it was long ago when man first emerged from the Earth into a quiet and peaceful world.

But then it's likely that those ghosts wouldn't talk to a white man.

# JUA relocatees to be provided with facilities

**WINDOW ROCK** -- The Office of Environmental Health and Engineering of the Navajo Area Indian Health Service (IHS) is developing plans to provide water and sanitation facilities for homes into which Navajo residents of the Joint-use Area will be relocated in settlement of the Navajo-Hopi land dispute.

Office Director Don Myer said the services will be provided in accordance with legislation passed in 1974 establishing guidelines for relocation and requiring that all relocatees be provided housing that is "safe and sanitary." He said this provision required hot and cold running water, flush toilets and electricity.

Myer estimated that the 3,500 persons who would be relocated under terms of a plan currently being considered by the Tucson Federal District Court represent about 673 families. To provide water and sanitation facilities for 673 units would cost about 5 million dollars, he said.

Myer noted that the IHS would not be involved in providing services to persons who relocate off the Navajo reservation. He further noted that development of electrical facilities would be done by the Navajo Utility Authority (NTUA).

The IHS will also undertake a massive program to provide water and sanitation facilities to the half of the Joint-use Area which will be turned over to the Navajo tribe in partition.

He said about \$8.5 million would be needed to provide water and sanitation facilities to persons in this area, where public works have been virtually frozen since 1966.

About 8,000 persons now live in the half of the Joint-use Area that would become exclusively Navajo under the plan now before the district court.

The secretary of the interior ruled that public works projects to benefit Navajos in the Joint-use Area could proceed only with Hopi approval.

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QUA'TOQTI

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more about . . .

## JUA relocatees

The Hopi Tribe has been reluctant to approve any development that might encourage continued Navajo presence in the area.

The freeze on public works has been one of the most emotional issues in the Navajo-Hopi land dispute.

Navajo residents of the Joint-use Area have complained bitterly that they are being denied programs which are being developed in parts of the reservation away from the disputed lands.

The requirement for "safe and sanitary housing" for all relocatees will pose several practical difficulties in some cases, Myer said.

He said that if a family chose to relocate in an area remote from existing or planned public works projects, they will probably have to be served through cisterns, septic tanks and generators.

Myer said his office has not been contacted by the Navajo-Hopi Relocation Commission to coordinate plans for providing services for relocatees.

NOV 4 1976 Farmington Daily Times

# Miller Trial Set Jan. 10

PHOENIX (AP) — Pat Chee Miller of Gallup, N.M., faces trial Jan. 18 on charges of alleged fraudulent use of millions of dollars in federal money allocated to the Navajo Housing Authority. He pleaded innocent Wednesday and was released on his own recognizance by U.S. District Court Judge Carl Muecke. Miller was executive director of the Navajo Housing Authority when he placed nearly \$13.3 million in U.S. Housing and Urban Development funds with American Funding Corp., a Beverly Hills, Calif., investment company. Miller was accused of receiving \$42,000 in kickbacks for loaning Navajo Housing Authority money to American Funding.

# Tribe, Not State, Has Right to Energy Revenue: MacDonald

WINDOW ROCK, Ariz. (AP) — The Navajo tribal chairman says the tribe has the right to tax energy-producing companies operating on the reservation, not the state of New Mexico.

Peter MacDonald said the tribe will challenge in court the New Mexico law which allows the state to tax companies doing business on the reservation, such as the Four Corners power-producing companies.

"The big problem here is that the companies do not want to be double taxed," MacDonald said. "The com-

panies don't mind paying taxes to the tribe (if) they don't have to pay taxes to the state.

"Of course," he continued, "the state's position is that it does not want to relinquish its right to tax. Our position is that the states have no right to tax activities on the reservation."

The state law, passed last spring, would take leasehold interest taxes from non-Indian companies leasing land and operating facilities on the reservations.

It would affect El Paso Natural Gas, Utah International, Arizona Public Ser-

vice Co., the proposed WESCO coal gasification plants, and Peabody Coal, all of which have operations on the Navajo reservation.

Waldo Antone of the state Legislative Finance Committee said the Navajo, Mescalero and several pueblo tribes have filed suits challenging the state law. He said the suits are being handled as one case and will probably end up in the state Supreme Court.

Antone said no taxes are being collected from the companies pending the outcome of the court action.

Albuquerque Journal

NOV 14 1976

## Navajos Oppose Tax Plan

By JIM LARGO  
Of the Journal Staff

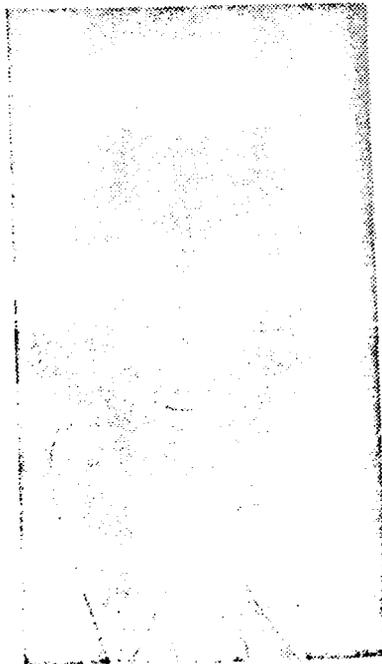
WINDOW ROCK, Ariz. — The Navajo Tribe will fight New Mexico in court over the right to tax energy producing companies on the reservation, including the Four Corners area, the Navajo leader declared in an exclusive interview with the Journal.

Tribal Chairman Peter MacDonald said the tribe has a right to tax the companies and will challenge New Mexico's law which says the state can tax companies doing business on the reservation.

The taxation would affect El Paso Natural Gas, Utah International, Arizona Public Service Co., the proposed WESCO coal gasification plants, and Peabody Coal, all on the Navajo reservation.

A state law would take "leasehold interest" taxes from the companies and other outside non-Indian companies leasing land and operating facilities on Indian reservations. The law was passed last spring.

Waldo Antone of the Legislative Finance Committee in Santa Fe said the



Peter MacDonald  
"Who Will Foot Bill?"

Navajo, Mescalero, and several pueblo tribes have filed suits challenging the state law. The suits, all being treated as one, are expected to end up in the State Supreme Court, he said.

Currently no taxes are being taken from the companies pending the outcome of court action, he said. The Navajo suit involves the Four corners energy producing companies, he said.

"The Navajo Tribe has a tax commission which has been charged with the responsibility of researching and investigating types of taxes and at what level we can levy on these companies," said MacDonald.

"We are expecting the commission to report to the council on their findings and their recommendations. The tribe has a right to tax as a government unit.

"The big problem here is that the companies do not want to be double taxed. The companies do not mind paying taxes to the tribe (if) they don't have to pay taxes to the state.

"Of course the state's position is that  
Continued on A-2

# Navajos and Hopis Still Differ over Pasture Canyon Despite Order

By L. Joy Bossert

**WINDOW ROCK**—Although a permanent injunction barring the Hopi Tribe from further construction in the Pasture Canyon area near Tuba City was issued by Navajo Tribal Court Judge Merwyn Lynch October 22, the Hopis still maintain, as they have all along, that the "Navajo Tribe has absolutely no jurisdiction in the area."

These were the words of John Boyden, Sr., general counsel for the Hopi Tribe, in an interview Monday. He added further, "We have a right to be there and have always been there." He said that he has no idea if the tribe plans to comply with the Navajo court order.

Contrary to Hopi opinion, Judge Lynch in announcing his

decision to grant the permanent injunction, said that based on the testimony given by Samuel Perte, former director of the Navajo-Hopi Land Dispute Commission, Pasture Canyon is within the exterior boundaries of the Navajo reservation and therefore within territorial jurisdiction of the court.

In his ruling, Lynch said further, that based on the testimony of BIA officials Val McBroom and Dwight Marable he would grant the injunction because of BIA and Justice Department inaction in the matter and the Hopis failure to comply with orders issued by BIA officials ordering them to stop fencing to the area.

Lynch had earlier granted a preliminary injunction authorizing removal of a fence built by the Hopis in Pasture Canyon. It was also at that earlier hearing held August 24, that three BIA officials refused to testify because of "orders from the U.S. Attorney's Office of the Department of Justice.

In a hearing held late last month assistant U.S. attorney for the Department of Justice said that the Secretary of Interior had granted the three permission to testify in the future.

At the October 22 hearing former acting area director for the Navajo BIA Office, Val McBroom, testified that when the Hopis constructed a fence in July in the area, he ordered them to immediately cease from any further fencing activity.

Several days later on July 28, understanding that fencing had started again and that a group of people there had begun to remove it, testified McBroom, he

ordered that no action be taken to remove or do damage to the fence around Pasture Canyon.

He testified that his first order was sent to the Justice Department in Phoenix but he has received no results.

Dwight Marable, area special officer for the BIA testified that he served Hopi officials with McBroom's first order and was informed that the Hopi Tribe ceased construction for two days, then resumed.

He testified that following the July 28 order he was informed that Hopis had completed the fencing (later removed by Navajo police).

In other testimony, Frankie Paul, Tuba City Agency superintendent for the BIA testified that since removal of the fence July 28 he was not aware of any reconstruction of it around Pasture Canyon.

Navajo Prosecuting Attorney, Raymond Tso, in his summation asked that based upon previous and current testimony, the preliminary injunction be made permanent.

"Testimony by Val McBroom and Dwight Marable of the BIA indicated that the BIA did nothing and has no plans to do anything. The only way we can protect peace is with the granting of a permanent injunction.

This will allow the Navajo Tribe its prayer in this cause of action," he concluded.

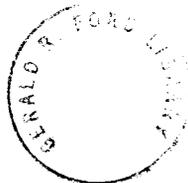
After granting the injunction, Judge Lynch asked Tso to prepare the order.

No Hopi representatives appeared at the hearing because of their contention that the Navajos lack jurisdiction in the matter. The tribe maintains that since passage of the Navajo-Hopi Settlement Act jurisdiction in the matter belongs to federal court.

The land in the Pasture canyon area is administered by the Navajo Agency of the Bureau of Indian Affairs but any construction activity requires approval of both the Navajo and Hopi tribes.

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Navajo Times



# Court to Get Navajo Tax Plan

Continued from A-1

it does not want to relinquish its right to tax. Our position is that the states have no right to tax activities on the reservation.

"Very shortly we will be in court with the state over this," said MacDonald in an interview in his office.

He was explaining the tribe's plans to produce the nation's much needed energy. The reservation, spreading over parts of three states, contains billions of dollars worth of coal, uranium, oil, and gas, he said.

During 1975, companies exported from the reservation 10.3 million barrels of crude oil, 5.5 billion cubic feet of natural gas, and more than 13 million tons of coal. Uranium production is just beginning.

Most of the raw materials were shipped out, and some of the coal was converted to electrical power relayed to Los Angeles, Phoenix, Albuquerque and places in Texas.

MacDonald explained that the current energy production, industry has tapped only 10 per cent of what is believed to lie under the reservation. Coal and uranium are believed to be more abundant than gas and oil, he said.

The 46-year-old Navajo leader said the known raw materials are in the middle and eastern side of the reservation and the western side is yet to be explored.

MacDonald said the tribe has leases with three major companies. They are El Paso Natural Gas, Utah International, and Peabody Coal. El Paso and Utah International are in the Four Corners area and Peabody is on Black Mesa south of Kayenta.

Arizona Public Service Co. operates

the Four Corners Power Plant with purchased coal from other companies. McKinley Mines is mining coal partly on the reservation east of Window Rock.

MacDonald said the energy industry provides 70 per cent of the tribal government income. All of the money comes from royalty payments through lease agreements. The tribe does not tax the companies now.

When tax levies are begun, he said, tribal income should double. In addition to the taxation, the tribe will increase its royalty payments from the companies, said MacDonald.

The tribe has reopened lease negotiations with Utah International which pays the tribe 20 cents a ton in royalties. It is the second coal mining company to be asked for the higher rate of royalties.

Tribal officials recently completed negotiations with El Paso Natural Gas. The tribe was receiving 15 cents per ton for coal from the company. An agreement reached will mean that El Paso will now pay 55 cents per ton or eight per cent of the selling price, whichever is more.

"We have now established a minimum—55 cents per ton is the lowest they could pay us. If the coal is worth \$8 per ton, we will take eight per cent, which is 64 cents per ton. If the price goes up to \$10 per ton, we will take 80 cents, instead of 55 cents.

"Now we are moving to Utah International. They are still paying us 20 cents per ton. The way the present lease is they will pay us 20 cents until they mine all the coal in the lease.

"With the latest initiative on our part, we have been able to get them to agree to sit down and renegotiate the lease. I am very optimistic that the

lease will be renegotiated, so we can have a higher royalty structure.

"We are shooting for the same type of arrangement we have with El Paso, if not better."

MacDonald said Peabody Coal will come last in the renegotiations. Peabody pays 25 cents ton in royalties which is divided equally between the Hopi and Navajo tribes.

There is some concern about the raw materials being depleted within 30 to 35 years, he said. However, the tribe believes it has enough raw materials for the next 100 to 150 years, he said.

He said the 10 per cent now being dug up will be gone in 35 years, but the remaining 80 to 90 per cent of the deposits will be leased out proportionately during the next century.

MacDonald explained that energy extraction will be done only with caution and in a way to bring the highest benefit to the tribe. Such steps are being taken in the plans for WESCO coal gasification plants, he said.

"We have taken into consideration the environment, and the kind of development where we have outside people coming in, overtaking the reservation by setting up construction camps and boom towns."

He said tribal officials are continuing talks with WESCO and El Paso Natural Gas for plant site leases. The companies would buy coal from other companies and convert the coal into natural gas.

Undoubtedly there will be "social and environmental impacts," he explained. These must be researched and brought out before development, he said.

# Traditionalists meet with Chairman;

## proposed land settlement discussed

QUA'TOQTI

NOV 11 1976

**KYAKOTSMOVI** -- Fourteen misinformed Hopi "traditionalists" gathered at the Hopi Tribal headquarters Tuesday afternoon (Nov. 9) and demanded to meet with Hopi Tribal Chairman Abbott Sekaquaptewa to hear him explain what the proposed \$5 million settlement agreement with the federal government was all about and what it meant.

The three-hour meeting took place in the Tribal Council chambers with Tribal Chairman Sekaquaptewa and Vice Chairman Alvin Dashee representing the Tribal Council. Sam Shing, interpreter and sgt. of arms for the Council, also sat in on the meeting.

Mrs. Mina Lansa, self-proclaimed chieftain of Old Oraibi, and Thomas Banyacya, a spokesman for the traditionalist group, both led the group.

The meeting began with traditionalists charging that the Tribal Council was selling Hopi land for money when they never authorized the Council or the Tribal attorney, John S. Boyden, to enter into any land settlement.

Publicity regarding the proposed settlement was inadequate, they said, and if the settlement was approved, it would end the Hopi way of life.

After various charges against the Council and Chairman Sekaquaptewa were expressed by several traditionalists, Sekaquaptewa told the group there was not much point in explaining to them the proposed settlement and what it means, because they had already made up their minds that they would not believe any explanation by him or the Council.

Other questions raised in an orderly manner later turned the topic back to the settlement offer.

At one point during the discussion David Monongye of Hotevilla said Qua'toqti was merely a "funny paper."

Chairman Sekaquaptewa later explained to the group the history behind the Indian Claims case. He said the proposed settlement with the government was the result of Tribal Council efforts trying to protect Hopi cases in court designed to gain land, not to sell it.

He said the Hopi Tribe will be getting almost 1 million acres of land in the near future that is now in the hands of the Navajo tribe.

"This is some of the same land that we have supposedly just sold," he said.

A map was posted to help explain the land cases, with both the Chairman and

Vice Chairman explaining the Tribal position. They explained that the Hopi Tribe was in a better position to acquire land than any other U.S. tribes, explaining two other laws under which the Tribe is working to get the land back.

The meeting ended with an agreement that the traditionalists would bring their own attorney to look into the settlement agreement and interpret it for them. They feel a meeting with both attorneys would satisfy their doubts of the explanation given by the Tribal officials. The meeting date was not set.

Meanwhile, Tribal delegates are in Washington, D.C. this week to testify before the Indian Claims Commission that the settlement offer was explained and discussed by the Tribe on Oct. 30 in a general meeting, which was consu-

mated in accordance with law.

If the Indian Claims Commission approves the out of court settlement offer and all the approval procedures are completed, it goes to Congress who will include the payment in an appropriations bill.

How the settlement money is to be utilized by the Tribe, if it is approved, is a matter that has to be settled by the Tribe in the future.

NOV 17 1976

Albuquerque Journal

### Mechem Drops

### Navajo Lawsuit

A \$6 million breach of contract suit against the Navajo Housing Authority has been dismissed by U.S. Dist. Judge Edwin Mechem. Mechem said he did not have jurisdiction over the case.

Window Rock Constructors Inc. filed the suit Sept. 30 claiming the housing authority failed to honor portions of contracts for construction and improvements on 310 low-income home sites on the Navajo Reservation in New Mexico and Arizona.

The Window Rock, Ariz., firm had asked a jury trial and \$6,644,376 in damages.

# Reliable telephones for Navajos

The first regular telephone service for the tiny Navajo community of Halchita, Utah, will begin in December via a unique solar-powered microwave repeater.

The repeater system, designed by GTE Lenkurt, a subsidiary of General Telephone and Electronics Corp., can be installed for about one-fourth the cost of existing repeater systems.

Installation of the system

on Hunts Mesa, Arizona, to serve Halchita (also known as Mexican Hat) marks the first commercial use of the solar repeater.

PROBABLY no more than 50 of the estimated 100 residents of Halchita will take advantage of the new phone service, said Jess Robinson, toll radio and equipment supervisor of Navajo Communications Co., which purchased the Lenkurt solar repeater.

The tiny village, 35 miles north of Kayenta, Ariz., has had for a year or two, mobile unit telephone service which is party line "and not too reliable," Robinson said.

The Hunts Mesa repeater will connect a microwave terminal at Halchita with the national telephone network through a microwave link to Kayenta.

THE TWO solar panels charge the battery which

runs the repeater, explained Bill Buckley, GTE Lenkurt's supervising staff engineer in Albuquerque.

Developers estimate the repeater will work about seven days without sunshine.

The system, tested for two years prior to installation on Hunts Mesa, will operate in 140-degree heat and requires only four watts of power — about that of a household nightlight.

Nor does it need air-conditioned buildings, power lines or generators normally found at conventional repeaters. Instead of blazing roads to the mesa, installers flew in the repeater by helicopter, Buckley said.

This is Lenkurt's first solar-powered project, Buckley said.

John Oades, a GTE Lenkurt staff engineer, developed the system and performed the field tests.

## ANCIENT SKILLS, MODERN TECHNIQUES

# Growing Use Of Indians In Drug Patrol Pays Off

A growing problem of illegal drug smugglers along the U.S.-Mexican border near Sells will be met with the addition of five Papago Indian patrol officers, the U.S. Customs Service said.

The recruits bring to 15 the number of American Indians assigned by Customs to the smuggler-ridden 60 miles of border.

U.S. COMMISSIONER of Customs Vernon D. Acree noted that in the past non-Indian Customs officers had a problem concealing their presence and negotiating the rough terrain, along with communicating with the Papagos.

"The Papago speak an unwritten language almost impossible for outsiders to learn," Acree said.

The first seven members of the Papago Tribe were appointed as Customs patrol officers in 1975. Later the number was increased to 10.

Since their appointment, the Papagos have made 63 drug busts involving 37,256 pounds of marijuana. Forty-five arrests have been made and 18 vehicles and 16 horses have been seized.

"WE PUT MANY of the horses to work with the Customs Service in the Sells area and around Lukeville," an officer declared.

NOV 9 1976

PHOENIX  
GAZETTE

Last year alone, the Papagos seized more than eight tons of smuggled marijuana — almost 20 per cent of the amount seized in the entire Nogales, Ariz., district.

Most of the Indian officers have had experience in law enforcement and are well matched to their jobs, said Acree.

"They are excellent horsemen familiar with every inch of this area," he said. "They are able to combine ancient Indian skills with the most modern law enforcement techniques and equipment available."

THE INDIAN officers speak English and Spanish as well as Papago. On several occasions they've outsmarted radio eavesdroppers by conversing in their native tongue.

# Election Analysis: 'Navajo Sleeping Giant Awake, Active'

By SCOTT SANDLIN  
Daily Times Staff

Navajo Tribal Chairman Peter MacDonald had one way of putting it: "In 1974, after our first registration and voting drive, the headlines read, 'The Navajo sleeping giant is awakening.' In 1976 they should read, 'The Navajo sleeping giant is awake and active.'"

Simply stated, the Navajos have become a political force to be reckoned with as demonstrated in most of the recent county races in which they were the deciding factor.

Overall participation in the recent election was 79.83 per cent in 10 predominantly Navajo precincts (three in Shiprock, Naschitti, Sanostee, Two Grey Hills, Crystal, Chaco, Kirtland-Fruitland and Bisti-Burnham).

And, as is now known, most voted a straight Democratic ticket—much to the chagrin of county Republican candidates, who were hardest hit by the vote.

## Get Out the Vote

The major thrust of pre-election publicity on the reservation—at chapter meetings, in posters, on the radio and in the newspapers—was to get out the vote. MacDonald and other well-known Navajo personalities taped Navajo language radio spots pushing the get-out-the-vote campaign, and the tribe offered free meals at chapter houses (not polling places) and rides to polls.

Public access programs on radio stations featuring Navajo news presented chapter presidents and other Indian officials urging individuals to register, and, later, to vote.

Jim Gober, owner-manager of Radio Station KWYK, said the Navajo voter registration drive launched this year "was the first time a major effort has been made—at least, in relation to this station."

## Political Advertising

Political advertising revenue for the station in the two weeks before the election was 53.9 per cent Republican, primarily by candidates such as Marion Farnsworth of Kirtland, unsuccessful GOP state senate hopeful and Tom Taylor, whose father, Merrill Taylor, is a former state representative and former reservation trader who speaks Navajo. Young Taylor lost a GOP bid for county commission. But by then, Gober said, "The horse was out of the barn."

Shiprock Democratic Ward Chairman Harris Arthur says his group worked through the San Juan Democratic Committee, purchasing radio spots aimed primarily at advising Navajo citizens of their rights. Statements, for example, were made that persons who do not speak English may have one person from each party assist them in the booth and that persons must be allowed time off from work to vote.

"Democrats aimed at getting out the vote," Arthur said, "more than pushing specific candidates. Several candidates bought their own time — Paul Onuska, Sen. Joseph M. Montoya, (Jimmy) Carter." Some individuals, including Tribal Councilman Jonas Mustache, paid for their own advertising on behalf of Carter and other candidates.

Relating to the Democratic sweep on the reservation that influenced the county vote, Arthur said, "We have a grassroots organization. We're organized and the Republicans weren't. (Navajo) people are beginning to differentiate between the two parties — they see the Republicans as representing special interests."

GOP county chairman Ronn Jones disagrees. He said Republican candidates attended several chapter meetings where candidates were invited to speak, and several, notably State Corporation Commission candidate Jimmie Glenn, stumped extensively on the reservation.

"Harrison (Schmitt who defeated Montoya for the U.S. senate seat) made a complete tour of the reservation," Jones said, near primary time, speaking at schools.

Influencing the reservation vote was a statewide GOP concern, he said. The state organization considered and worked on the matter for six months before the election.

"Really," Jones said, "we were defeated from the very start. It was pretty obvious where the (Navajo) sentiments were. First the tribe announces \$25,000 for getting out the vote, and a week later comes out with an endorsement for the Democrats." (The endorsements, which were not exclusively for Democrats, were made about a week prior to the election.)

GOP county commission candidates, according to Jones, had worked extensively with the Navajos. He points to candidates like Hank Pohlmann, who worked for the tribe for several years. Pohlmann lost.

## Grassroots Organization

While Jones may disagree on the degree of organization and campaigning on behalf of the GOP on the reservation, he said the "big push" for registration came from the Democrats. "There was quite a drive," he said, "from Montoya's group and from the labor unions."

Jones cited problems of getting election officials from party ranks to work at polls. "We lost some election officials from 1974," Jones said. "They said they were harassed at the polls, and wouldn't work again."

Commenting on the overall Republican effort, Jones said, "Under the circumstances, I think we did the best we could."

Campaign posters, radio and television announcements, newspaper articles and ads aside, Arthur notes that word of mouth has a lot to do with elections on the reservation. "People look to community leaders— who's pushing so-and-so—at chapter meetings and elsewhere," he said. "It's not a visible kind of thing."

What the figures, statements of mutual distrust and hard campaigning mean is another story.

## Democratic Drive

The northeastern part of the reservation (San Juan County) historically has been more independent and more

vocal in its opposition to Window Rock than any other area of the Navajo Nation. There was opposition from this corner to tribal leaders since the Navajo Tribal Council's inception in the 1920s.

The present administration, despite its endorsement of primarily Democratic legislative and presidential candidates, is Republican. Tribal Chairman MacDonald was close to the Nixon White House.

With all not well in Window Rock, judging from recent news stories, it is not too far-fetched to think that that may have had a bearing on the election.

### Trust Relationship

Also worthy of consideration, particularly with the presidential race, is the special trust relationship that exists between Indian tribes and the federal government. Technically considered wards of the U.S. government, Navajos and other Indians are more directly affected by the Washington powers-that-be than most angles. The commissioner of Indian Affairs, setting policy for tribes throughout the U.S., is a case in point: it is an appointive post.

Then, too, Democrats have traditionally supported social welfare programs which Republicans, and traditionally conservative San Juan County, have opposed. The programs, of course, include such controversial measures as food stamps, but also include work training programs through the U.S. Labor Dept., geared toward generating employment. Navajos, with an

average \$800-a-year income, stand to benefit from those programs.

### Amendment Five

One item that received little attention from any quarter of the county was Amendment Five, which would have benefited not only Navajo voters, but also citizens in Blanco, Bloomfield, Aztec and other outlying parts of the county. Providing for a five-member county commission elected by district, the two additional commissioners would have represented the eastern and western reaches of the county.

The Navajo straight ticket vote is perhaps reflective of an unsephisticated citizenry. Like newly-enfranchised voters from other ethnic groups, many Navajos are unable to read and write.

With the right to vote comes the responsibility of knowing who and what you're voting for. And there are plenty of educated voters, we'll wager, who voted a straight ticket or close to it.

With an uneducated citizenry, there is ample space for political chicanery, and there are rumblings from members of both parties of unethical doings in the recent election.

But the Navajo turnout in sheer numbers indicates an eagerness to become part of the electoral process, and that is not a bad starting place.

The Sioux City Journal, Wednesday, November 3 1976-

## Veteran Land Surveyor at Trial Here

The trial of an ownership dispute over Monona County land continued Tuesday in U.S. District Court in Sioux City with testimony of a veteran land surveyor.

Elmer M. Clark of Denver spent most of the day testifying about various maps and surveys of the Blackbird Bend area, claimed by both the Omaha Indian Tribe of Nebraska and several Monona County farmers.

In dispute in the trial is about 3,000 acres of the Blackbird Bend area which more than 100 years ago was on the Nebraska side of the Missouri River and part of the Omaha Reservation. The river changed course in the early part of the century, leaving Blackbird Bend on the Iowa side of the river.

Clark discussed features of the various surveys and maps made of the area in the 1850s and 1860s, at about the time the Omaha Tribe claims the land was deeded to them.

Also testifying Tuesday was Charles Cork of the Bureau of Indian Affairs in Washington. He concluded testimony begun during the trial's first day Monday

NOV 17 1973

Albuquerque Journal

# Chairman Of Navajos Subpoenaed

By HOWARD GRANUS  
Associated Press Writer

Navajo Tribal Chairman Peter MacDonald has been subpoenaed to appear before a federal grand jury in Phoenix, it was learned Tuesday.

The grand jury for the past several months has been investigating alleged financial irregularities on the sprawling Navajo reservation, America's largest.

The U.S. attorney's office in Phoenix declined comment on the subpoena.

Reservation sources close to the investigation said the subpoena was served last week on MacDonald by federal investigators.

In Window Rock, Ariz., the Navajo capital, a secretary in MacDonald's office said he was enroute home from Washington, D.C.

A Special Justice Dept. task force was assigned to the U.S. attorney's office last January to delve into alleged mishandling of federal funds on the reservation, which extends into portions of Arizona, New Mexico and Utah.

The Associated Press learned in late October that a top Navajo tribal official had received an estimated \$6,600 in cash through a Gallup charter air service.

The money, after being converted from bank checks to cash, was hand-

carried to the executive at Window Rock, according to two persons familiar with the transactions.

The checks were paid by Tucson Gas & Electric Co. to Asidi Aviation, Inc., the sources said.

The two checks, written in August and November 1973, were for special

charter services by tribal executives, including MacDonald.

TG&E Vice President Thomas Via Jr. said the flights were made to help overcome opposition by Navajos to a 345,000 volt transmission line across Navajo lands in northwest New Mexico.

Via said MacDonald agreed to make the trips if the company paid for them.

## MILWAUKEE JOURNAL

MILWAUKEE, WIS.

D. 377, 133 93M. 524, 647

NOV 5 1976

# Judge Bars Condemnation of Indian Land for Airport

Federal Judge Robert Warren has ruled that Brown County and the State Department of Transportation cannot condemn 30 acres of Indian land next to Austin Straubel Airport in Green Bay. The land had been sought for airport expansion.

The State Division of Aeronautics had tried to take over the land, which is held in trust by the federal government for the heirs of an Oneida Indian, but Warren ruled that the condemnation proceedings were illegal.

According to documents in federal court, the land was included when the Oneida Indian Reservation was formed in 1838.

In 1887, it was allocated to an Indian named Levi Doxtator. The title was held in trust for Doxtator by the Bureau of Indian Affairs (BIA) and has remained in trust for his 48 heirs.

In May of 1973, the Divi-

sion of Aeronautics began negotiating with the heirs to buy the land. At about the same time, the Oneida tribe began working on a plan to buy the land to reincorporate it into the reservation.

The BIA cooperated with the tribe's plan, and between 1973 and 1975, the heirs turned their property over to the federal government to hold in trust for the tribe.

The state was unaware that most of this was happening and decided to obtain the land by condemnation. Under state law, there are two steps required to condemn land. The first is to make a legal jurisdictional offer to buy the property. The second is to tell the owners how much the state will pay. The owners can go to court to seek a higher amount if they think the state's figure is too low.

The state sent its first jurisdictional offer to the BIA and to each heir in 1973.

In March of 1975, the state decided that the offer should have been made to the BIA, the US attorney, the US Department of the Interior and other federal officials. In an effort to get the condemnation procedure underway, the legal papers making the jurisdictional offer were sent to these officials.

On April 18, 1975, the state took the next step and told each of these federal agencies how much it was prepared to pay to condemn the land.

When the federal government received this notification, it filed a federal lawsuit challenging the right of the state to take over the property.

Warren's ruling agreed with the federal government that state agencies have no power to condemn Indian lands held in trust by the BIA.

NOV 9 1976

# Indians accuse city of discrimination

Oklahoma City officials today were accused of discrimination against American Indians in hiring practices and appointments to citizen boards and commissions.

The charges came from four Indian representatives who appeared before the city council and pleaded for more Indian employment and health and welfare services for urban Indians.

Mrs. Robert Giago, whose husband directs an Indian training and employment program, said urban Indians are denied any assistance from the federal Bureau of Indian Affairs.

She said 90 per cent of the preschool children of urban Indians are anemic and Indians are denied medical services from the Oklahoma Health Sciences Center.

"We have such cases as a man who hitchhiked to Lawton with a broken arm and of Indian women who have babies in their apartments without help," Mrs. Giago told the council.

City Manager Jim Cook specifically denied, point by point, some charges leveled by Robert Gardiner, who directs an Indian employment program. Gardiner had charged that nothing came of his complaints to Cook and Mayor Patience Latting several months ago.

Cook said he resented the allegations very deeply, and pointed out as a result of meetings with Gardiner two Indians had been employed in the human resources department at the same time 20 other staff members were laid off.

Cook said more than 400 Oklahoma City Indians have been "cycled through" the human resources training and employment programs.

Goree James, Ward 7 councilman, said Indians living in Oklahoma City must do some things to help themselves. He invited participation in a meeting Wednesday with representatives of the Health Center, and

called for the group to provide lists of names for appointment to city boards and commissions.

Gardiner responded angrily:

"You get your own list. You do your own aggressive recruitment . . . do your own initiating of an affirmative action program for Indian people. It's your fault, not ours."

Gardiner referred to the existing situation for urban residents as "genocide economical stranglehold."

He said Indians will not participate in any social program unless there are identifiable Indians involved.

"I'm not talking about blue-eyed blonds," he declared.

Mayor Latting and several council members indicated they are interested in working to improve the lot of Indians, and asked for copies of a "blue book study" which was compiled earlier this year to depict the situation of city-dwelling Indians.

MILWAUKEE SENTINEL  
MILWAUKEE, WISC.  
D. 157,765

NOV 8 1976

## Grant to Improve School for Tribe

Special to The Sentinel

Stone Lake, Wis. — The Lac Court Oreilles band of Chippewas here will receive a \$475,000 federal grant to enable the Indian school to offer native language, crafts and folklore courses, along with a more standard school curriculum, officials said Sunday.

That is the largest of eight federal grants totaling \$1.1 million to Indian schools, tribes and organizations in Wisconsin for special educational projects and programs, officials said.

Other grant recipients and the amounts are:

Indian Community School, Milwaukee, Educational Model, \$150,000; Oneida Tribe of Wisconsin, Oneida, Oneida Bilingual Program, \$128,000; Oneida Tribe of Wisconsin, Oneida, Early Childhood Program, \$37,490; Red Cliff Tribal Council, Bayfield, Tutoring Program, \$65,870;

Superior Indian Organization, Superior, Early Childhood Program, \$83,245; Wisconsin Tribal Women, Inc., Wabeno, Career Development for Tribal Girls, \$90,000; University of Wisconsin — Stout, Menomonie, Teacher Training, \$125,000.

NOV 9 1976

# Indians to Control Head Start School

Special to The Journal

Mole Lake, Wis. — The Head Start School here was reopened Tuesday morning, and Indian parents who closed down the school last week will take control of the program in January.

That was the agreement reached here Monday night between the Sokaogon Chipewewa Tribal Council, parents, and officials of the Community Action Program in Oconto who now administer the program. The Indian parents blocked access to the school last Wednesday because they

said local Indian children were excluded even though the school is on Mole Lake Reservation land.

"Indians want self-determination and that means administering our own programs and educating our own children," said Albert McGeshick, a spokesman for the parents.

The Indian parents will form a subcommittee of the tribal council and apply to the federal government for funds to run the school. The current Head Start program will continue to be administered by CAP in Oconto until its funds expire Dec. 20. It will then be moved to another location in the area, CAP officials said. "We prefer to have you people control the school. That's the only way you'll have an Indian Head Start program," said LeMoine MacLaughlin, executive director of CAP.

MacLaughlin pointed out that more children in the area would be served by the Head Start program with the additional school.

## Criticism Planned

The 10 chairmen of the Great Lakes Intertribal Conference have scheduled a news conference for 11 a.m. Thursday at the Mole Lake Community Building to criticize federal policies toward Indians.

Charles McGeshick, president of the council and tribal chairman at Mole Lake, said the Indians would complain most about the Bureau of Indian Affairs.

The tribal chiefs are unhappy that the new area superintendent selected for the Great Lakes area was not approved by them.

NOV 9 1976

# Ex-Oneida-Chief, Wheelock, Dies

Services for Morris Wheelock, 76, a former chief of the Oneida Tribe of American Indians and a liaison officer for the Disabled American Veterans (DAV) at the Veterans Administration Center here will be held at 10 a.m. Thursday at the United Methodist Church in Oneida.

Wheelock died of congestive heart failure Saturday at

Wheelock was a native of Morris, Minn., and attended Indian schools at Carlisle, Pa., Wahpeton, N.D., and Tomah.

He served with the US Army 5th Division in World War I and was wounded behind the German lines at Verdun, France.

At the end of the war he attended the Conservatory School of Music in Green Bay and played clarinet with the Green Bay City Band from 1920 to 1924.

## Letters From Adenauer

Wheelock later played with the Green Bay Symphony Band and Uncle Louie's Band, which broadcast daily over WTAG radio station in Green Bay. In 1956 when Konrad Adenauer, then chancellor of West Germany, came to Marquette University to receive an honorary degree, Wheelock greeted the chancellor and conferred on him the title of "Wise Leader of Many" on behalf of the Consolidated Tribes of American Indians.

They corresponded for many years before Adenauer's death.

His wife, Eleanor, died in 1971, six months before their golden anniversary.

He is survived by a son, William, and a daughter, Mrs. Ray (Colleen) Flynn, both of Milwaukee.

The body is at the Schmidt & Bartelt Funeral Home, 8050 W. Villet St., and will be at the Ryan Funeral Home in De Pere after 4 p.m. Wednesday.

Burial will be in Oneida Methodist Cemetery, Oneida.



Morris Wheelock

Mount Sinai Medical Center. He lived at 1831 N. Cambridge Ave.

He was chief of the Oneida Tribe when the tribe was reorganized under the Wheeler-Howard Act in the mid-1930s. A federal charter was granted to the tribe. He served as president for seven years.

He later served on the national council of the Consolidated Tribes of the American Indians and as president for its Midwest region.

In 1958 the Wisconsin DAV appointed Wheelock as a liaison officer. He served 18 years with the department's Rehabilitation and Hospital Committee here.

NOV 10 1976

NOV 10 1976

## Tribal center gets \$28,000 as health aid

The Dallas Inter-Tribal Center has received a \$28,000 grant from the Texas Department of Community Affairs for a new project called Parents for Healthy Children.

The grant, according to assistant administrator Flo Kellett, will increase the size of the center's health staff by three, including a registered nurse.

Parents for Healthy Children, aimed at parents of children up to three years old, is "designed for the urban Indian population of the Dallas-Fort Worth area to explore how parents of children can better acquire attitudes, knowledge and skills to promote health and prevent injury and illness among young children," Mrs. Kellett said.

The funds also will allow the addition of two outreach workers to work with the estimated 20,000 American Indians in the Metroplex area, she said.

The Dallas Inter-Tribal Center, located at 336 1/2 W. Jefferson, was established five years ago and includes manpower, alcoholism, arts and crafts and health programs.

## Settlement argued

# Delaware Indians' dispute heard by Supreme Court

Tribune Washington Bureau  
WASHINGTON — Arguments in a dispute over the distribution of a \$13 million settlement to the Delaware Indians were heard by the U.S. Supreme Court today.

The dispute involves money awarded to the Delawares for land acquired by treaty from the tribe in the 1800s and centers around whether those Delawares known as the Kansas-Delawares should share in the settlement.

The main body of the Delawares, known as the Cherokee-Delawares, located mostly in Oklahoma, claims the Kansas-Delawares renounced their membership in the tribe in 1866 and therefore should not receive what has been estimated at about 5 per cent of the settlement.

The Kansas-Delawares, on the other hand, contend that at the time of the settlement there was no such thing as an official Delaware tribe and that descendants of all those who were members of the tribe at the time the land was ceded to the United States should share in the settlement.

The Western District Court of Okla-

homa agreed with the Kansas-Delawares, and the case was appealed to the U.S. Supreme Court.

The Cherokee-Delawares were represented by attorneys Raymond Randolph of the U.S. Justice Department, which is party to the suit, and George Christensen. The Kansas-Delawares were represented by Delmer Stagner. It is not known when the court will issue a decision.

Oregon Journal

PORTLAND, ORE.

D. 136,300 THE 98,577

NOV 5 1976

# Indian Portlander Wins Lenin Prize

<sup>WU299F</sup>  
Dr. Herbert B. Fowler, grandson of America's second Indian physician and director of the Whitecloud Center at the University of Oregon Health Sciences Center, has won the Lenin Prize laureate in science.

Fowler is first American Indian to receive the prize. The last American to receive a Lenin Prize was Dr. Linus Pauling, who received an award for peace in 1971.

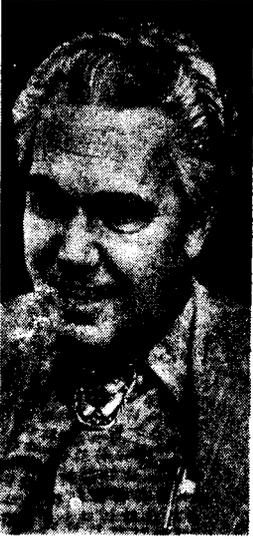
According to the Soviet government announcement, Fowler is being recognized for his accomplishments in Michigan with unique and effective methods of administering a large state hospital; for his extensive work in genetic psychiatry; definitive writings about psychotherapy in the U.S.S.R. and current work at the Whitecloud Center.

Fowler will make a speaking tour of scientific societies in Russia in May and will be presented May 15 to the Su-

preme Soviet Presidium in Moscow, where he will be awarded the prize, which consists of an engraved breast shield and money. The sum varies, but it usually is \$50,000.

One-quarter Sioux, Fowler is one of only eight native American

Cont'd



**HERBERT FOWLER**  
... wins prize

psychiatrists.

He was reared in South Dakota's Pine Ridge area and has been a psychiatric consultant to the Utah and Wyoming State Hospitals, the Peace Corps and several Veterans' Administration hospitals. He was director of mental health education for the University of Utah's College of Medicine from 1962 to 1970 with responsibilities for programs in six Western states.

In Portland, Fowler heads the only center for American Indian and Alaskan native mental health research and program development in the United States. It is funded by the National Tribal Chairmen's Association with money from the National Institute of Mental Health.

The Tulsa Tribune  
TULSA, OKLA.  
D. 79,425

NOV 1 1 1976

## \$1.8 million for Indian education set

The state of Oklahoma has received 23 grants totaling \$1.8 million from the federal government for Indian Education programs, it was announced today.

The grants, which provide funds to Indian tribes, institutions and organizations, are among 219 which were awarded by the Department of Health, Education and Welfare under the Indian Education Act of 1972.

Another 1,000 grants totaling \$31.8 million were given to public elementary and secondary schools earlier this year.

Among the awards granted in Oklahoma, was one for \$72,957 for the Tulsa Urban Indian Center, one for \$51,636 for the Tulsa Indian Youth Center, Inc., and a \$319,000 grant to the Tulsa Indian Youth Council, Inc. for a drop-out prevention and tutoring center.

The Tulsa Tribune  
TULSA, OKLA.  
D. 79,425

NOV 8 1976

# Happy hunting ground

Because Cheyenne-Arapaho chiefs who signed an 1889 treaty with the U.S. government allegedly didn't know what they were doing a lawyer-member of something called the Native American Rights Fund is suing in federal court in Oklahoma City to kick white and black hunters and fishermen out of nine western Oklahoma counties.

The attorney, Yvonne Knight of Denver, claims that the signers, who unfortunately can't testify, thought 87 years ago that somehow they were retaining full hunting and fishing rights in what are now the counties of Canadian, Kingfisher, Garfield, Blaine, Dewey, Custer, Roger Mills, Washita and Caddo.

If the court upholds the claim this would cause much unrest among white and black fishermen since the area includes nice lakes like the Fort Cobb and Foss Reservoirs and Canton Lake. It would cause even

more unhappiness among bird hunters.

What would be needed, of course, is a definition of the beneficiaries. Would only Cheyenne-Arapahos have hunting rights, or all Indians—even Iroquois and Hopis?

Secondly, would a one-thirty-second Indian have the same angling and hunting privileges as a full-blood? This might require graduated bag limits—100 doves a day for a full-blood but only one dove a week for the guy whose great-aunt Minnie thought that somehow the family was related to Posahentas.

If it is decided that no white or black man may discharge hunting guns in this large area the overpopulation of animals might become a serious problem unless a number of qualified Indians quit their jobs and contributed to the public weal by shooting coyotes and wolves and

keeping the deer from eating the crops.

Naturally, in the good old days those plains Indian men who weren't making war found hunting a full-time occupation and it is only just that these jobs be restored. Since, under present federal guidelines, all old-time hunter-Indians were below the poverty level some federal subsidy, in addition to exclusive hunting and fishing rights, would have to be established to insure that current gains are not lost.

There remains the problem of the fences. When the treaty was mistakenly signed there weren't any fences in the nine counties, but now the free movement of large animals is impeded everywhere and a man with a spear on an Indian pony can hardly get up to speed anywhere.

How about a government issue of wire-cutters?

# Tribes Not Satisfied With US Allocation

MILWAUKEE JOURNAL

11-17-76

Special to The Journal  
Mole Lake, Wis. — Wisconsin Indians face double jeopardy with regard to funds from the Bureau of Indian Affairs.

That's the opinion of representatives of the Great Lakes Intertribal Council who were notified last week of their 1977 BIA allocations. The council is composed of 10 Wisconsin tribal chairmen and serves as an advocate for the Wisconsin Indian population.

Wisconsin tribes depend on the BIA's area office in Minneapolis for funds. Council representatives said the area office was underfinanced and that Wisconsin Indians received less than their fair share of this inadequate

budget. The Minneapolis office deals with Wisconsin, Michigan, Iowa and Minnesota tribes.

The allocation for the Wisconsin tribes for the 1977 fiscal year is \$1.9 million. The allocation for this fiscal year was \$2.7 million, but that amount covered Wisconsin's Menominee tribe and Michigan Indians, who are not included in the 1977 allocation.

The funds cover education, social services, road maintenance, housing, law enforcement, forestry and other programs.

## Allocations Explained

Jerome Arbuckle, program officer at the BIA's Great Lakes Agency in Ashland, met with the tribal chairmen

here last week to explain the 1977 allocations. Arbuckle told the Indians that their funding was on a par with other Indian populations in the country.

Council representatives pointed out that six Chippewa tribes in Minnesota received almost \$1 million more in BIA funds per year than 10 Wisconsin tribes. They said the population of the two groups was the same.

"BIA funding forces Indians to fight one another when we want to concentrate on working together toward self-determination," said Pete Christensen, council director.

Charles McGeshick of Mole Lake, chairman of the tribal council, said that BIA allocations were based on the number of Indians living on the reservation while programs were expected to serve Indians who lived far from tribal lands.

## Figures Questioned

Council representatives questioned the accuracy of the population figures upon which their funds were allocated. They said that 1970 census figures were used while many Indians had moved back to the reservations from cities since then.

McGeshick said there were

Turn to Indians, page 4, col. 2

## Indians

From Page 1

268 Indians living on his Mole Lake reservation but that the band received BIA funds based on 155 persons.

"We've been bumping our heads against this stone wall for years," Christensen said.

Representatives agreed that more authority was needed on the local and state levels, and some suggested that the area office in Minneapolis be abolished. They stressed that their criticisms were aimed at the area office and not at the Great Lakes Agency in Ashland.

The Intertribal Council last week blocked the BIA's appointment of Raymond Mayotte as superintendent of the Great Lakes Agency. Its representatives will meet with BIA representatives Thursday at the Red Cliff reservation regarding the selection of a new superintendent.

NOV 5 1976

NOV 2 1976

# Due process was ignored

**P**UYALLUP <sup>W 4297 F</sup>Indians and tribal supporters who seized a state-operated juvenile center in Tacoma at gunpoint deserved the tongue-lashing they got from a federal judge during the eight-day occupation.

There was, said District Judge Morell Sharp, "no excuse" for an action that posed a potential for violence and for harm to 140 children at the Cascadia Reception and Diagnostic Center, many of whom are emotionally disturbed.

"You don't take your neighbor's house (at gunpoint) and then tell him to sue you for damages," Judge Sharp said in issuing a court order against the occupation.

But if the Indians involved in the episode merited a scolding, there was little to commend in the dilatory posture of federal and state officials, which had contributed to the trouble in the first place.

Indian representatives said they had lost patience after five years of trying to get "their" property back through legislative and administrative channels.

Indeed, said Judge Sharp, there may well be serious questions about the succession of deals through which the Puyallups lost the property, at one time known as the Cushman Indian Hospital.

The tribe had deeded the property to the federal govern-

ment in the 1940s with the understanding that a new hospital would be built primarily for the care of Western Washington and Alaskan Indians afflicted with tuberculosis.

A hospital complex was built, but had outlived its usefulness — as the government saw it — by 1959, thanks to the decline of TB and the development of other medical facilities in Alaska.

The legal questions surround the validity of the federal action in 1961 deeding the property to the state for use as a juvenile center, Indian contentions that the transfer violated an earlier covenant now may be argued further in court.

And a promise by state and federal officials to work more diligently toward a long-term goal of returning the property to the tribe was one of the conditions that ended the hospital occupation during the past weekend.

Plainly, the Indians should not have taken matters into their own hands, even though they have fashioned a "victory" of sorts.

But due process is a two-way street, in which responsible government officials have a duty to help resolve grievances promptly. The lapse in that duty in this instance led to a deplorable situation in which the final result might have been violence and serious property damage.

## Special to The Sentinel

**Mole Lake, Wis. —** Chippewa Indians have decided to close the Head Start school on their reservation until more Indian children are admitted.

Meeting late Wednesday after Indian mothers had barricaded the school, the Tribal Council agreed that at least half the school's enrollment should be Indians.

The council also voted to ask administrators of the school to hire Indians for its staff.

## If the program directors

refuse these conditions, the Chippewas will seek federal grants to operate their own school, Charles P. McGeshick, tribal chairman, said.

The school is administered by the Northeast Community Action office in Oconto, but it is located on the small Mole Lake Reservation.

The school was closed at predawn Wednesday when a group of Chippewa women who have been unable to enroll their children blocked

the entrance to the school and began demonstrating.

The demonstrations led to the meeting, at which the Tribal Council supported the mothers.

Administrators of the school from Oconto were at the meeting, but McGeshick said their offer to resolve the dispute was unacceptable and rejected by the tribe.

According to McGeshick, if

# Indians Vote to Close School

an agreement cannot be worked out with educators, the Indians will open their own Head Start school. He said a member of the tribe is getting her degree in education and has offered to become the school's teacher in January.

McGeshick said it was brought out at the meeting that the teacher, teacher's aide, cook, and bus driver for the school are all white.

Of the school's 13 children, he said, only six are Indian. Only three of the Indian pupils are Mole Lake Chippewas. The other three are Stone Lake Potawatomi.

McGeshick said another meeting will be held here at 7 p.m. Monday in a continued effort to resolve the dispute.

# Huge Zinc Find Troubles Crandon, Wis.

By PAUL DELANEY

Special to The New York Times

CRANDON, Wis.—The approach of winter in this section of clean water and clear air has brought a dull, monotonous grayness to the countryside, save for the green of the spruce, fir, red pine and aspen nestled among the tall, leafless birch trees, whose white bark form a background for the evergreens. The scene is complimented by an overcast sky as the north woods area awaits the icy blasts from Canada that will soon paint the landscape a snowy white.

But there is something more in the air this year than the perennial change of season. A huge mineral find, perhaps the largest deposit of zinc on the North American continent, has invaded the peace and quiet the 1,582 residents of Crandon value as a way of life. It has left them confused and divided over what the ultimate impact of the potential \$6 billion-plus discovery means to a small, relatively unsophisticated community.

"The attitude is one of cautious optimism," Scott Hendrickson, the Forest County extension agent said.

## Wondering What to Expect

The town, which does not have a traffic light or crime problems, is torn over what to expect from the find by the Exxon Company USA, the investment arm of one of the nation's major oil corporations.

"We haven't had too many changes here in the past 40 years, and now we don't know what to expect from the next five years," remarked Jane Staska, who with her husband, Leonard, runs the Glen Park Motel, a group of vacation cottages on Lake Metonga.

Mr. Hendrickson said:

"The people here are a proud, independent and self-reliant sort of breed. They are farmers, loggers and laborers. They work long days and their money comes hard.

"They could go downstate and have it easier and make more money. But they like it here. They have strong family ties and enjoy the outdoors and the woods. They like the idea of more money coming in because this is a poor area, but they ask at what price."

Exxon, which announced the discovery last May, has quietly accumulated much of the land it believes contains not only the deposits of zinc but also copper, lead and some silver and gold, about 5,000 acres so far, and is still negotiating. The company has begun exploration drilling and has a round-the-clock operation six miles south of Crandon, just beyond Lake Metonga.

## Ignoring of Company's Plans

The townspeople are concerned that they do not know the extent of Exxon's plans, such as how much mineral is in the land, whether there will be open-pit mining as well as deep shaft and whether a smelter will be built. Company officials, at meetings with state and local authorities and in public meetings with citizens, say they do not know now how big the find is and what their plans are.

The impact in these last few months has startled the residents. Besides arguing among themselves, they are worried that the changes will mean higher taxes to pay for services the "outsiders" attracted here by the work might need, such as schooling, fire and police protection and social services. A state official said the company would need about 1,600 workers for the mining process, which would generate another 6,000 jobs in allied industries with a potential population of up to 30,000.

"People are already drifting into

town looking for work, a lot of lower class people. And there's no work yet," said D. McMillion, who owns the Crandon Hotel on North Lake Avenue, the town's main business street.

Moreover, there is a suspicion of Exxon by many residents. Some believe the company is withholding information because of fear of competitors. In the minds of some people, Exxon officials are city slickers trying to take advantage of country folk.

Further, some people feel overwhelmed by the prospect of a multinational corporation determining their future.

"All of a sudden, everything we do is shaped by outside forces. Our future is now in the hands of somebody in

Denver," commented Rolland W. Yocum, a real estate man.

There is also a feeling of pessimism among the locals.

Mr. Staska said: "Exxon will get what it wants. Who are we to fight such a big company? We only hope we can get help from the state and Federal governments to make certain Exxon doesn't rape the land, destroy our way of life and leave."

In essence, Crandon does not want to become a company town, a mining town. Residents point to other mining towns and former mining towns in northern Wisconsin and Minnesota as examples of what could happen. One noted that Hibbing, Minn., was the scene of a big taconite operation that left a huge open scar in the earth after the town was relocated a short distance from atop a deposit. Now the company is gone.

## Explain Company's Position

Exxon officials have attempted to assure citizens that this will not happen here. John L. Loftus Jr., a senior vice president, and Richard Rohn, an exploration manager based in Denver, have been to meetings to explain the company's position. Mr. Rohn is the official spokesman for Exxon. He attended meetings here last Wednesday and in Milwaukee the next day.

The controversy has led to the formation of new organizations, including the Little Sand Lake Association and the Upper Wolf River Water Shed Group.

"We are not against the mining operation, but we don't want to see 10,000 people on welfare and high unemployment when the mine closes," commented Mr. Yocum, a former schoolteacher. "We want to see this thing done right. We want to see it regulated. It could be so good if done right or so rotten if not."

Mr. Yocum said the small cottages on the many lakes in the area are owned by small-town shopkeepers as well as blue-collar workers from Milwaukee and middle-class suburbanites from Chicago.

## Zinc on Lumber Company Land

Much of the zinc find was on land owned by the Conners Lumber Company. Exxon had little trouble obtaining leases from Conners and from residents in the area. However, the corporation hit a snag in negotiations with the Sokaogon Chippewa Indian Tribe in the Mole Lake area.

"They offered us \$20,000 for leasing and exploration of our land," said Charles P. McGeshick, the 30-year-old



Cont'd

# The Last Americans

By Tom Wicker

Legend has it that on the first Thanksgiving, when the Pilgrims celebrated the good harvest of 1621, their neighborhood Indians witnessed the proceedings and even shared the victuals. If they didn't, they should have, since they had taught the settlers how to plant corn. Thanksgiving Day, 1976, therefore is a reasonable occasion for reminding the well-fed majority that the first Americans have become the last Americans.

A 1973 report of the Bureau of the Census showed that the Indian population of about 800,000 formed the poorest of all American minority groups. About 40 percent of the Indians were then below the poverty level compared to an overall proportion of 13.7 percent of Americans in poverty; and times having got worse since 1973, no doubt the number of Indians in poverty has too.

Indians, therefore, offer a good starting point for the activist Administration President-elect Jimmy Carter has seemed to be promising, and even militant Indian leaders, long wary of white man's government, seem optimistic about the new Administration. Mr. Carter, for example, is not only promising to reduce unemployment, which has hit Indians hard, but is talking of "targeting" his programs where they're most needed. The reservation is one such place.

He has promised Government reorganization, and militant Indians would be happy to see him reorganize the Bureau of Indian Affairs right out of existence. He also pledges zero-based budgeting, as a means of annual program re-evaluation, and some Indian leaders believe that would disclose outrageous administrative "costs" in Indian programs. Finally, Vice President-elect Walter Mondale is favorably regarded among Indians for his previous support of some of their causes.

On the other hand, the Carter newcomers to Washington might all too easily be captured by the established Indian affairs bureaucracy, and by an older Indian leadership that has—in the words of Susanne Harjo of the National Congress of American Indians—"stifled Indian progress for the last decade."

Just last week, for example, Joseph Browder, a conservationist, quit the Carter transition team, charging political interference with his efforts. For one thing, Mr. Browder said that when he put forward Harris Arthur, a young Navajo, as an "objective" Indian spokesman, "lobbyists" talked Carter

headquarters into consulting also another Navajo leader, Peter McDonald. The two are tribal rivals, Mr. Arthur heading a public action group against strip-mining, Mr. McDonald having once favored an El Paso Natural Gas Company proposal to strip-mine Navajo coal lands.

Many younger Indian leaders, those associated with the American Indian Movement in particular, fear they may be regarded as "too militant" by the incoming Administration. In the past, these leaders believe, they have been targets of harassment by the F.B.I., state agencies and U.S. Army Intelligence.

That might make it harder for Mr. Carter to consult them now on his Indian policy, but if he does seek out such men as Dennis Banks, Vern Bellecourt and Hank Armstrong, all associated with A.I.M., he will find them ready. Among their proposals:

¶ Abolish the Bureau of Indian Affairs, now in the Interior Department, and replace it with an independent Indian agency—as Indian leaders hope.

## IN THE NATION

at the Cabinet level. They see the B.I.A. as corrupt, out of Indian control, knotted in conflicts of interest, and less concerned for Indians than for the corporate giants that want to exploit Indian lands and resources.

¶ Whatever the form of the new agency, A.I.M. leaders say it should consolidate budget and policy functions now scattered through the Interior, Labor, Commerce and H.E.W. Departments, causing inefficiency, duplication, lack of responsibility and dispersal of available funds.

¶ Zero-based budgeting, as well as retroactive audits of Indian funds for the last five years, should be undertaken to eliminate swollen administrative costs and inequitable programs.

¶ One of Mr. Carter's promised unemployment programs should be "targeted" on jobless Indians. Their unemployment rate ranges from 20 to 75 percent on the various reservations, according to Hank Adams; for urban Indians the figure is above 40 percent. Sixty percent of Navajos, for one grim example, are said to be unemployed—while the U. S. Civil Rights Commission reports that only 20 percent of those working on the development of Navajo mineral resources are Navajos.

Indian leaders have numerous other ideas, ranging from the control and development of Indian resources to the honoring of 371 treaties now in existence. But their first problem is the Indians' oldest—to be heard.

THE NEW YORK TIMES, FRIDAY, NOVEMBER 26, 1976

chairman of the tribal council. "We told them we wanted \$20,000 the first year, \$30,000 the second, \$4 million advance royalties in the third year and \$2 million a year after that."

"They want to lease our entire land, including our burial ground that dates back to the early 1600's. We told them they could, but 12 feet below the surface. We've sat down with them three times and I've talked to them on the telephone several times, but we're nowhere near an agreement."

Mr. McGeshick said he was concerned about what would happen to the clean waters of Rice Lake and other streams of pure, clear drinkable water that is important in the production of the tribe's major crop, rice.

Mr. Yocum said the townspeople had already been besieged by speculators, and he expected things would get worse. He said that as a real estate agent he could make a lot of money from quick deals, but he refuses to do so.

Besides men coming in looking for jobs, some people are concerned about another class that often shows up in boom towns.

"You might not believe this, but I swear I saw a madam and two prostitutes looking the town over the other day," one resident said.

The Denver Post

DENVER, COLO.

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NOV 7 1976

# Havasupais' Hideaway Loses Remoteness

By NEIL MORGAN  
Copley News Service

**SUPAI, Ariz.**—The Havasupai Indians, who have lived in sylvan isolation deep in the Grand Canyon for at least 1,000 years, have been discovered and they're not sure they like it.

Helicopters swoop down with visitors and a few Colorado River runners slish 13 miles up Havasu Creek Canyon, one of the most picturesque walks in the world, to reach the Indian village of

Supai, where fewer than 200 now live.

The Havasupais contend with this traffic by levying a \$5 visitor's fee for those who wish to walk across their land. It is not all that different from the big cities' room tax.

Until recently the U.S. mail arrived at Supai twice a week, by pack train. The telephone line runs 14 miles to Topocoba Hilltop and then another 35 miles to Grand

Canyon Village, where it hooks into the international Bell System.

**IF YOU WANT** to visit here in the most conventional way, and the cheapest, you leave Route 66 near Peach Springs and travel 63 miles northeast over a dirt road, then follow a rugged trail eight miles down to Supai, where the Indians have chosen to remain for generations.

Their main livelihood comes now from tourist parties which the Indians lead on pack trains down the steep canyon trail to their homeland.

Havasupai Canyon, which leads from Supai down to the Colorado River, is in the

remote southwest corner of Grand Canyon National Park.

Down through the deep brown-red walls flows an astonishing stream, Havasu Creek, which is the heart of the existence of the tribe.

**IT FLOWS** above ground only about 10 miles on its

way to the river, where its blue-green waters, heavy with carbonates, are lost in the muddy brown of the Colorado.

But those 10 miles are studded with beautiful falls—Navajo, Havasu and Moon— and with natural travertine dams and bathing pools which offer miniature slides and Jacuzzis in endless variety and in a stunning setting.

Each of the three waterfalls is more than 75 feet high; the lesser rapids and falls of the creek are the ones that attract swimmers and divers.

**THE FIRST** white man known to visit Supai was The Rev. Francisco Garcés, a Spanish missionary, in 1776. A small reservation for the Indians was established in 1880; a strip of canyon bottom land of only 519 acres in size.

For many years the Havasupais have grown corn, beans, squash and fruit. They have small herds of cattle to supply their meat.

They long have been so devoted as farmers that they left steady employment offered at Grand Canyon when spring planting time comes around.

That has changed somewhat as welfare benefits have begun to reach into Havasupai country. Their gardens are no longer so extensive.



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THE SMALL buildings which dot the village are of stone and frame, some with corrugated tin roofs. Like the Quonset-hut chapel. The fields are tree-lined, and the mood of pastoral isolation bears out the feel of a land and people set apart from the rest of the world by time and tradition.

To some, an era ended in 1963 when four military helicopters dropped a dismantled bulldozer into Supai for use in controlling the channel of Havasu Creek.

Now tourists arrive that way.

MINNEAPOLIS, MINN.  
MINNESOTA DAILY  
PRESS, 1976

NOV 4 1976

## Indian studies department called

By DAVE GEISLER

### overburdened, underbudgeted

The University has one of the few American Indian studies (AIS) departments in the country, but according to director Russell Thorton, it is overburdened and underbudgeted.

"San Diego State is the only other university I know of that has a complete Indian studies department," Thorton said. "Because we have a department here, University officials expect it to meet all of the University's obligations to Indian students."

Consequently, AIS also must provide recruiting and counseling of Native American students even though most of its \$150,000 budget is channeled toward instruction.

AIS was started in 1969 as a reaction to protests that alleged the University was neglecting the needs of minority students, particularly Native Americans.

The department's goal is to provide a place where Native American students can feel comfortable in the unfamiliar environment of the University and to help them gain an awareness of their cultural heritage. "We try to help the students adjust to the University atmosphere while helping them retain their 'Indian-ness,'" Thorton said. "For many students it's like having a foot in two different cultures."

Many students find themselves unable to cope with the conflict as the 60 percent dropout rate indicates. "It's scary as hell," said Harold Goodsky, a student employed by AIS as a community resource worker. "We have to play roles, and if we go back to the reservation we're perceived as totally different persons by our own people."

There were 400 Native American students at the University last year. Now there are only 238. In addition

to the high dropout rate, poor recruiting and a lack of qualified faculty and source materials and has fostered the decline.

The University has a part-time Native American recruiter, but the position remained vacant most of last year. "I guess the University didn't think we were important enough to fill the position faster than it did," Thorton said. He added the University has also failed to recruit Native American students to enter other fields of study.

Even when students enter AIS, their needs are not always met.

"When we teach a course, we usually have to develop the texts ourselves," Thorton said. "It's often hard to find faculty who can do this because of the lack of Indian studies programs."

Despite the problems AIS has faced, Thorton is encouraged by its progress and has plans to expand into graduate programs and research. "We have been able to teach the students about their cultural heritage and the problems they face," he said.

Another successful facet of AIS is its community resource program, which uses Native American University students to teach students in elementary and secondary schools learn about their cultures.

"A lot of people think that all Indians are the same," Goodsky said. "They don't realize there are over 300 different tribes with just as many different languages and cultures." Goodsky, a Chippewa, is active in the program (which operates primarily in the Minneapolis Public Schools) along with Sioux and Winnebago co-workers.

Goodsky says he has to correct many misconceptions about Native Americans as they are portrayed by television and movies. "Students will often ask me what the word

'Ugh' means or if I rode a horse to get to the school," Goodsky said. "A lot of them think that Indians get checks from the federal government just for being Indians. They're just small questions, but they rip me up inside."

Goodsky has worked in the

Native American community for many years and claims that he, not Dennis Banks or Clyde Bellecourt, founded the American Indian Movement (AIM). "I was working to develop the concept of AIM when Clyde was working in a boiler

room and Dennis was pumping gas."

He drifted away from AIM because he said it "oversensationalized" issues, although he feels it has served as an important voice

for Native Americans.

Goodsky eventually wants to become a Native American recruiter for the University. "I want to show people that Indians are interested in getting an education and have a lot of offer."

NOV 3 1976

Times readers have their say:

# The fishing dispute—the Boldt decision and beyond

Editor, The Times: *W. J. M. A.*

**R**EGARDING Judge Boldt's interpretation of the 1855 Point Elliott Indian treaty:

The gillnetter has been discouraged, frustrated and ignored, and now some of these frustrations have come to the fore in their recent confrontations with fisheries-patrol officers.

Although we do not, personally, agree with using violence or mob methods in this or any other disagreement, we can, at the same time, understand why some of the fishermen have gone to such lengths.

The governor, making his first direct response to the fishermen since the Boldt decision, publicly reprimanded them, calling their actions criminal.

Yet the truth is that for more than two years now, the governor and his director of fisheries have used unjust and illegal means to implement a ruling which is in itself discriminatory and, therefore, most likely unconstitutional.

By bestowing special fishing privileges and rights on a racial minority, Judge Boldt is denying the very essence of the Constitution that he swore to uphold.

Thousands of citizens of Washington State are being denied their right to make a living because of the ideological dream of one man, who seems to be answerable to no one and who holds a position that seems to be out of the reach of nearly everyone.

A ray of hope is that the judicial community of Washington State does not agree with Judge Boldt. In April of this year, State Supreme Court Justice Hugh Rosellini went into detail explaining that according to Indian treaties, including the

treaty in question, "the Indians shall have all fishing rights that all the citizens have, and no Indian or non-Indian shall have any superior right."

The intention of the treaties was "that Indians were not to be barred

from an opportunity to fish any more than the settlers were denied the right to do so."

Indians and non-Indians were to share, in common, fishing rights and privileges. Nothing was said about giving any percentage or portion of the fish runs to either Indians or non-Indians.

It seems that the governor and the State Department of Fisheries have segregated out the gillnet fleet to take the brunt of Boldt's decision. Nearly all regulations resulting from it have been directed to the gillnetter . . .

Gillnet fishermen who have worked hard over the years learning how to fish given areas, keeping records of fish runs and environmental factors, have been forced out of these same areas and permitted to fish only in what are called "terminal" and "subterminal" areas where they are not familiar, where the quality of fish is greatly depreciated, where so many boats are crowded into such small areas that it is impossible to fish effectively . . .

The gillnetters' incentive, motivation and freedom have been so severely trampled on that there is little wonder tempers have flared.

Men are in jeopardy of losing their businesses and the only means of making a living that many of them have ever known. It is not fair to ask one small group of citizens to pay a debt of guilt for the whole nation . . .

Instead of seeking advice from fishermen and utilizing some of their practical experience, the Fisheries Department has ignored them.

Instead of trying to solicit cooperation and understanding from the fishermen, the department has manipulated and controlled them.

There is no empathy, no "gut feeling" for the needs of the fishermen, no attempt to work together. The fishermen no longer trust the Department of Fisheries, because all too often the director has prom-

ised them one thing and then turned around and done just the opposite.

A real credibility gap exists . . . certainly not fertile ground for cooperation.

— MRS. and MRS.  
CARL TORMALA,  
Sequim.

I am writing in response to Oscar Hearde's letter (Times readers have their say, October 18). He said that the Indian treaties were never to be changed, modified, repealed or forgotten. Yet, in effect, Judge Boldt has rewritten the treaty.

There is no way that we can accept the Boldt decision giving three-fourths of 1 per cent of the population more than 50 per cent of the salmon. To give some Americans a special status because of their ancestry is repudiating the concept of equal rights and opportunities for all Americans.

It is to our shame that some did not have equal rights, and we had to have the Civil Rights Act to establish equal rights to all. We have come a long way toward equal rights for all.

Boldt has taken from one citizen to give special rights to another citizen, because that citizen happened to be born with the right ancestry . . .

— DON SJOGREN, Mount Vernon

*Cont'd*

I am a gillnetter and have fished Puget Sound and Southeast Alaska for the past 19 years and would like to comment on the present fisheries anarchy.

Three years ago, Judge Boldt ruled that the Indians are entitled to one half the fall salmon catch, but nobody but the Indians took his decision seriously. Judge Boldt certainly didn't, because he assumed control of this fishery and the first fall he went to Africa on a safari.

The state didn't take this seriously because, in my opinion, it assumed that this decision would be overturned on a state's-rights argu-

ment and proceeded to issue regulations and fishing periods that were capricious and unenforceable . . .

The fishermen didn't take it seriously either and were relying on public opinion and the courts to reverse this decision, and entered into protest fishing. The state had no enforcement and no laws to implement its regulations and were powerless to stop this activity.

As in any segment of society, there are a certain amount of greedy, avaricious and just plain outlaws in the gillnet fleet. These people quickly moved into this power vacuum and have been fishing illegally for three years (seasons) with great success . . .

As for a solution, I have none, but there are several points I would like to make.

Judge Boldt should disassociate himself from the day-to-day rulings on this question.

The state should make no regulations that it is not prepared to enforce vigorously. I can't see why net fishermen were required to suffer through a near-total closure for three years when the commercial trollers' and sportsmen's catch has not been curtailed at all.

— R.C., Seattle

Oscar Hearde is advocating backward methods when he praises the Boldt decision. Two wrongs in our history don't make one right.

Heretofore, the ethnic whites got three fourths of the economic pie. Now it's the Indians who get to hog down the big piece.

Yet the spirit of Uncle Sam is to reward individual effort and merit regardless of origin. The Indians should be paid for their treaty rights and then all of us should stand on our own two feet as individual Americans.

— G.L.H., Seattle

I question the statement of your editorial (The Times, October 17) which gives Judge Boldt's decision the official stamp of being a "morally correct decision."

I suspect this conclusion is based on an ever-present guilt complex carried by our society toward the victims of our continental expansion.

This is not to say such guilt is unfounded.

However, neither is it "morally correct" to purge a society's conscience by attempting to right past wrongs through legal decisions influenced more by prevailing social doctrine than legal fact . . .

Is it "morally correct" to read into a 100-year-old treaty something that isn't there so that our society can be delivered from guilt generated by past inequity endured by the Indian people?

Is it "morally correct" that one segment of our society (the fishing industry) should bear the burden of restitution which should be shared equally by all Americans?

I think not, and therefore cannot agree that the Boldt decision is a morally correct decision.

— ERICK HAAKENSON,  
Edmonds

Many of the letters on Indian fishing confuse minority rights and the ill treatment of Indians with the Boldt judgment. There is little doubt that the Indians have been ill-treated. The Medicine Creek Treaty was fraudulent to begin with, as were most treaties forced upon the Indians.

But opposition to the Boldt judgment has nothing to do with civil rights or just retribution for Indians, but the saving of an already endangered natural resource.

After sportsmen have fought

dams, stream pollution, clear-cut logging, and poor fish management, it's a terrible blow to see all our good work wiped out by one judge.

While it's certainly true that the Indians need help, this help should come from all segments of society and not by the rape of a fragile fishery.

The creation of a new brand of robber baron helps no one. Once the salmon, steelhead and trout are gone, everyone will be the poorer for it.

— THOMAS NELSON,  
8228 S. 123rd St.

The following is a quote taken from the speech given to Congress in 1879 by Chief Joseph of the Nez Perce Indian Tribe:

"Treat all men alike. Give them all the same law. Give them all an even chance to live and grow . . . you might as well expect the rivers to run backward as that any man who has been born free should be . . . denied liberty."

We, as citizens of this state, cannot go back 100 years and make it "right" with the Indians. Nor now, can we make it "right" for the Indians by doing wrong to the non-Indian fishermen by denying them the right to their livelihood.

The answer to this continuing fishing dispute lies in a reorganization of our State Department of Fisheries, so that the main emphasis is on enhancement and protection of the "swimmer."

For the salmon is one of this state's most valued natural resources, and he will survive only if we the citizens, non-Indian fishermen and treaty fishermen, unite, cooperate and work together.

— HEIDI GOODRICH,  
Port Townsend

# The Miccosukees'

# Troubled Promise

*The Miami Herald 4/14/76*

By **ROBERT LISS**  
Herald Staff Writer

It is through a legend — not through legalities — that Florida's Miccosukee Indians understand a legal assault by the state on land rights granted the tribe in 1960.

"In the beginning God gave us a book," Chief Buffalo Tiger told an interviewer during a recent hearing on the issue. "But we didn't do so well with the book. So he gave us a bow and arrow and buckskin and told us to go out and live in nature.

"Then he gave you the book. Because you have the book you can make guns and bombs and you can dominate, and you think Indians are stupid because we can't read or write."

If the usually polite chief sounded bitter, he had reason. In 1960, the state had given the Miccosukees and Seminoles a license to hunt, fish, hold religious ceremonies and operate commercial enterprises without competition on a 143,000-acre Everglades tract bordering the Tamiami Trail. When the Miccosukees organized in 1961, they began making commercial use of that tract, where they have taken advantage of the state license ever since.

IN 1975 the state suddenly turned around and declared that the license was based on "uncertain legal foundations," bringing the tribe back to the bargaining table as supplicants. In the complex and lengthy bargaining that followed, and still continues, new conditions have arisen at several turns — conditions that threaten the tribe's delicate economy.

Buffalo Tiger, a slim man who appears at such hearings wearing a cream-colored, buckskin jacket and a string tie, conveys an air of dignity surviving attack. He and his 450-member tribe are proud of their philosophy — far more separatist than the Seminoles from white culture — and their ties to the land they inhabit.

Miccosukee-speaking Indians and Creek-speaking Indians have long been lumped together by whites under the heading Seminoles. But though the state and federal governments have long encouraged the two groups toward unity, and frequently dealt with them together, they are quite different and often must communicate through a translator.

**BOTH GROUPS** have been allies in Florida since pre-colonial times. The Creeks held the north and central parts of the state, having come down from other parts of the South, while the Miccosukees, of unknown origin, inhabited the south of Florida, including the 143,000-acre tract now under dispute.

When the Seminole tribe incorporated in 1957, the northernmost Miccosukees — about

half the total — joined the tribe. The rest remained unorganized until 1961, when Tiger organized the group living along the Tamiami Trail. Others then left the Seminole organization to join Tiger's band.

The Creek-dominated Seminole tribe, far more assimilated than the Miccosukees, never attempted to exploit the Miccosukee tract, even though the state, in its usual style, lumped together both groups when granting the 1960 license. The Seminoles, then at least, knew the distinction.

The Miccosukees have generally received far less in the way of federal assistance than the Seminoles and have sought economic independence. They have been innovative educationally, taking over their elementary school from the BIA in 1971, and developing a written Miccosukee language.

**AND WHEN** the Seminoles voted to accept a \$1.6 million federal settlement for the Indians' loss of most of Florida, Tiger said this:

"We Miccosukees will never accept a cash settlement in exchange for land. The white man does not understand the Indian feeling about land. The land was not to be bought or sold for money. The land does not belong to men."

The 143,000 acres on which the Miccosukees dwell border and stretch north of the Tamiami Trail starting about 12 miles west of Route 27. Along the trail itself, the Miccosukees, sometimes called the "Trail Indians," have their recreational enterprises — craft shops, alligator shows, Indian villages and so on. The northward portion is and always has been Miccosukee land used for hunting, frogging, fishing and holding secret religious ceremonies, such as the Green Corn Dance.

**THE TRIBE** also has a state reservation — 76,000 acres straddling Alligator Alley, but it is essentially worthless for commercial purposes. Those who live on that remote tract drained by Flood Control District canals are mostly members of the Seminole tribe, and they are the least successful, economically and educationally, of all Florida Indians. So the 143,000 acres is all the useful land the Miccosukees have. It is their country, and for them, the renegotiations have been tense and pressured.

The origins of the negotiations are complex and obscure. More clear is the probable, unfortunate outcome of the bargaining, in which the state has held all the cards during one and a half years of dealings.

With the bickering among the various interests in the dispute — the Game and Fresh Water Fish Commission, the Miccosukees, the Semi-

*Cont'd*

noles, the Central and Southern Florida Flood Control District and white hunters' groups — nearing a close, it appears that the Miccosukees will have, for the first time, outside competition from the Seminoles against their Trail enterprises, and that the tribe will lose the exclusivity of hunting and fishing rights on their state reservation to the north of the Trail.

**IN EXCHANGE** for these losses, the tribe is receiving what is billed as definite assurance that this agreement will be much more legal than the 1960 license. In addition, the "rights" will be extended to include a large, adjacent tract in the middle of the swamp, where Indians have anyway been busily hunting, fishing and frogging for several hundred years.

The agreement provides that:

- The Indians will have rights to hunt, fish, frog and close off certain areas for religious ceremonies, with no license or fees required.

- The Indians, but not the Miccosukees exclusively, will have exclusive rights to run tourist enterprises and charge fees, and the state will not erect any revenue producing facility within or adjacent to the area without Indian approval.

- The public will have the right of access to the area for hunting, fishing or frogging.

- The commission will be the enforcing agent regarding fees, licenses and other game and fish laws and regulations.

"We don't understand all this. We thought we already had these rights," commented Buffalo Tiger. "The state cabinet gave us these rights, and now another body says they didn't have the authority to do that. We want to be sure that after we negotiate this there won't be another body saying this body didn't have the authority."

State officials queried said they didn't recall the reason for the present negotiations. One said he thought the Indians initiated the matter. But records show the turmoil began in 1973-74 when the Everglades Recreational Planning Board — a temporary body under the Game and Fresh Water Fish Commission — included three, large-scale recreational facilities in a five-year plan for the Miccosukee tract. The facilities appeared to be in violation of the 1960 license, which forbade non-Indian commercial facilities.

**WHEN HE** heard of the ERPB plan, Tiger protested to the governor. Gov. Reuben Askew subsequently requested an opinion from the attorney general as to the meaning of the 1960 Miccosukee license.

In March 1975, a cautiously-worded, 21-page reply came to the governor from Robert Shevin's office. Shevin said that in 1960 "it is abundantly apparent that the Governor and the Cabinet ... believed they had taken a final action to commit certain lands for the use of the Indians." He also noted that "there is more evidence that a license was created than evidence that no license was created," and that "although the legal obligation is indistinct, the moral promise is clear."

But in order to protect the 1960 agreement from further attack, Shevin recommended that it be reopened and better legalized, incorporating the same terms as before.

The new negotiations have not been controlled by that "moral promise."

The first unpleasant surprise for the tribe was the entrance of the white hunters. The Game and Fresh Water Fish Commission, having long worked with the hunters, wanted to do well by them. In the words of Gene Wallace, the commission's deputy director, "the public had to be satisfied too."

**THE HUNTERS** had a legitimate interest. The 1960 agreement had not excluded them from the 143,000-acre, Tamiami Trail land, and they wanted to be sure the new agreement would be the same. They went beyond that, however, when they pushed for hunting rights on the state reservation — the unrelated, 76,000-acre tract in the north. Nevertheless, the hunters got the right under the new agreement to enter that reservation, despite there being no logical reason why that land should have even been considered in the negotiations.

"We didn't want to take anything away from the Indians," said Gil Cowherd, president of a coalition of seven sporting groups. "They don't use that reservation land for much anyway, and we would pay them a penny an acre for hunting there."

The penny an acre would provide about \$1.70 for each Miccosukee to enjoy every year. But reservation land is supposed to be sacrosanct. Forcing the tribe to give up exclusivity under the pressure of difficult negotiations was an affront to their dignity and rights.

Far worse than the intrusion of the white hunters however, was the later entry of the Seminole tribe

**UNDER AN** informal arrangement, the Seminoles had always refrained from setting up any activity that would compete with the Miccosukees on their land, even though, under the 1960 license, the Seminoles had the right to do so. The Seminoles have three federal reservations, and commercial craft outlets both on Route 441 in Hollywood and at the Miami International Airport, so they left the Trail land to the Miccosukees.

But the reopening of the license issue disturbed that informal balance.

State officials declared that the agreement would have to be signed by both the Miccosukee and Seminole tribes, even though the Seminoles have had nothing to do with the land through the history of the two tribes.

The present leaders of the Seminole tribe are very different from those of 1960 and earlier. They are younger, considerably more materialistic, and less apt to give up any economic benefits that can be gathered from the situation. Seminole Chief Howard Tommie let the negotiations run for some time, and then decided that his tribe had much to gain by becoming involved.

**AT A** February 1975 hearing, after saying nothing for nearly a year, Tommie surprised all parties by announcing that he would not sign.

"This is not good enough for the Seminole Tribe ... there is going to be revenue from that land, from recreational things, and we feel the Seminoles should get some of it," said Tommie.

In March the Seminoles proposed a geographic division of the area — one which would allow them to open activities several miles closer to Miami than the Miccosukee operations. Tribal officials confirmed that plans are being made for a Tamiami Trail crafts shop.

Such a move would deeply hurt the Miccosukee economy. Seminole resources are far greater, their location would be better, and tourists would most likely choose the more famous Seminole name when stopping to buy.

**"THOSE THINGS** (the recreational enterprises) are the only source of revenue we have out there," said Tiger. "Any competition from the Seminoles would hurt the tribe ... I hope they don't want to step on our toes."

Negotiations over the land are at basically the same stage they have been stuck in for months with the Seminoles and Miccosukees still unable to iron out their differences and the state refusing to sign any agreement that does not meet the approval of both tribes.

Cont'd

And in recent weeks, the FCD has attempted to insert a provision into the agreement requiring the Seminoles and Miccosukees to waive all claims for damages that might have been inflicted by FCD easements over Indian property.

If included the provision is likely to further stall or completely destroy the negotiations to date, according to Bobo Dean, the Miccosukee attorney in Washington. The Seminoles have long eyed the possibility of suing the state for what they consider extensive damages due them over the easements. Dean said he is now reviewing all FCD easements to see what such a provision would cost the Miccosukees.

The whole episode rankles. At one of the public hearings several groups of young Floridians spoke in behalf of the Miccosukees, demanding that they be protected. One young housewife, baby in her arms, took the floor to say:

"WHEN I teach Florida history to my children, I'm ashamed of the part that deals with the Indians."

It appears she will soon have something new about which to be ashamed.

## Indian rights mess

Refusal of the U. S. Supreme Court to consider the case of a Seattle commercial fisherman who charges discrimination because of fishing rights awarded Indians by federal District Judge George Boldt points again to the need for Congress to act in a broad way on Indian rights in general.

Judge Boldt's landmark decision denied the authority of the State of Washington to regulate and manage salmon and steelhead runs, except to prevent their extinction, on which treaty Indians in Western Washington were given (by Judge Boldt) the right to catch 50 per cent of the fish destined to pass "usual and accustomed" (historic) Indian fishing places and stations. U. S. District Judge Robert Belioni, Portland, has applied approximately the same ruling on Columbia River salmon and steelhead runs.

Washington and Oregon state fish and game agencies have been required by these decisions, which have been upheld by the Ninth Circuit Court of Appeals, to drastically curtail non-Indian fishing to make sure the courts' allocation of 50 per cent of the runs, including hatchery fish, are available for the Indian commercial, subsistence and ceremonial fisheries.

Among the results have been illegal fishing, ramming of boats, gunfire in Puget Sound, with one non-Indian fisherman shot in the head, and a general tension which portends more violence. The inability of the states to manage the fishery has caused a wastage in the resource and a threat to perpetuation of the runs.

The courts are interpreting 19th Century treaties with Indian tribes with the same consid-

eration they would give to treaties with foreign nations. And Indians are also claiming vast acreages of land and waters in many states where treaties never existed, or where reservations or treaties have been terminated. Indian lawsuits in Maine claim ownership of \$25 billion in property. Two tribes assert ownership of two-thirds of the state. Cities, school districts and other governments have been stopped from issuing bonds, pending resolution of lawsuits.

Two resolutions introduced late in the last session of Congress recognize the problem without dealing with it.

Rep. Lloyd Meeds of Washington introduced House Joint Resolution 1109. It would establish a commission to study off-reservation rights of Indians. A resolution with more teeth, H. J. Res. 1116, by Rep. John Dingell of Michigan, would provide:

"That in accordance with and in furtherance of the purposes of any treaty with American Indians that secures to them a right to hunt and fish at off-reservation locations, in common with other citizens, any state may enact and enforce laws of a purely regulatory nature concerning the time and manner of hunting and fishing outside an Indian reservation that are for the purpose of conservation, and that are equally applicable to Indians and all other citizens without distinction. Any state legislation enacted pursuant to this joint resolution is hereby declared to be in furtherance of and not in derogation of the treaties involved."

The Dingell resolution is a starting point for the next Congress. But, obviously, it does not cover the broad claims being made by and for Indians not of treaty or reservation status. The subject is much broader than fish and game, although these resources are of primary importance and must be conserved. The 95th Congress has a job to do. It is the voice of final authority in the amendment of treaties and preservation of the nation's resources.

*The Oregonian, Portland, Ore.*

*Nov. 7, 1976*

The Denver Post

DENVER, COLO.

D. 711 801 SUN. 576,741

NOV 13 1976

## Denver AIM Chapter Elects New Officers

The Denver chapter of the American Indian Movement (AIM) elected new officers Thursday night at a reorganization meeting.

Richard Peters retained chairmanship of the local AIM group, Frank Black Elk was named director of information and communications, Vera Mitchell and Rhoda King were chosen cosecretaries, Grace Black Elk became treasurer, and Theda Pokrywka was designated state coordinator.

The next AIM meeting will be 6:30 p.m. Thursday at the Denver Indian Center, E. 18th Ave. and Gaylord Sts. A potluck dinner also will be held that evening.

CHICAGO, ILL.  
BOOSTER  
MAIL EDITION  
WEEKLY

OCT 27 1976

Barney Dixon of Loeber Motors on North Clark street has to be a shoo-in for his firm's sales award of the year. He sold a \$90,000 Camarague last week. The buyer would rather not be identified.

The first American Indian advertising agency, Black Elk Inc., has just opened for business. The agency will help promote next month's Indian Pow Wow at the Chicago avenue armory.

Bennet Wintraub of Variety Auto Supply recently became a grandfather for the second time. His first grandchild was a girl, Shana. This time it's a boy, Noah.

NOV 5 1976

## Warrior Indicted by Grand Jury

Neil Hawpetoss, 30, a spokesman for the Menominee Warrior Society, was indicted by a federal grand jury in Milwaukee Thursday on two counts of harboring and concealing a fugitive.

Hawpetoss, of Keshena Falls on the Menominee Reservation, is accused of fleeing from Menominee County authorities Aug. 18 in a car with Daniel A. Webster, who was sought for allegedly deserting from the military.

He also is accused of denying to a Bureau of Indian Affairs agent Oct. 15 that a man traveling with him was Elmer Kakwitch, 21, Neopit, who was being sought by the FBI for allegedly helping a prisoner escape from the Menominee County Jail in Keshena Sept. 22.

Kakwitch subsequently was arrested and charged in the jail escape.

Hawpetoss, a spokesman last year for the Menominee Warrior Society during its 34 day takeover of the Alexian Brothers novitiate near Gresham, was released after questioning by the FBI Sept. 24 when a Bowler man was found dead of bullet wounds in Hawpetoss' Keshena Falls home. The dead man was Lyle Welch, 24. No arrests have been made in the slaying.

NOV 12 1976

# Menominees Acquitted in Assault Case

By Sam Martino  
of The Journal Staff

Three Menominee Indians Thursday were found innocent of charges of assaulting armed members of an FBI special weapons assault team that raided their home earlier this year on the Menominee Reservation.

A Federal Court jury in Milwaukee found Melvin Chevalier, 27, his brother Donald, 21, and John Coon, 25, all innocent of charges that they forcibly assaulted the FBI agents.

The agents had carried M-16 rifles, shotguns and other weapons during a raid on the Chevalier home in Neopit.

The Indians were unarmed.

The acquittal of the three defendants followed last week's acquittal of Jeanette Chevalier, the mother of Melvin and Donald Chevalier.

Mrs. Chevalier also had been charged with assaulting an FBI agent with a shotgun when the agents forced their way into her home looking for another of her sons who was a fugitive.

The agents converged on the home April 5 to serve an arrest warrant on Robert Chevalier, 25, who earlier had failed to appear for his trial in Dodge County on charges related to the takeover of the Alexian Brothers

novitiate near the Menominee Reservation in 1975.

The State Justice Department charged the Chevaliers and Coon with impeding, intimidating and interfering with the performance of several FBI agents, including J. Gerard Hogan, head of the FBI in Wisconsin.

During the five day trial this week, Hogan and other agents gave conflicting testimony about the incident, which involved pushing and scuffling in front of the Chevalier home.

The Menominees said they had wanted to see a search warrant before allowing the FBI into their home.

Coon denied pushing Hogan and another agent dressed in Army combat fatigues. A photograph taken at the scene showed the agent reaching out and placing a hand on Coon. Coon's hands were at his side.

Melvin Chevalier, one of the leaders of the 34 day takeover of the novitiate by the Menominee Warriors Society, had been accused of striking an FBI agent in the mouth.

His brother, Donald, was accused of bumping into another agent with enough impact to break part of the agent's M-16 rifle.



# INDIAN NEWS CLIPS

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PHOENIX GAZETTE

## Lad Saves 20 On Bus

**PARKER (AP)** — Twenty youngsters were saved from possible injury or death when Galen Howard, a quick-witted 6-year-old Mohave Indian boy, took command of a driverless school bus, officials said.

Jack Bathe, 51, was driving the students to their homes on the Colorado River Reservation on the heavily traveled road late Wednesday.

**BATHE SLOWED** to turn on a side road about six miles south of here, but did not shift down or make the turn. Officials said he apparently suffered a seizure of still undetermined origin and slumped in the seat with his foot off the accelerator.

The bus continued about a half-mile down the road and headed for the shoulder, which is bordered by a concrete-lined irrigation ditch.

While others screamed, Galen jumped into Bathe's lap, grabbed the wheel and turned the bus back across the road into a flooded lettuce field. The bus was stopped by the mud.

There were no injuries.

**ANTHONY** Querice of the Colorado Indian tribal police said he was driving behind the bus and went to the aid of the children.

Galen said he was not scared "until the bus stopped."



**GALEN HOWARD**

Without the power steering on the bus, Galen would not have been able to guide the 79-passenger-capacity bus, officials said.

Hospital officials said yesterday Bathe was listed in fair and stable condition. They declined to specify for what he was being treated.



# State Law Requires Custody; Gallup Needs Treatment Center

Fourth of Four Parts  
By PATRICE LOCKE

GALLUP - In 1973 the state legislature decriminalized drunkenness, and 27 of the state's 32 counties report that this helped to reduce their alcoholism problems. But for Gallup the new law seems to have set spinning the revolving door between the city jail and local bars. As one city official put it: "Downtown Gallup looks like Custer's last stand every morning..."

But detoxification laws are popular in states all over the country. Twenty-five states have enacted forms of the Federal uniform Alcoholism Rehabilitation Act and 11 have enacted some kind of treatment legislation. Twelve have legislation pending and only five have never considered decriminalizing drunkenness.

New Mexico's 1973 Detoxification Act defines an intoxicated person as anyone who is "apparently so intoxicated in a public place that he has become disorderly or has become unable to care for his own safety."

Anyone that the police deem "intoxicated" by that definition may be taken home, to a treatment facility or to jail for 12 hours, but the person isn't charged with a crime or listed as arrested.

The person can be held responsible for the costs of transporting him or caring for him during his 12 hours in protective custody, but Gallup doesn't collect any money from the 25,000 persons the city transports to the city jail each year, since a majority of the people who end up in protective custody don't have money with them.

So the city foots a \$10.75 charge for each pick-up and will continue to pay unless Gallup finds some way to decrease the number of persons who get drunk here or develops a method for treating alcoholics for their illness, instead of punishing them for their over-indulgence.

The Detoxification Act is a progressive piece of legislation, City Atty. James Parmelee said. "The philosophy of it is good, but in practice it doesn't work without a health care facility."

State Falls Short

The state's progressive law falls short of national standards, though, and deprives New Mexico of \$250,000 a year from the National Institute of Alcoholism and Alcohol Abuse (NIAAA).

To get that money the state would have to be in compliance with the Federal Uniform Alcoholism Rehabilitation Act and New Mexico laws are lacking three things for that compliance, said G. P. Reyes, director of the Alcoholism Division of the State Department of Hospitals and Institutions. "The changes we'd need are strictly in the language," he said.

NIAAA standards require a policy statement about the state's position on alcoholism. Under the Detoxification Act, an intoxicated person cannot be arrested for being drunk, but the law doesn't specifically state how an intoxicated person will be treated.

New Mexico's statutes for civil commitments would also have to be changed, Reyes said. In New Mexico a person can be committed to an institution without a hearing. The Uniform Code specifies that a hearing must be held and that the person must have been examined by a physician.

The other revision necessary for the state to meet NIAAA standards would be a specific statement about treatment. The Detoxification Act allows a person to be taken to a treatment facility, but doesn't list specific treatment policies.

These changes will probably be considered in the next session of the legislature, Reyes said. And if the revisions are

made, New Mexico would receive an additional \$1,260,000 from the federal government over the next six years.

\$2 Million More

At least two other bills relating to the state's role in detoxification are expected to be introduced in the next session of the legislature.

Those bills would provide for medical services and halfway houses. Each would draw \$1 million from the state in

(Turn to Page 8 Alcohol)

# Kindergarten Building Destroyed at Naschitti

By HELEN SHARER  
Journal Correspondant

NASCHITTI, N.M. — An early morning fire Wednesday destroyed a portable metal building housing kindergarten facilities at Naschitti Elementary School located about 50 miles south of Shiprock.

Keller Haynei, fire chief of the Valley Volunteer Fire Dept. at Kirtland, said his group responded to the alarm about 6 a.m. after the Tohatchi Fire Dept. refused to respond to the call.

Haynei said that by the time the Valley Volunteers arrived at the scene more than an hour later, actions were limited to securing the utilities and keeping the blaze from spreading to nearby propane tanks. Efforts were hampered by a water shortage in the area, Haynei added.

A spokesman for the Central Consolidated School District which operates the Naschitti School said school officials are in the process of estimating the loss, adding that early estimates indicate it will amount to more than \$40,000.

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# Medicine Men Banding To Thwart 'Oppression'

By JIM LARGO

Navajo medicine men are forming an organization to thwart what they call "Anglo religious oppression" and to attempt to bring back "the corn pollen road" as it was in the old days.

The group, the Navajo Medicine Men Assn., will not only be a strong advocate for ancient religious beliefs but will attempt to make those beliefs a prime practice among modern Navajos, according to its organizers.

Among its goals, said Eugene D. Anderson of Ford Defiance, Ariz., chairman of the association, is to help Navajo alcoholics by performing religious ceremonies for them.

The group is also exploring the possibilities of federal funding.

Another goal is to set straight the damage done to Navajo religious beliefs by an Anglo sect near Greasewood, Ariz., that burned medicine man tools and paraphernalia.

In a recent organizational meeting in Lukachuka, Ariz., Morris Chee of Greasewood explained that the burning by a revivalist group was damaging to Navajo people and the cause of much concern among religious leaders.

"In a sense, our religion and our entire tribe was burned," said Chee.

He said the religious group last March gathered a truckload of medicine men tools, piled them up on a hill, poured gasoline on the collection and set it afire.

Realizing what was happening, some men ran to the fire and put it out by throwing dirt on it, said Chee. Among items burned were arrowheads, symbol of Navajo strength, he said.

Chee said the burned tools were impounded by Navajo police for evidence in an anticipated court action. Anderson said concern over the burn-

Continued on A-2

# Alcohol...

(Continued From Page 1)

general appropriations and the state's Alcoholism Division would distribute the money.

Presently, the state appropriates \$769,517 to the Alcoholism Division, but none of that money gets to Gallup, since NIAAA makes a direct grant to the Gallup Inter-Agency Alcoholism Coordination Committee (GIACC) and GIACC gets more money from the federal government than the state Alcoholism Division gets. The state gets \$300,000 in formal grant monies from NIAAA and GIACC's new budget will draw about \$541,000 a year from NIAAA.

The city might be coming one step closer to treating alcoholics, though, if the state plan for regional treatment centers becomes a reality.

The Alcoholism Division is making plans now to serve the state with four regional treatment centers, but under the original plan Gallup's situation wouldn't change much. McKinley County would be a part of the zone served by a new 40 bed facility in Albuquerque. Gallup is already using the Turquoise Lodge in Albuquerque and though the success rate there is high, the services are 140 miles away.

## State Helps Gallup

But the state hasn't forgotten Gallup and is considering the use of McKinley Hospital as a fifth state treatment center because the need here is so great, Reyes said.

"We have not in the past dealt specifically with the Gallup area," Reyes said. "But we are aware of the tremendous problem there."

Local residents are also aware of the problem and city officials recently went to Santa Fe to discuss Gallup's situation with the Criminal Justice Study Committee and drunkenness on the streets topped complaints aired by downtown merchants when they organized several months ago.

## Not Indian Problem

The alcoholism problem here is definitely not confined to Native Americans, and local counselors agree that there are a lot of drunks living "on the hill," but the visible alcoholics are mostly Indians who get stranded in town drinking because they can't drink at home.

And because so many of the visible alcoholics are Indians, the roles of the Navajo Tribe and the Indian Health Service in dealing with alcoholism are often questioned.

"The Navajo tribe is like an ostrich toward the problem," Larry Dickerson, chairman of the GIACC board of directors said.

Alcoholism hasn't been a tribal priority because the tribe is so wrapped up in the Navajo-Hopi land dispute now, David Damon, executive director of the GIACC Central Administration, said.

"They are beginning to become more aware of the problem, though," he said. "When they started their programs, they should have started with education, instead of with treating the chronics," he said. "But they are getting more into alcohol education now."

The Indian Health Service is also accepting more responsibility, he said.

The Public Health Service Hospital in Gallup doesn't handle detoxification now, and Dr. Joe Maruka said that taking on that job would be impossible without increasing the staff and the hospital budget.

"The attitude of PHS is efficient right now," he said. "Otherwise we would be chasing hallucinating patients around all night and it would be a tremendous drain on manpower."

"We couldn't ease into it, or do it on a trial basis," he said. "We would have to start day one with the capacity of a certain number of beds and enough money to run the program."

He estimates that the program would require at least 40 aides, four doctors and a couple of registered nurses and paramedics.

## Solutions Are Varied

Various solutions have been offered for the alcoholism problem in Gallup, and though repeal of the Detoxification Act is a popular preference here, that isn't likely to happen, State Rep. Steve Kennedy says, though he would favor it. An increase in the protective custody time limit from 12 to 48 hours is very possible, he said.

"We need to get the people who are drunk and stranded here home," Mayor Ed Junker said.

"Our most basic need is housing," Friendship House Counselor Roger Pablo said of the lack of half-way housing and shortage of live-in rehabilitation facilities in Gallup. "A lot of these people have no place to go and end up back on the streets," he said.

"We need to take a stronger stand on public drinking and crack down on the few bars that are a nuisance," Larry Dickerson says.

"More education is the answer," City Mgr. Paul McCollum says. "The tribe needs to take a more active role and ultimately the city needs a rehabilitation center to take alcoholics through the cure."

Options for the city in dealing with alcoholism are much more numerous than those available to the individual alcoholic. "There are only three things that can happen to an alcoholic," Frank Chavez of the Turquoise Club says. "He can either get sober, go insane, or die."



# Medicine Men Forming Group

Continued from A-1

ing is a main reason for the association organization.

Based on Navajo religion, said Chee, the burning means some misfortune will fall on the Navajo nation. He urged, with the backing of several Navajo speakers at the meeting, that a ceremonial blessing be done to erase the expected bad times.

But the problem now is to find a medicine man who knows the ceremony, he said. Anderson explained the Navajo people have gone too much the Anglo way, and finding such a medicine man will be difficult.

Anderson told of historical events. Long ago "people who drag their clothes" (Catholic missionaries) came, he said, bringing with them schools and a religion from across "the great water." They were not against Navajo religion, he said.

After the Navajos were taken into captivity at Fort Sumner, missionaries from other denominations came and began "confusing (the people about) Anglo religion as well as the Navajo way," he said. "Our way became confused and lost."

"Today, the Navajo people are going crazy with the white man's education," he said. "Our ancestors predicted that when we all began speaking one language, that will be the end of the Navajo people."

Anderson admonished his listeners, most of them older generation Navajos

and medicine men, that the Navajo people should cleanse themselves with corn pollen and return to Navajo religion and way of life.

Now, with the Anglo world being dominant on the reservation, the Navajo medicine men are brushed aside, said Anderson. One medicine man said he does not receive the respect he once commanded. "Once I asked (Navajo) police to help me but they just laughed at me and would not help," he complained.

Anderson said the Navajo medicine men should be recognized as being equal to Anglo doctors. He said one thing the association would do is give licenses or certificates to practicing medicine men.

With that authority, Navajo medicine men could gain back respect, he said. When the recognition is received, the medicine men can begin teaching the younger generation, he said. "We want our leaders to return to leading us through Navajo religion."

Anderson did not advocate a complete turn away from the Anglo religion and life, but expressed a desire for medicine men to be better recognized in their communities.

"Let the doctors do their thing and the medicine men do theirs. Let us not argue. All we want is to put into the system our way of life and religion."

He said the Navajo people must return to the corn pollen, which he said is a basic blessing agent in Navajo religion, and use it with prayers "to have happiness rain on the people."

That was done long ago, he said.

Anderson took as an example the swine flu shots being administered on the reservation. He said Navajos have their own medicine to combat the disease. "I have my own herbs to drink; that's why I will not take a swine flu shot," he said.

Chee blamed the Anglo culture for bringing alcoholism to Navajo people. "They brought with them guns, cards and a bottle of wine," he said. "They have swallowed up our way and now they run our lives."

Carl Gorman, a member of the organization, said he grew up among white people. They asked him about Navajo culture but he could not explain, so he had to return to the reservation and learn, he said.

Elizabeth Edison of Steamboat, Ariz., said it took her 15 years to learn to be a medicine woman. She complained that medicine men are becoming fewer with each generation and said she believes the association would make youth aware of Navajo religion.

The association would have five board members from across the reservation. The group would be consulted on nearly every aspect of Navajo life and become the authority on Navajo religion.

The group is now conducting public hearings at different communities. The leaders received a favorable response from Lukachuka community Sunday. The next meeting may be held in Crownpoint or Tuba City, Ariz.

# City Police Win Lawsuit

ALBUQUERQUE (AP) — A U.S. District Court jury returned a verdict in favor of six Farmington city police officers in a \$2.5 million lawsuit filed against them by the mother of a man who died in the city jail.

The five-man, one-woman jury found for the defendants late Thursday after just two hours of deliberation.

Grace J. Begay of Kirtland, N.M., alleged in the suit that

her son, Kenneth Begay Davis, died because police failed to provide him with proper medical attention after his arrest last July for drunken driving, assault and battery.

U.S. District Court Judge Howard Bratton earlier Thursday dismissed from the case Farmington Mayor Marlo Webb, City Atty. Dwight Arthur, and city council members Robert Culpepper, J.A.

Drake and Erick Johnson.

He allowed the jury to consider the plaintiff's claims against Police Chief Robert Schmerheim, Capt. Donald William Rodgers, Sgt. Michael Davis Smith, Sgt. Calvin Shields, and officers Timothy Williams and J.R. Brown.

Schmerheim said today that the jury verdict "certainly reaffirms my faith in the system." He added, "I think the verdict is indicative of the fact that are doing our job and do have concern and compassion for all people without regard of race, color or creed."

Doctors testifying in the case presented conflicting testimony.

Dr. Stewart Loeb of Farmington, who performed the autopsy on Davis, testified Thursday that the victim's liver was in poor condition

from alcohol intake, and that his life could not have been saved by medical attention.

Espousing the opposite view was Dr. Robert Henry of Presbyterian Hospital in Albuquerque, who said Davis died of delerium tremens (DTs) — a reaction caused by withdrawal from alcohol. He testified that Davis might have been saved had jail employees been properly instructed that DTs is a threat to life, and found help for the victim.

Dr. James Weston, state medical examiner, said he hesitated to say what caused the death.

But he said people with liver conditions similar to Davis "die unexpectedly and suddenly and sometimes there isn't anything indicating they need medical attention."

Weston said it was difficult to say whether "medical atten-

tion would have helped."

Farmington police officers had told the jury that as a matter of practice they didn't seek medical attention for persons whom they thought were suffering from DTs.

"If we took everybody to the hospital who had the shakes, then 99 and two-thirds of the drunks we picked up on a Saturday night would end up in the hospital," Rodgers testified.

Mrs. Begay also took the stand Thursday.

She testified that her son called her from jail the day before he died complaining of problems with his car.

Mrs. Begay alleged that her son, the father of seven children, was denied medical treatment because he was an Indian.

Davis was arrested last July 4 and died five days later.

# Doctors in Trial Argue Jailed Man's Chances

Albuquerque Journal

NOV 18 1976

By DENISE TESSIER

The state's chief medical examiner said Wednesday it is difficult to say whether the life of Kenneth Begay Davis, who died last year in the Farmington city jail, could have been saved had he received medical treatment.

Another doctor testified Wednesday that he feels medical treatment would have saved the man's life.

The testimony was heard in Albuquerque federal court before U.S. Dist. Judge Howard Bratton in a \$2.5 million suit filed by Davis' mother, who claims her son died because he was denied medical treatment in jail.

The suit was filed against the City of Farmington and individual city officials.

State Medical Examiner Dr. James T. Weston, who examined slides of body tissue from Davis, said liver tissue contained a great deal of what he

called "fatty change," caused by a large intake of alcohol.

Witnesses Tuesday testified Davis was suffering delirium tremens (DTs) before he was found dead in his cell July 8, 1975.

Davis' mother, Grace J. Begay of Kirtland, N.M., testified Davis was arrested and jailed on a charge of driving while intoxicated.

Weston was asked by one of Mrs. Begay's attorney's, Charlotte Toulouse, if Davis' death was associated with the "fatty change" in the liver.

"That's the way I prefer to put it," Weston replied, explaining that it is difficult to determine a cause and effect relationship in cases such as Davis'.

"I find it difficult to say that (Davis' death was directly caused by fatty

Continued on A-2



## MDs Disagree in Negligence Trial

Continued from A-1

change)," Weston said, "but some others do say that."

Weston also said he could not rule out the possibility Davis died from the DTs.

He read from Davis' death certificate that the cause of death as determined by his office was "severe fatty infiltration of the liver."

When asked if medical attention would have prevented Davis' death, Weston said, "I can't say. People like this die unexpectedly and suddenly and sometimes there isn't anything indicating they need medical attention. It is difficult to say whether medical

attention would have helped."

Dr. Robert Henry, head of the emergency room at Presbyterian Hospital in Albuquerque, testified he would attribute Davis' death to DTs.

He said a person experiencing DTs can have lucid intervals that can last longer than 12 hours. Witnesses have previously testified Davis was coherent after his DTs and appeared to be recovering from them. He was last seen about 10 minutes before he was found dead and was coherent at that time as well, witnesses said.

Henry said Davis should have received medical attention despite the apparent recovery after the DTs.

He said had jail employees been told DTs is a life-threatening situation, it "would have helped save this man's life."

Tuesday Farmington Police Capt. Donald Rogers testified police are not told in training that persons suffering from DTs need medical attention.

Late Wednesday San Juan County Magistrate Roy Markham of Farmington said he had "no idea someone could die" from DTs. He has previously worked as a patrolman, deputy sheriff and sheriff and has worked with jails.

Testimony will continue in the trial today.

# Farmington police innocent in death

A U.S. District Court jury returned a verdict in favor of six Farmington city policemen in a \$2.25-million lawsuit filed against them by the mother of a man who died in the city jail.

The five-man, one-woman jury ruled in favor of the defendants late Thursday after two hours of deliberation.

Grace J. Begay of Kirtland alleged in the suit that her son, Kenneth Begay Davis, died because police failed to provide him with proper medical attention after his arrest last July for drunken driving, assault and battery.

U.S. DIST. Judge Howard

Bratton earlier Thursday dismissed from the case Farmington Mayor Mario Webb, City Atty. Dwight Arthur, and City Councilmen Robert Culpepper, J.A. Drake and Erick Johnson.

He allowed the jury to consider the claims against Police Chief Robert Schmerheim, Capt. Donald W. Rogers, Sgt. Michael D. Smith, Sgt. Calvin Shields and Policemen Timothy Williams and J.R. Brown.

DOCTORS testifying in the case presented conflicting testimony.

Dr. Stewart Loeb of Farmington, who performed the autopsy on Davis, said the

victim's life could not have been saved by medical attention because his liver was in such poor condition.

But Dr. Robert Henry of Presbyterian Hospital in Albuquerque said Davis died of delerium tremens and his life might have been saved by proper treatment.

IN HIS closing argument, Leonard DeLayo, Mrs. Begay's attorney, said the case concerned, "The conduct of human beings toward other human beings."

DeLayo said, "That's what this case is about. This case speaks to the attitude of one group of people toward another in a certain physical condition."

DeLayo made an appeal on behalf of Davis' family, saying the policemen should've helped the man.

"I question the type of people we have in this country who can let a man suffer for 52 hours in a jail."

DEFENSE attorney Robert McCorkle told the jury, "I have sympathy for the deceased and his family.

"It's unfortunate, tragic, when human life is destroyed by alcohol. But we must put sympathy behind us."

McCorkle said that since money was involved, the case had to be looked at for its facts.

Those facts, said McCorkle, didn't amount to the cruel and unusual punishment that was charged.

"His liver just quit," said McCorkle. "Medical attention would not have saved his life."

MCCORKLE said, "These officers have seen people in worse condition.

"These men were his friends. Would they have subjected him to cruel punishment?"

DeLayo said, "He (Davis) was going through obvious agony. Police officers didn't consider him sick or injured. Is that reasonable?"

# Lawyers Bring Varied Backgrounds to DNA

By SCOTT SANDLIN  
Daily Times Staff

SHIPROCK — The most unusual thing about Tim and Judy Flynn-O'Brien is probably not their last name, but it seems to confuse people as much as the legal terminology they deal in daily.

It's not too complicated, although it has prompted a number of explanations. She was Judy Flynn, he was Tim O'Brien. Married, they changed their names to a hyphenated combination of the two.

But explaining and dealing in legalities is their stock-in-trade. The Flynn-O'Briens are the new attorneys in residence, and in charge, of Shiprock DNA People's Legal Services.

Both in their mid-twenties and both graduates of the University of California at Berkeley Law School, they come to DNA with varied backgrounds. After interviewing for various positions, they joined the staff in August.

Tim, director of Shiprock DNA, is experienced in questions of Indian law, working with both Seattle, Wash., and California legal aid services.

After his first year of law school, he worked on cases involving salmon fishing rights on ceremonial lands of Washington Indians for the Indian Law Unit of Seattle Legal Services.

Two summers of experience as an intern at California Indian Legal Service in

Oakland followed that. Cases there involved Indians living in rancherias, land established by the federal government in the 1800s as a sort of mini-reservation.

Many of the rancherias, says Flynn-O'Brien, were terminated, or cut off from their trust status, thereby losing many benefits and protection afforded under treaty.

A significant part of the work, he says, dealt with jurisdiction: what laws would apply to those Indians and their lands, particularly regarding county zoning requirements.

"In one case," Flynn-O'Brien says, "the Indian Health Service put in health systems—septic tanks and hookups—and the county

*Tim's legal background centers on Indian law; Judy worked in Russia as a nanny and on Wall Street for an international firm.*

wouldn't approve them. We won the case contending that the county had no jurisdiction."

Problems in the California rancherias, he says, centered on a largely uneducated people losing their traditional land base in an area with a high tax base. The end result, he says,

trust status "should be part and parcel of economic development."

While Flynn-O'Brien's experience has been involved almost exclusively with legal aid-human rights organizations, Ms. Flynn-O'Brien's experience has taken her from Russia to Wall Street.

In 1972, after completing undergraduate studies at the University of California at Santa Cruz, she took a job as a nanny for a U.S. embassy family in Moscow.

"I'd had this weird idea," she says, "of combining Russian studies (in which she took her degree) and law. I had planned to go to Columbia (University in New York)." Plans changed, but her five-month tenure with state department families in Moscow convinced her that that the state department was not her cup of tea.

Other possibilities for her somewhat unusual combination of studies were the United Nations or international business. The U.N., she says, was "too amorphous."

So she tried international business, working during the summer of 1975 as an intern in the prestigious Wall Street firm White and Case.

"I decided I absolutely hated business-type work. It was boring, mostly. You're dealing with multi-million dollar loans from company to company, reading hundreds of pages of drafts and final agreements on backing and monetary policy," Ms. Flynn-O'Brien says.

Though not attracted to the type of work, Ms. Flynn-O'Brien says she is not opposed to large corporations per se. "They're misused, both inside and out."

While Ms. Flynn-O'Brien braved Wall Street, her husband worked for the International Indian Treaty Organization, attached to the U.N., which handled legal and human rights problems of Indians throughout the world.

Then, they say, "we talked about where we wanted to be."

For Ms. Flynn-O'Brien, international business lacked contact with people.

"One friend," she says, "works for a big firm dealing with labor. I don't see any real purpose in that—I need more of a social purpose. More contact with clients, more variety of experience. . . I never liked dealing with money."

Interviewing for posts both here and in the Northwest, they found the people in the Southwest, as well as the climate, to their liking.

Not unversed in legal aid work, Ms. Flynn-O'Brien worked for the San Francisco Neighborhood Legal Services as an intern.

Noting that legal aid jobs are difficult to get without direct experience in the field, she says her husband's clinical experience with Indian law netted them the posts in Shiprock.

"That helped," Flynn-O'Brien says drily. "That and

your Russian."

Currently the only attorneys at Shiprock DNA, they have been interviewing candidates for another attorney opening. In the meantime, they are struggling to explain legal conundrums to the lay person who, in many cases, cannot read or speak English.

*They are struggling to explain legal conundrums to the lay person who, in many cases, cannot read or speak English.*

Flynn-O'Brien says "It's a temptation to explain in legal terms," when the lay explanation may take much longer. But, he says, "I think we have an obligation to explain as much as possible—explaining the process for them to learn about it."

Both attorneys think that once clients understand the process, there will be less of a reliance on lawyers. If a client purchasing an item learns not to rely on verbal promises, for example, the dose of preventative counsel will have been well worth the try.

For the interim, the Flynn-O'Briens need not worry about a lack of clients. Referral cases from Farmington legal

services have been on the increase, in addition to the caseload from the Navajo reservation.

Farmington Daily Times

NOV 16 1976

# MacDonald Testifies to Jury Probing Tribal Finances

NOV 17 1976

Farmington Daily Times

By HOWARD GRAVES

PHOENIX, Ariz. (AP) — Navajo Tribal Chairman Peter MacDonald, leader of America's largest Indian group, spent about 20 minutes today before a federal grand jury.

MacDonald, who appeared with an attorney, seemed in good spirits as he left the federal courthouse. He said he would return to the Navajo capital of Window Rock, Ariz.

MacDonald would not comment to a reporter on his appearance before a regular session of the grand jury or on the subpoena that brought him to Phoenix.

The attorney refused to identify himself, saying, "I think these matters are of a secret nature. I have no comment."

The tribal chairman, asked to identify the lawyer, just smiled.

The 48-year-old MacDonald, who once received a commendation from former President Nixon, was called in connection with a federal investigation of alleged financial irregularities on the vast reservation.

MacDonald was subpoenaed late last week by federal investigators.

The grand jury, assisted by a special Justice Department task force and the FBI, has been delving into the alleged corruption since last spring.

Investigators are probing alleged mishandling of thousands of dollars of federal funds, said the U.S. Attorney's office. However, the U.S. Attorney declined to elaborate on MacDonald's appearance.

Nixon, while president, awarded MacDonald a presidential commendation for his work with the poor.

MacDonald is in his sixth year as elected tribal chairman of the estimated 150,000 Navajos living on reservation lands in portions of Arizona, New Mexico and Utah. The reservation covers about 25,000 square miles.

He was first elected in 1970 and won a second, four-year term in 1974.

The Associated Press learned last month that a top Navajo tribal official had received an estimated \$5,600 in cash through a Gallup air charter service.

The money, after being converted from bank checks to cash, was hand carried to the executive at Window Rock, Ariz., according to two persons familiar with the transactions.

The checks were paid by Tucson Gas & Electric Co. to Atsidi Aviation Inc., the sources said.

The two checks written in August and November 1973, were for special charter services by tribal executives, including MacDonald.

TG&E Vice President Thomas Via Jr. said the flights were made to help overcome opposition by Navajos to a 345,000 volt transmission line across Navajo lands in northwest New Mexico.

Via said MacDonald agreed to make the trips if the company paid for them.

MacDonald said in late October, "The information I have on these flights were made under the contract with TG&E I signed. I think I made a trip to Farmington and one to Tucson, where the office is located." He made the statement in response to a reporter's question.

On Oct. 28, the grand jury indicted the former executive director of the Navajo Housing Authority, Pat Chee Miller, 31, a Navajo living in Gallup.

The eight-count indictment charged Miller with receiving \$42,000 in kickbacks from American Funding Corp. of Beverley Hills, Calif.

Also indicted were A. Gordon Eldred, the mortgage investment firm's senior vice president, and Marvin B. Schaffer of Encino, Calif., an Eldred business associate.

The three were charged with conspiracy to defraud the federal government, misapplication of an Indian tribal organization's funds and interstate transportation of money obtained by fraud.

Leslie J. Hadden, also of Gallup, was named as an unindicted co-conspirator, said Asst. U.S. Atty. Gary Scales.

Miller pleaded innocent to the charges Nov. 3 in U.S. District Court in Phoenix.

A Jan. 18 trial date was set for Miller by U.S. District Court Judge Carl Muecke. Miller was released on his own recognizance.

Scales said Eldred agreed to waive removal proceedings and is to appear in Phoenix Wednesday for arraignment on the charges.

Scales said Eldred, 58, and Schaffer, 45, also are scheduled for trial on the indictment charges Jan. 18 in Phoenix federal court.

Miller was accused of receiving the kickbacks for loaning an estimated \$13.3 million in housing authority money to American Funding. All but \$4.5 million has been recovered.

The authority was formed in 1963 to allocate U.S. Housing and Urban Development funds for housing projects on the Navajo Reservation.

Peter MacDonald  
...no comment

# Tiny Indian tribe wins right to own reservation

(C) NY Times News Service

TRUMBULL, Conn. — The nation's smallest Indian reservation won the first round here last week in a fight for its survival when state officials decided that a one-quarter-acre suburban plot did indeed belong to the Golden Hill Tribe.

The state's ruling, which rejected a competing claim by a neighboring landowner and reaffirmed an Indian claim to the land that dates to 1659, was greeted by the Indians with a nightlong revel of singing, drumming and dancing around a tepee.

When the dancing ended at dawn and this quiet residential community on the fringes of Bridgeport returned to its customary calm, work resumed on a log cabin that reservation leaders plan to make into a regional center of Indian culture and activism.

"WE HAVE always maintained that this was reservation land and that we owned it," said Aurelius Pip-

er, a Golden Hill who is also known as Chief Big Eagle. "Nobody can come along with a piece of paper and say that it isn't so."

Piper took over the leadership of the 78-member Golden Hill tribe in 1974 and began efforts to regain 19½ acres of reservation land that had been sold off a century ago and 80 acres in what is now the heart of downtown Bridgeport, which had been taken by force in the 17th Century.

But even the remaining quarter-acre was threatened in July when a Waterbury attorney who owns a building next to the reservation filed claim to land and then offered to sell it to the state.

THE CLAIM by the attorney, John Carl Kucej, came days after the only house on the reservation had been torn down to make way for the new cultural center, and resulted in halting construction while the state conducted a title search on the property.

Late last month Piper and a band of other Indians from across the country moved into a tepee on the reservation — rather than let the land lie contested and unoccupied — and began a series of spiritual ceremonies, dancing and praying for the safety and preservation of the reservation.

"Now that the state agrees with us that this is our land, we can go ahead and make this a gathering place for all Indians," Piper said after the decision became known. "My uncle never wanted this place known as an Indian reservation and just wanted to live and die in peace, and we respect our elders. But now times have changed and the national mood of Indians has changed."

KUCEZ, WHO could not be reached for comment, is expected to pursue his claim in the courts in what could be a long battle retracing the tribe's history and its sometimes stormy relationships with the early settlers.

## Interior Dept., Indians Agree on Water Rights

From the Journal's Washington Bureau

WASHINGTON — The Dept. of Interior has announced it has reached an agreement with the Jicarilla-Apache Tribe on water rights that frees 13,300 acre feet of San Juan-Chama water from municipal and industrial use by five New Mexico communities.

The agreement was reached during the late summer.

As part of the agreement, the Interior Dept. agreed to reserve 29,000 acre feet of water from San Juan-Chama for permanent use by the Jicarillas

"pending a determination of the feasibility of that use."

The determination will be made through a study to be conducted by the Bureau of Indian Affairs and the Bureau of Reclamation.

As part of the agreement, the tribe withdrew its opposition to the use of the remaining 13,300 acre feet available for municipal and industrial use.

The 39,300 acre feet involved became available when communities opted not to carry out programs for which the water was originally allocated.

# Naschitti Class Building Destroyed in Morning Fire

By SCOTT SANDLIN  
Daily Times Staff

**NASCHITTI** — A portable metal building that housed the kindergarten at Naschitti School burned to the ground in a fire that started at about 5 a.m. today after the school principal's unsuccessful attempts to reach fire units in Tohatchi, Shiprock and Window Rock, Ariz.

The official said further disaster was prevented by four teachers who manned water

hoses to keep four butane tanks located about 15 feet from the building from blowing up.

The school, part of the Central Consolidated School system, is located 55 miles south of Shiprock on the Navajo reservation.

The fire was extinguished at about 8:15 a.m., after a fire truck from the Valley Volunteer Fire Dept. responded to a call. By then, said Dr. Pearl Warner, school principal, the building was gone.

No one was injured in the blaze, but Dr. Warner is angry. "I'm mad," she said. "None of the fire departments would come. If we'd had fire protection, three quarters of the building could have been saved."

Dr. Warner said she was awakened by a call from a teacher and looked out the window of her home to see flames shooting up from the building in the corner where the heater was located. The lights were out, she said, and she could not see to dial numbers. An operator made the calls to the fire units and the district superintendent.

She said the Tohatchi Fire Dept., located about 10 miles away, apparently declined to respond to the call because it is McKinley County and the school is in San Juan County.

Concern about the possibility of fire, Dr. Warner said, prompted her to buy water hoses about a month ago. "They're the only reason those tanks didn't blow," she said. A

gasoline tank near the building was also kept watered down to prevent it from igniting.

The Valley Fire Dept. arrived about 7:15 a.m., she said.

Dr. Warner said persons living in the school complex were alerted immediately to the danger and moved from the area. She also notified the persons in the neighboring community.

The principal estimated loss of school equipment in the kindergarten building at \$75,000.

Dr. Warner said she called a representative of the U.S. Dept. of Housing and Urban Development about four days ago about fire protection. "They said the (Navajo) tribe would have to look into it," she said. "I think we'd better do something about it."

The fire is the second in three years at the school, Dr. Warner said. About two years ago, the arts and crafts building burned. She said she thought today's fire was started by a faulty heater.

Arrangements were being made this morning for returning utility service, disconnected when the fire broke out, but Dr. Warner said she was unsure of whether school would be in session.

Although she confessed to being shaken by the experience, she said she joked to a school supply officer that she wanted to requisition a new building.

"I never counted on being a firefighter when I took this job," she said.

## Coal Tax Plan 'Uneconomical'

**ALBUQUERQUE (AP)** — Firms developing New Mexico coal would have a tough time competing in most markets if the state imposes a tax rate of 26 per cent, an industry spokesman said.

John J. Schmidt, executive vice president of Santa Fe Industries Inc., said the proposed tax hike would make "our coal uneconomical and noncompetitive with most other markets."

He said Santa Fe is negotiating with a handful of companies to sell its vast coal reserves in the San Juan Basin. The firm is asking for \$1.5 billion.

"I don't think the message has gotten through to the people of New Mexico that the proposed taxes would mean it would cost three times as much to mine coal here as in Wyoming or Montana," he said. "It's just going to make a tough job tougher."

Economists, state energy officials and Gov. Jerry Apodaca all are backing hefty tax increases on coal and uranium mined in New Mexico.

# Paul R. Wieck Indian Policy Vague

WASHINGTON — President-elect Jimmy Carter's only official statement on Indian policy, a 32 line policy paper, deals largely in generalities and does not get into the sticky questions raised in the Indian community in recent years.

Carter appears to support the idea of "self-determination without termination."

He also promises a complete review of all federal programs for Indians conducted "with the full participation of Indian leaders from tribal, urban and national organizations."

His statement does not deal with such touchy issues as the Indian preference program for hiring by the Bureau of Indian Affairs (BIA), the "beneficial use" position of the BIA on Indian water rights or the longstanding request of tribal leaders for a special Indian legal counsel.

Carter opened his statement by saying he believes programs for Indians should be "designed, implemented and managed by Indian tribes" to the greatest extent possible.

"Indian people should be able to make their own decisions regarding budget priorities, the operation of their schools, the best use of their land, water and mineral resources, and the direction of their economic development," his statement continues.

He decries the "duplication of effort, waste and neglect" he says prevails in the programs and suggests a large percentage of the federal funds for Indians is lost as a result.

He also promises a review of federal laws relating to Indians and a long look at the BIA.

*Paul R. Wieck is chief of the Albuquerque Journal's news bureau in Washington, D.C.*

# Tribal Taxation Proposed

WINDOW ROCK, Ariz. (AP) —The Navajo Tax Commission Monday proposed setting up a tribal tax structure that officials said could produce as much as \$36 million next year. While suggesting that the tribal tax be kept at a minimum,

the commission said that the major tax should be placed on companies leasing land from the tribe that pay low rental or royalty payments.

The three-man commission said that any tax system would probably produce extensive litigation between the Navajos and Arizona and New Mexico over the rights of the states to tax interests on Indian reservations.

New Mexico and Arizona currently assess a tax on the removal of mineral resources from the Navajo Reservation, which amounts to millions of dollars each year.

Companies which lease land from the tribe would be expected to protest the double taxation in the courts.

Commissioners have said they would not recommend taxing Indians' income or property at the present time because Navajos' income levels were too low. The current per capita income of the 150,000 member tribe is about \$600 per year and the unemployment rate is about 60 per cent.

# Navajo Crafts Enterprise Looks

By LAURIE BURNETT

WINDOW ROCK, Ariz. (Dine Bureau) - Officials of the financially-troubled Navajo Arts and Crafts Enterprise (NACE) announced Wednesday the appointment of a new manager in their attempts to get the enterprise back into healthy operating order.

Meanwhile, NACE officials are undaunted by severe declines in the Indian jewelry market, maintaining that quality Indian jewelry will remain a good investment for years to come.

The new NACE manager, Fannie Et-sitty, was manager of the Navajo Arts and Crafts Guild for four years before it was converted into the tribal enterprise in 1972.

A jewelry buyer for several Gallup stores before managing the guild, Et-sitty was appointed Monday by the committee set up by the tribal council to oversee NACE operations.

Roger Davis, committee chairman, would not predict when NACE would recover from its present deficit operation, saying, "It takes a long time to rebuild an enterprise once its name has been destroyed, but we are pulling out of the red gradually."

NACE's financial problems stem from mismanagement, according to Davis. The former manager, Ernest Apodaca, a non-Navajo, assumed the top position in the enterprise upon its formation. He was subsequently termi-

nated by the Navajo Tribal Council in November 1975.

## Would Improve Image

"We are trying to clean up the inferior merchandise purchased by that management," Davis said. "People have been reluctant to buy from us because of publicity about the low quality merchandise we have acquired."

NACE was set up by the Navajo Tribal Council, according to Davis, to provide an outlet for Navajos silversmiths and craftsmen.

"But with the disbanding of the guild and the formation of the enterprise, the attitude changed to one of profit making," he said, and that is when the problems started.

Under the former management NACE agreed to supply various large national department stores, including Sears Roebuck, with Navajo jewelry, but was unable to fill the orders, he said.

"Navajo craftsmen were told they produced too slowly, and NACE began purchasing from various non-Navajo wholesalers in Gallup," he said. "Much of that merchandise was of inferior quality, and was mass-produced with low grade turquoise."

"You can't buy from wholesalers and other outlets and still expect to be competitive," he added.

## 'Everyone Got into Act'

The recent boom of Indian jewelry led to a glutting of the market with inferior

## toward Better Times

goods, resulting in public loss of confidence in the merchandise and eventually in the severe declines the market is now suffering.

"The height of the boom was in 1972 when Wall Street listed it as second to land in its list of good investments," said Davis. "Then everyone got into the act -- Anglos, Mexicans, amateurs and hippies."

"It sold like crazy for a while, and then all of a sudden people realized that the turquoise or workmanship of the jewelry was not always quality," he said. "Wall Street then took it off its boards and the value dropped considerably."

Indian jewelry sales have declined

50-60 per cent nationwide since the boom, and are still dropping, as evidenced by the continual closings of the jewelry stores in Gallup, which became abundant during the boom.

## Still Can't Beat Quality

However, Davis maintains that quality jewelry is still a good investment, and will remain so.

"A person who knows Indian jewelry can spot quality," he said. "There will always be quality goods produced, and their value will remain high."

He predicts that young Navajos who entered the business during the boom will drop out, but those craftsmen who already have established names, and those who "have their heart in it"

enough to establish names, will continue producing quality goods.

Four branch stores of NACE, which closed earlier this year, are scheduled to open in the spring when it is expected that the central store in Window Rock will have acquired enough quality merchandise to stock them again, said Davis. The four stores are in Kayenta, Chinle, Cameron, and Allentown.

A new accounting system recently implemented at NACE has finally cleared up the formerly chaotic financial records, and "this should help up in our present attempts to secure an operating loan for the enterprise," he added.

GALLUP INDEPENDENT

NOV 18 1976

NOV 18 1976

# Tribal Shakeup

## Urged

An Exclusive Report  
By BILL DONOVAN

WINDOW ROCK, Ariz. (Dine Bureau) Navajo Tribal Chairman Peter MacDonald is considering calling the Navajo Tribal Council into special session in early December to consider recommendations made by an outside firm on ways to improve the running of the tribal government.

The recommendations are part of a management review study conducted over the past four and a half months by the Arthur Little Co. of Los Angeles.

The Little study, although it has not been released to the press and probably

won't until it comes before the council, has already caused waves within the tribal government and has been the subject of several staff meetings.

Almost no department head has come out in support of the conclusions made by the study, and most would just as soon see the tribal council discard the findings and forget about the thousands of dollars the tribe spent to get it made.

### Suggests Consolidation

According to interviews with various tribal officials, the Little study stresses throughout its recommendations the consolidation of various tribal departments to eliminate duplication of ser-

vices and better use of tribal funds.

If the council goes ahead and approves the recommendations made by the study, almost no division within the tribal government will be unaffected. Most division heads feel that the changes would hurt their departments without saving that much money.

The tribe has already begun its own reorganization separate from the one being proposed under the Little study. This reorganization is being conducted by Perry Allen, who is MacDonald's administrative assistant.

### Already Correcting Problems

Several division heads questioned

whether there was even a need for such a study in the first place, since they felt that the tribal reorganization was beginning to correct many of the problems within the tribal government.

The main criticism made by division heads before Allen took the job with the chairman's office five months ago was that there was no direction from the chairman's office and that this made it difficult, if not impossible, to make any changes in policy or programs.

This situation has changed over the past few months and division heads said that at least now with the weekly staff

meetings Monday morning departmental problems can be brought up and some type of solution decided upon.

### May Depend on Politics

The question then is whether the council will go with the recommendations made in the study and, according to some tribal officials, this may depend a great deal on tribal politics.

If the study is approved, one result will be strengthening of the chairman's office, since the recommendations in the report would give the chairman's office more say in daily operation of various departments.

The question that some department heads raised, then, is whether the council would approve changes that take power away from its various committees and turn it over to the chairman's office. Most tribal officials think this is unlikely.

The only section of the study which has a good chance of being approved by the council, according to one tribal official, is the salary revision schedule. This part of the study was undertaken to determine if some tribal employees were being paid enough in relation to their duties and responsibilities.



# Editorial Page

## A Newsmen's Faith

Howard Graves of Albuquerque, who heads the Associated Press' operations in New Mexico, almost single-handedly has been uncovering one of the most significant stories in the Four Corners region.

Primarily through his efforts, a federal grand jury has been investigating alleged wrongdoings within the Navajo Tribal government operations.

People in high places, and millions of dollars in federal, tribal and corporate funds have been involved.

A number of indictments already have been returned by the grand jury.

Graves has been working on the self-imposed assignment for the past several years. During that time he has filed numerous stories—none based on sensationalism; all based on the facts as he has been able to put them together, after hours, days, and months of interviewing people and studying documents.

The Navajo Nation, encompassing about 25,000 square miles in Arizona, Utah and New Mexico, plays an important role in the

economic, political and social life of the entire Four Corners region.

Because of the intricate—if not unique—manner in which tribal business involves the federal government, reporters through the years frequently have been stymied in their attempts to accurately report news about the Navajo Nation.

Graves, nonetheless, has been successful. We believe that his success can be attributed mostly to his penchant for the truth and the objective manner in which he has been reporting the facts. He has no axe to grind, no cause to champion, no scores to even.

Howard Graves has an unwavering belief that the truth is a journalist's only real stock in trade and that he can best serve his fellow human beings by exercising that belief.

We would not be a bit surprised to see Graves nominated for some sort of award within the journalism profession. To us, he exemplifies the finest in newspapering.

## Program Seeks Applicants

WINDOW ROCK, Ariz. — A special training program developed by the Navajo Nation and the University of Arizona to train 20 teachers a year in special education is now recruiting students for a program starting in January 1977.

The Navajo Nation contracted with the university for the program, funded by a grant from the Bureau of Education for the Handicapped, to fill vacancies for qualified Navajo teacher personnel to work with handicapped Navajo children.

The two-year program, which fulfills Arizona's certification requirements, focuses on preparation of teachers in mental retardation, behavioral disorders and

learning problems. The program involves four semesters of junior and senior level courses offered at the College of Ganado campus, with two full summers of instruction on campus at the University of Arizona in Tucson.

The reservation-based training model allows students to

work as teacher aides in their communities while completing coursework. Students also receive benefits of a full-time university program and obtain on-campus credit for student teaching on the reservation.

The program is designed to avoid cultural and linguistic and economic problems encountered by some Indian students.

Instruction is provided by university personnel who fly in to campus for all-day sessions Friday and half-day Saturday.

The summer session includes field trips to observe programs serving handicapped students.

Selected students also attend the National Council of Exceptional Children convention in Atlanta, Ga.

To qualify, interested persons must have completed 56 or more hours of college credits transferable to the University of Arizona. College and high school transcripts should be forwarded, along with the tribe's application and university admission form, to Charlene Tapaha, coordinator, Navajo Special Education Teacher Development Program, The Navajo Tribe, P.O. Box 308, Window Rock, Ariz. 86515.

# 'Experimental' Dorm Seems Natural

SHIPROCK--People may have squinted hard or stared in disbelief when the idea was first proposed, but Dorm Seven of the Shiprock Bureau of Indian Affairs boarding school is no joke now. What is now an honor dorm started off a year ago as the "experimental" dorm for eighth and ninth graders. Among its features are co-ed living, once a week family-style cooking among students and student planning for activities.

The main problem now, in fact, is that "Kids from other dorms are jealous," says student activities director Manuel Montoya.

The honor dorm was the brainchild of Charles Williams, dormitories supervisor for the past year. A former state policeman in Nevada and former youth parole officer, Williams says the program's working so well they hope to institute a similar plan with seventh-graders next year.

A careful screening process, including recommendations from adults and students' listing their reasons for wanting to live in the experimental situation, determined the students selected initially. Now students may apply to live in Dorm Seven. If a student is rejected, he's told why, and may re-apply after 30 days.

"It gets away from regimentation," Williams says. "It's a more homelike atmosphere. . . People at first just really didn't believe it, but we've received nothing but good reports."

The only restriction Williams makes in an otherwise loose

living situation is alcohol. If a student is found drunk on campus, he is expelled immediately from the dorm.

So far, he says, there has been only one expulsion.

The situation, he says, just "seems more natural." Instead of boys and girls seeing each other only at a dance, they are accustomed to working together.

Williams, who has worked with Anglos and other ethnic groups in his work as a parole officer, says "Navajo kids are more responsive. I really don't why—it must be cultural."

Personnel were also carefully selected, Williams says, and he is now considering a plan to have dorm aides move along with students as they progress from grade to grade.

Montoya, who has worked for the BIA the past 16 years, says he has heard longtime bureau employees say working in the honor dorm "is the first time they've enjoyed their jobs. It's a whole new outlook."

Among the new program's benefits are a reduction in absenteeism and a greater stimulus for study, Williams says. Some students have volunteered to work as aides in the nearby dorm housing the trainable mentally handicapped program.

Students are divided in wings according to sex, and there is 24-hour supervision at the dorm, but the key word seems to be responsibility. Williams says students include both good students and slow students, but notes that three of the four members of the student council live in the honor dorm.

Next year, he says, all seventh grade students will be in an honor dorm situation,

though a segregated one.

"Next year," he says, "will really be more experimental than this year."

"We're trying anything that will improve on what I think is the old BIA situation,"

Williams says.

Next year's experiment may or may not have the same results as Dorm Seven. But Williams, and the members of the staff are willing to give it a try.

# Gasification

## Date Set

By BILL DONOVAN

WINDOW ROCK, Ariz. (Dine bureau) — A high ranking official for a company proposing to build two coal gasification plants on the Navajo Reservation says his company probably will drop the plans if it does not receive tribal approval in January.

Robert Rudzick, general manager of the Western Gasification Co. (WESCO) said Friday any further delays in the project would make the plants too ex-

pensive to build.

"In 1972 when we first approached the tribe, we estimated that the cost to build the plants would be about \$500 million," he said. "The current cost estimate is more than billion dollars."

He told members of the Navajo Tribal Council's Resources Committee that inflation was adding about \$2.25 million a day to the cost to build the plant.

"If it does not get out of the tribal council during its January session, it

will probably be dead," Rudzick said. He indicated the company will not be able to allow the council to discuss the proposal and then establish a committee to negotiate with WESCO officials. This has been the procedure in several instances when a major agreement came up before the council for approval.

WESCO still has to go to Congress for a federal loan guarantee, he said, because the cost to build the two plants is more

than the company can afford. A loan guarantee would allow the company to borrow the funds needed to build the plants at the lowest possible interest.

A similar bill failed in the past session of Congress by one vote, and Rudzick said company officials re-evaluated the proposal and decided that "we want to try one more time."

"It's absolutely essential that if the

Navajos want the project, they must back us when we go back to Washington," he said.

WESCO has spent about \$20 million in getting the proposal this far, he said, but WESCO needs a decision by the council as soon as possible about whether it wants the plants. "If they decide they do not, we might as well pack up and go home," Rudzick said.

# Company Offer Totals \$5-7 Million a Year

**WINDOW ROCK, Ariz. (Dine Bureau)**  
- The Navajo Tribe will receive about \$5 million in 1980 if it approves construction of two coal gasification plants on the Navajo Reservation, a high ranking official for WESCO said Friday.

In 1983, the tribe's revenue from the plants will be about \$7 million, according to Robert Rudzick, general manager of the Western Gasification Co. (WESCO).

The WESCO proposal, which has generated a great deal of controversy on the reservation, is scheduled to come before the Navajo tribal Council for consideration during its winter session in January.

Rudzick said the tribe will receive a one time payment of \$1.7 million for various rights-of-way. It will then receive \$200,000 annually for lease of the 4,000 acres WESCO officials need for the plants and the small community which will be established to house workers at the plants.

The tribe will also receive one half of one per cent of WESCO's gross receipts, which company officials expect will bring the tribe about \$1.2 million annually from each plant.

The company has also agreed to what company officials call a resource utilization fee. Under this proposal, WESCO has agreed to pay the tribe 37 cents a ton for every ton of coal it uses at the plants from Utah International.

#### Claim Coal Price too Low

Utah International operates a coal field near the proposed plant site and has a contract with WESCO to furnish the 10 million tons of coal that will be needed annually to fuel the plant.

Tribal officials have complained recently that the 18 cents a ton average that the tribe gets as royalty from Utah is not enough.

Tribal representatives are currently attempting to get the coal company to renegotiate its contract to provide the tribe at least 55 cents a ton royalty, which is what the tribe will get when the renegotiated El Paso contract is approved by the Secretary of the Interior.

WESCO, in the meanwhile, has agreed to make up the difference to the tribe in the amount Utah International is paying as royalties and what the tribe thinks it should get.

Rudzick said that if the tribe in its negotiations with Utah International, gets the coal company to raise its royalty rates, the amount of money that WESCO pays the tribe will be likewise reduced.

#### Tax Liability Is Question

As for whether the company will allow itself to be taxed by the tribe, Rudzick said that WESCO "will pay all legal taxes." The question then is whether a tax imposed by the tribe on companies such as WESCO during business on the reservation would be legal and this question would have to go to the courts for an answer.

Rudzick explained that WESCO is an utility company and therefore is strictly regulated by the federal company as to how much profit it can make and what kind of expenses it can pass onto its customers.

He indicated that the company may

not be able to pass on a tribal tax to its customers.

Larry Ruzow, a member of the tribe's general counsel firm, told WESCO officials that the tribe is upset that everyone will make more money from this project than the tribe will. Utah International will get \$90 million annually or \$9 a ton for coal and the state of New Mexico will get \$10 million annually while the tribe will get between \$5 million and \$7 million.

#### Would Move Site

Ruzow proposed that the company move its proposed plant site a couple of miles which would make it easier for the tribe to impose its own tax.

He explained that there are two types of land involved 8 treaty reservation and executive order reservation.

Federal regulations allow states to tax various industries in executive order land, he said, but has more restrictions on what states can tax on treaty reservation lands.

The proposed site for the plant is on executive order land, he said, but by moving the site only a couple of miles it would be on treaty reservation land.

Rudzick replied that WESCO could not, at this time, agree to any change in plant location.

"To more the site would be too expensive to us," he said. "A change in our proposal such as that would delay the project another two years. We must stick with our proposed location."

He added that a change in the site would require the company to prepare another environmental impact statement and require all kinds of paperwork dealing with right-of-ways and customary grazing areas.

# Gallup-Go-Round

## Whole Crash Story Untold

By DON GREEN, Managing Editor

The National Transportation Safety Board report from Washington listed as "probable causes" of the crash which killed four persons as "continued VFR flight into adverse weather conditions" and "improper in-flight decisions or planning" by the pilot. Friends of the pilot, Jimmie D. Vaughn, 55, of Window Rock, didn't believe those conclusions when they were announced recently, and the almost-complete NTSB report gives the conclusions only weak support at best.

The crash of the twin-engine Pipe Aztec plane occurred last Jan. 6, seven miles southeast of Grants on a flight from Albuquerque to Gallup. Vaughn and his passengers, Clare Thompson, a Bureau of Indian Affairs employe from Window Rock; Fred Johnson, Navajo tribal councilman from Shiprock; and Donald Noble, tribal councilman from Steamboat Canyon, were killed.

The Independent's Dine Bureau in Window Rock received a copy of the body of the report this week from Washington. Although parts of the report are missing, it indicates to local observers that NTSB's conclusion in Washington should have been "We don't really know what caused this accident." Instead, the powers in Washington attributed the Vaughn crash to the probable cause that is easiest to assume when they don't really know — pilot error.

The report shows several things which would fit scenarios other than simply flying into a snowstorm and being put down by it. For instance:

—The left engine tachometer needle was missing, while the right tachometer read 2,500 revolutions per minute after the crash.

—The aircraft's trim tabs were set in the full nose up and nose right positions.

—Extent of crash damage made the following information unavailable: engine control settings, flight control settings, and positions of light switches.

—Both the plane's powerplants were "high time" engines. One had run 1,679 hours since its last major overhaul and the other had run 1,912 hours.

"The normal operation of the left magneto (in the right engine) could be debated..." That is, one engine could have been operating on half of its normal ignition system.

—The pilot reported to Albuquerque Federal Aviation Administration controllers 36 minutes before the estimated time of the crash that he was level at 8,500 feet (2,000 feet above the surface) and mentioned no change nor problems as late as 25 minutes before the crash.

—The pilot was rated for instrument ("blind") flying, had flown more than 10,000 hours in his career, and had flown 2,500 hours in the type aircraft in which he crashed. Two thousand of his total flying hours had been at night.

The report makes a great deal of weather conditions that night, in fact assigning as a probably cause the pilot's misjudgment of it. Vaughn was briefed by on the weather an FAA employe by telephone, and the weather forecast was substantially correct. Yet, the briefer's statement, which the report says is "attached to this report," was not attached to the Independent's copy. Local pilots recall that there were fast-moving scattered snow showers or squalls which an experienced night pilot could fly around.

In the absence of the briefer's statement, it might be assumed the forecast called for scattered snow showers, normally not in themselves sufficient for a "no-go" decision by a pilot of Vaughn's qualifications. It is doubtful specific locations of the showers 60 miles away could be provided at Albuquerque.

Further, Vaughn was known in this area as an extremely safety-minded pilot. "He was one of the most professional and conscientious pilots, from the

every other way," said an experienced Gallup pilot. A former Gallup FAA employe characterized Vaughn the same way, adding that Vaughn, more frequently than most, reported weather conditions en route to the FAA for the benefit of other pilots and assisted whenever another flyer needed help.

A local twin-engine-rated pilot says "the only explanation" for full right rudder trim is to maintain directional control with the right engine inoperative. He was at a loss to explain the full nose-up control, "unless he was trying to slow the plane down, was in a descent... maybe toward Grants." When the plane hit a vertical cliff in near-level flight position, it was headed in the general direction of Grants.

Standard time between overhauls for the type of engine on the Aztec is 2,000 hours, but engines often need overhauling before that time. With the aged right engine stopped and a left engine having half dead ignition system, a descent might have become mandatory regardless of the weather. NTSB, faced with contradictory evidence in the wreckage, chose to believe the tachometer reading rather than the rudder trim setting.

With normal power available, an instrument rating and extensive night flying experience, it stands to reason that Vaughn would have turned away when he encountered the snow. He would normally seek to gain more altitude for safety and go around the weather. Lack of power would be the overpowering reason for his being close to the ground, unless there were some kind of cockpit emergency not discernable now.

There was no alcohol in Vaughn's blood nor any other pertinent evidence found in an autopsy. The report does not mention any post mortem examination of the passengers.

He have no conclusion to draw from the report other than to differ with anyone who reaches a definite conclusion from the information available. The report shows that the "probable cause" listed in the official summary of a plane crash doesn't tell the whole story, is a conclusion reached from evidence that can be conflicting and sketchy, and is debatable at best.

The prevalent suspicion that the NTSB statistic-makers can be too quick to assign crash causes to their favorites, pilot error and continued flight into bad weather, seems to be borne out here. And local people who knew Vaughn believe that the abilities and character of the pilot were given particularly slight consideration in this case.

NOV 11 1976

# Many at hearing ask HEW for child care policy

By KATHY HAST

A sobbing mother calls a local child welfare office saying she has just severely injured her child and she wants help.

A caseworker meets the mother at the county hospital emergency room and the two discuss what will happen to the mother, to the child and what kind of help is available to the family.

Will the child be removed permanently from the home? Will the mother receive counseling? What kind? Will a qualified person make the decisions that will affect the family's future? What criteria will be used.

And will the agency seek a solution to fit the family's problems, or try to force the family to fit formula solutions?

These were some major concerns

voiced by social workers, educators, and social service organizations at a Department of Health, Education and Welfare public hearing Wednesday at the Dallas Convention Center.

About 125 representatives from Arkansas, Louisiana, New Mexico, Oklahoma and Texas presented local and regional problems and solutions in the areas of foster and adoptive homes for children.

Many asked HEW to instigate a national child care policy and try to set up some basic standards for removing a child from a home.

"A national policy for the support of the family needs to be developed along with increased funding for preventative services," one participant said. "It's not our responsibility to play God and remove a child capriciously from their home."

Other speakers expressed a need for specific criteria other than "in the best interest of the child" for removing a child.

Many comments concerning the qualification of caseworkers drew applause from the group.

"A person is not qualified just because he has a lot of degrees hanging on the wall," said the director of a private social service agency. "We need to look at competence instead of professionalism."

Representatives from Indian agencies in Oklahoma noted several additional problems special to Indian homes.

Indian parents are not always told what is happening, a representative of

the Chickasaw Nation said. They don't realize that if things don't change, the child will be taken away, she said, adding that Indian families also often lack legal counsel in family matters.

Other Indian speakers stressed that Indian children should be placed in Indian foster and adoptive homes.

"A child should be adopted by an Indian family or records of his heritage should be kept so he is able to participate in his tribe," concluded a young woman from a central Oklahoma group.

Most of the speakers agreed more effort should be directed at preventing problems and keeping children in their homes instead of immediately removing them the first time a problem erupts.

NOV 14 1976

# Gay Head voters will decide on Indian land claim

By Samuel Allis  
Special to the Globe

**GAY HEAD** — It has been almost two years since the Wampanoag Indians in this tiny town at the tip of Martha's Vineyard filed suit to recover more than 250 acres of common land they say belongs to them.

The suit against the town had all the earmarks of a long, drawn-out legal battle. Until the warrant for the Nov. 23 special town meeting was drawn up last month, it was expected that the suit would consume a good deal more time in Federal district court.

But now, the 180 registered voters in Gay Head will be able to decide if they want to keep on fighting the Wampanoag claim. The article would instruct the selectmen to take the necessary steps to convey the common land back to the Indians.

The land in question includes parts of the famous Gay Head cliffs overlooking Buzzard's Bay, the Herring Creek and a number of cranberry bogs.

The Wampanoags are basing their suit against the town on grounds similar to those of their brothers in Mashpee and in two Maine tribes — violations of the Indian Non-Intercourse Act of 1790, which mandated that any land taken from Indians be approved by Congress. In all three disputes, the Indians allege that land was taken without congressional approval.

The Wampanoags maintain that the land had been theirs long before white men settled on Martha's Vineyard and that the Non-Intercourse Act was violated when the town was incorporated in 1870. At that time, much of the land which had belonged to the Wampanoags was included as town property.

The odds are good that the town may drop its defense. For one thing, the balance among the Wampanoags, who make up almost half of the 300-odd year-around residents, appears to be shifting in favor of the claim.

While one might expect that the Wampanoags would be united behind the suit, that simply hasn't been the case.

"I was opposed to it in the beginning, and I still am," Selectman Luther Madison, a Wampanoag and brother of the current tribal council leader, Winona Silva, said. "If this suit isn't continued, it will still be up in the air how far this thing can go. It's possible that after these demands are met they will be out for even more land."

Selectman Helen Manning, also a Wampanoag, said "Luther is the most non-Indian Indian in Gay Head. I don't understand why anyone in Gay Head wouldn't want the common lands given back to the Wampanoags. It will make us eligible for a number of Federal benefits."

At the moment, the Wampanoags are not federally recognized, because they are not formally land-based. The common town land would afford them that status, and, as close to half of the people in Gay Head are Indians, they would benefit indirectly from Federal grants. Particularly during the winter, when jobs are scarce on Martha's Vineyard, Federal recognition could make a big difference for a lot of people.

"We're quite evenly divided," Winona Silva conceded. "The Indian population in total here has never been told the truth about what went on. They were schooled in white schools with textbooks written by white men."

The cost of the legal battle which the Gay Head residents must shoulder also has grown to be a factor leading to the inclusion of the article on the warrant.

"The mood has changed here," Town Treasurer Harold Montamat said. "Many people recognized the hopelessness of the situation. Tom Tureen, (Wampanoag attorney) can go on forever; he has limitless funds, but

**"The Indian population in total here has never been told the truth about what went on. They were schooled in white schools with textbooks written by white men."**

WINONA SILVA,  
Tribal council leader

this town has a total budget of about \$190,000. It's a matter of practical necessity. We may bow to the inevitable."

Tureen is a lawyer with the Native American Rights Fund who is also spearheading the suit by the Passamaquoddy and Penobscot tribes against the state of Maine for 12 million acres in

that state they claim as their ancestral land. The Native American Rights Fund is a national organization based in Boulder, Colo., which is funded by a number of private organizations.

Tureen and Douglas Randall, the special counsel retained for this suit by the town, met for three hours Wednesday in Boston to discuss the possibility of a settlement. According to Tureen, the major problem area involves the question of future suits by the Wampanoags for more land in Gay Head. It is conceivable that they could sue for other land in town in the same way that the Wampanoags in Mashpee have done. At issue in the Mashpee situation is 16,000 acres, which includes virtually all of the town and parts of neighboring Sandwich.

The article was put on the warrant by the Wampanoag Tribal Council after a motion was passed at a regular town meeting in May to put the question before the voters. If it passes, it could end a great deal of the divisiveness which has ripped the town apart since the suit was filed in November of 1974.

"There has been an element of tragedy through this whole thing," Harold Montamat said. "Both sides made mistakes. The tribal council entered the picture with a lawsuit instead of trying an open, friendly approach, and it ended up hardening the position of the other side."

NOV 11 1976

The Seattle Daily Times  
D. 218,845 SUN. 300,628

NOV 11 1976  
**Cigaret tax  
may bring  
boycott, say  
Indians**

By DEBBY LOWMAN  
W6297F

Representatives of 20 Indian tribes yesterday threatened to call an "economic boycott" and promised a lawsuit if the state tries to impose a tax on Indian cigaret sales.

The State Revenue Department will consider adopting rules requiring sales tax to be paid on cigarets sold to non-Indians on Indian land at a 9:30 a.m. meeting in Olympia tomorrow. The department estimates that the state loses about \$8 million a year through tax-free Indian cigaret sales.

# Menominee Vote Might Be Rerun

PAGE ONE

Special to The Journal

Keshena, Wis. — Charges by Menominee County Sheriff Kenneth Fish that there was illegal voting in the sheriff's election he lost last week may force a new election, county authorities said here Thursday.

Meanwhile Fish has fired William Waukau, the deputy

who won the election, for what he called personal reasons, and he asked that Waukau's name be removed from the payroll.

Waukau was one of four full time deputies overseeing the activities of up to 70 part time employes of the sheriff's department.

Louis Dickie, Menominee County clerk, said Thursday that numerous votes apparently were cast by persons who were under age or non-residents of Menominee County.

The area, although now called the Menominee Reservation, still operates under state and county election laws.

Fish lost the sheriff's election by a margin of 52 votes. A recount completed Tuesday gave each candidate one more vote, thus retaining the 52 vote margin. Fish said he would appeal the election to the Circuit Court.

Fish has been a controversial sheriff and earlier this year was under investigation by the state after a shooting in which he killed two mem-

bers of the Menominee Warriors Society. The investigation uncovered no wrongdoing by Fish.

Waukau surfaced as a candidate after calling for an investigation of misconduct by public officials on the reservation.

**THE PROPOSED** tax violates Indian-treaty rights, said Mel Tonasket, vice chairman of the Colville tribes, at a press conference.

"Indians have been trying to build our own economic stability," said Joe De LaCruz, chairman of the Quinault Tribe. "We believe the state should be helping us rather than hindering us and nickel-and-diming Indians to death."

De LaCruz estimated that Indian enterprises contribute more than \$1 billion to the state economy through such things as timber sales and the fishing industry.

"Just as federal military reservations generate the circulation of money into a state's economy, so do the transfer of federal funds and income generated from sales by non-Indians to Indians," Tonasket said.

"We must warn the state . . . that the consequences of attempting to impose (the tax) will be disastrous. The tribes will go out of the state to make their purchases.

"Businesses within the state will be the ultimate losers."

DE LaCRUZ said, "We know if we don't stop it here with the sales tax they will begin taxing us in all other ways."

Treaties give Indians the right to set up their own tax systems on reservation lands, De LaCruz said. Most of the tribes have set up, or are in the process of setting up, tax systems, he said.

"We will not agree to any form of state taxation within Indian country," Tonasket said.



NOV 17 1976

# Suit hits bilingual vote law

The city of Tulsa and two school systems have filed suit in federal court seeking to overturn a federal regulation that election ballots be printed in English and Cherokee in two adjoining counties.

The suit, brought by the city, Independent School Dist. No. 1 and the Tulsa County Area Vocational-Technical School, alleges there is "no language other than English used by native American Indian population in Osage and Rogers County."

The suit also alleges that English is the only historic written language in those counties.

In 1975, Congress amended the Voting Rights Act of 1965 to enable members of language minority groups to participate more effectively in the electoral process.

Attorneys for the plaintiffs contend no recent voters have cast ballots in Cherokee in the two counties.

**NAMED AS DEFENDANTS** in the suit, for which no hearing date has been set, are the Tulsa County Election Board and U.S. Atty. Gen. Edward Levi.

The amendment allows the use of a minority language if the U.S. Census Bureau determines that more than 5 per cent of the voting citizens of a political subdivision are members of a language minority and the illiteracy rate of such persons as a group is higher than the national illiteracy rate.

Plaintiffs' attorneys said, however, that according to the amendment, only oral instructions are required if the minority language is either historically

unwritten or not commonly used in a written form.

"**THERE IS NO** Indian language in either Rogers or Osage County, which is commonly used in a written form or which is a historically written language . . ." the suit alleges.

The suit claims that neither Osage tribal members or other tribes in that county have generally used a written language and that the Osage language has been almost completely replaced by English.

Approximately 50 per cent of the Indian population of Rogers County is comprised of Cherokees and that while a written form of that tribe's language does exist, it is not commonly used there, the suit claims.

"There are now Cherokees in Osage County who are known to be able to read the Cherokee language . . . only a very small number of Cherokees in Rogers County can read Cherokee.

"**THERE ARE NO** traditional Cherokee-speaking communities in either county; there are no members of the Cherokee tribe in either county who are literate in Cherokee who are not also literate in English," the suit continues.

The schools and city contend the vast majority of Cherokees in both counties who speak only Cherokee can read neither that language nor English.

The suit asks that any requirement to provide election material be printed in Cherokee be voided, that the Cherokee language be declared a historically unwritten language and that the plaintiffs only be required to furnish oral instructions in aid of registration or voting.

NOV 12 1976

## Indians Pledge to Battle With BIA

Mole Lake, Wis. — Wisconsin Indians declared war here Thursday against the Bureau of Indian Affairs as chairmen of the Great Lakes Intertribal Council criticized alleged inequities in fund allocations between Wisconsin and Minnesota Indians. They also criticized BIA red tape, and some chairmen said they favor formation of a separate Wisconsin agency.

MILWAUKEE SENTINEL  
MILWAUKEE, WISC.  
D. 157,765

NOV 11 1976

# Housing Shortage Splits Fire Victims

Special to The Sentinel

Lac du Flambeau, Wis. — A severe housing shortage on the reservation of the Lac du Flambeau Band of Lake Superior Chippewa Indians here has kept a mother separated from her 8 of her 10 children since the family's home was gutted in a fire Oct. 14.

But efforts to renovate Yvonne Wolfe's four room bungalow are nearing completion and the family should be able to move back into its repaired home in about 10 days, according to William Wildcat Sr., Lac du Flambeau Tribal Council president.

The renovation is being paid for by the council, Wildcat said.

Walter Ellsworth Gauke, director of the Lac du Flambeau Housing Authority, refused to comment on why the family was not able to find temporary housing together. Wildcat noted that the entire reservation faces a housing shortage.

"We still have people living in tents and sleeping in cars in this weather," he said. Wildcat said the council is working "as best as we can" to alleviate the problem.

Mrs. Wolfe has charged that the housing authority has ignored her numerous pleas to place her temporarily in either a four or five bedroom apartment. Mrs. Wolfe, who works at a private electric company here, claims both apartments have been vacant since she lost her home.

Meanwhile, her eight children ages 12 to 24 who were still living at home have been housed by friends and relatives, she said.

"I'd like to be back (in her home) in 10 days, but I think it would be impossible. There's still a lot of work to be done," Mrs. Wolfe added.

BILLINGS GAZETTE  
BILLINGS, MONTANA

Date \_\_\_\_\_

# Crows claim giant cave

WORLAND, Wyo. (AP) — The Crow Indian tribe claimed jurisdiction over a 20-mile-long cave on the Wyoming-Montana border that currently is jointly administered by the National Park Service and the Crows.

Roger Stops of the Crow Agency in Montana made the claim Thursday at a meeting of a Bureau of Land Management (BLM) citizens advisory board here.

Horse Thief Cave begins in northern Wyoming, but crosses the Montana state line and ties in with Montana's Big Horn Cave.

The citizens advisory board also heard Stops say the tribe wants persons entering the cave first to obtain permission from the Crow tribe.

Representatives of a firm called Virginia Nuclear told the advisory group the firm has drawn up plans to mine uranium near the cave on lands to which the firm holds mining rights.

A spokesman asserted the firm's right to mine uranium in the area.

Several spelunkers also testified at the hearing, calling for the expansion from 700 acres to 4,000 acres of protected lands near the cave.

DENVER POST  
DENVER, COLORADO  
Date 11/13

The Dallas Morning News  
DALLAS, TEXAS  
D. 257-4000 (CIN. 311,000)

NOV 13 1976

## Indians Assigned Education Funds

By Associated Press

The U.S. Department of Health, Education and Welfare (HEW) has earmarked nearly \$218,000 in education grants for Arapahoe and Shoshone Indians in Wyoming.

About \$50,000 will go to St. Stephens Indian School south of Lander, \$125,000 to the Wind River Indian Education Association, Inc., and \$42,979 to the Arapahoe Education in Fort Washackie.

The grants represent only three of 42 HEW grants totaling \$4.5 million to Indians in the six states that comprise the department's Region 8: Wyoming, Colorado, Montana, Utah and the Dakotas.

## Tolbert's Texas

### Don't call the Kiowas' Mrs. Longhorn a 'squaw'



By FRANK X. TOLBERT

SARAH LONGHORN, known as "Aunt Sarah" to her fond kinfolks, lives in the Hog Creek community near Ardmore, Okla., and she is the best cook in the Kiowa Indian nation.

Mrs. Longhorn is 76 years of age and she is a grand daughter of one of the greatest of Kiowa leaders, Set-tainte or White Bear, known in the history books as Satanta. (White Bear lived

MRS. LONGHORN was at the annual Chillicothe chili cookoff the other day, this event held in an almost-ghost-town, Medicine Mound, near Chillicothe. Sarah Longhorn wasn't cooking chili. She was frying Indian bread and selling it to the palefaces.

AUNT SARAH doesn't like one design-



Aunt Sarah cooking fry bread.

from circa 1805 to 1878 and for the story of this magnificent warrior and orator see my paperback book, *The Staked Plain*.)



Sea captain, left, and friend

nation for her fried delicacy "squaw bread."

"Squaw means nothing in the Kiowa language," she said. "And I don't think white people are being respectful when they call an Indian woman a squaw."

Mrs. Longhorn has a mind of her own.

Even in the old days Kiowa women were somewhat liberated. For example, they could get a divorce by going on a war party and returning to another tribal village.

"I can cook good chili con carne," she told me. "But my specialty is blue corn stew."

The Kiowas raise blue corn now. In the days when they were free-ranging horse Indians they bartered for blue

NOV 17 1976

# Creek suit ruling challenges BIA authority in Oklahoma

By BILL SAMPSON  
Innovate Editor

**OKMULGEE**—The most serious challenge to Bureau of Indian Affairs authority in Oklahoma since statehood has been posed by a Creek Indian lawsuit judgment.

The case known as Harjo vs. Kleppe was decided last September by U.S. Dist. Judge William B. Bryant, Washington, D.C., and has thrown the Creek Nation government here and its proposed new constitution into turmoil.

The judge ruled that the Creeks must restructure their government by instituting an elected legislature authorized by the 1867 Creek constitution.

The BIA's position that the old constitution became invalid with Oklahoma statehood was reversed by the judge. The BIA's policy of dictating to the Creeks what it has considered to be the law was called "bureaucratic imperialism" by the judge.

The court made it clear that federal agencies must respect the sovereignty and power of tribal government and abide by tribal law in their dealings with the tribes.

THE COURT HAS ordered the Creeks to vote on three issues before the constitution proposed by Chief Claude Cox and his appointed council can be voted upon. They are:

1. Whether the tribal legislature will be bicameral or unicameral.
2. Whether there will be a deputy chief.
3. Whether representation in the legislature will be based on modern geographic districts (such as Oklahoma counties now located within the old Creek Nation boundaries) or on traditional tribal town organizations.

Many tribal towns became inactive after statehood but some have remained functional and meetings have begun to reactivate others since the court's ruling.

After these decisions are made, they must be written into the draft of the constitution which then must be ratified by yet another tribal election.

THE COURT has said all this must be done by Sept. 1, 1978, or it will enjoin any further expenditure of tribal judgment and trust funds.

Creek Chief Claude Cox is none too

happy with the decision, which he and his co-defendants, Secretary of Interior Thomas J. Kleppe and subordinate employees of the federal government decided not to appeal.

"If these things aren't worked out, work here will come to a halt in 1978," Cox said of the tribal functions centered at Okmulgee.

They may come to a halt sooner than that if the plaintiffs who won the case have their way. They are Allen Harjo, a Tulsa oil company accountant, and his supporters who brought the suit because of concern over the Cox administration's expenditure of tribal trust and judgment funds.

These are funds the tribe has won in claims against the government for lands taken in the 19th century, or trust funds held by the government for the tribe, such as those derived from tribal land sales or leases.

"THE CHIEF PLEDGED some of these funds to build the new Creek Nation complex at Okmulgee and used them to pay for it," Harjo said. "That was a major consideration in the decision to file the suit."

Harjo ran against Cox for the chief's job in the 1975 tribal election, but was defeated. The funds expenditure for the complex was an issue in that election. Harjo contended then the chief and the federal government had no authority to spend the money.

Hargo's lawyers have drafted a motion they believe could speed things up by a year. It asks the court to allow four court-recognized tribal towns to determine which of the original 44 traditional towns are still in existence, grant each one a certificate of existence, then give them until Sept. 15, 1977 to meet and choose their representatives to the bicameral legislature authorized by the 1867 Creek constitution.

*Cont'd.*

corn with the sedentary Pueblo Indians of New Mexico, but they have never learned to like blue corn tortillas favored by the Pueblos.

**BLUE CORN** stew was made originally with buffalo meat. Now it's pork or beef with the Indian corn of sky colorations and spices.

The blue corn stew would be too esoteric for most. However, Mrs. Longhorn's fried bread recipe is rather simple, although it can be easily botched.

The ingredients are one tablespoon of shortening, three heaping tablespoons of baking powder, one pint of sour milk, one teaspoon of soda, one teaspoon of salt, and enough white flour to handle easily.

Knead all this together smoothly. Roll out to about one-half inch deep dough and cut into round cakes about three inches in diameter. Cut two slits in each cake, not quite all the way through, and then fry in deep shortening, same as doughnuts.

**AUNT SARAH** and her nephew, Jerry Reid, were the leaders of a delegation of 12 of White Bear's descendants who came to cook Indian style food, dance and beat the drums at the cookoff in Medicine Mound.

John Reid, another of Aunt Sarah's nephews, who drums and sings for the dancers, said that among Mrs. Longhorn's most delicious specialties are bread and cakes made from mesquite bean meal. The cakes are flavored with wild plums.

Medicine Mound village derives its name from four mesas just to the west and the crests of these mounds were scenes for religious and healing ceremonies by the Kiowas and their allies, the Comanches, in the old days. (There will be more on Medicine Mound in Sunday's column.)

**MEDICINE MOUND'S** neighbor there in Hardeman County, Chillicothe (pop. 1,200) gets its municipal label from a phrase in the agglutinative Shawnee Indian dialect. Chillicothe translates as "the-big-village-in-which-we-live."

Chillicothe is at least 400 miles from the nearest seaport. So it is a surprise to some that John Potts, captain of the 23,000-ton brake bulk freighter, Joseph Lykes, chooses to make his home on a family wheat and cattle ranch near Chillicothe.

The way it works out, though, Captain Potts only roams the world as master of the freighter for about two and one-half months and then a relief captain takes over for a cruise of similar duration. And Captain Potts goes home to Hardeman County for 10 weeks or so on the ranch.

The sea captain sometimes commutes in his airplane to where the Joseph Lykes happen to tie up at the end of a voyage.

John Potts is pictured in the attached photograph in Medicine Mound with Jerry Reid of the Kiowas.

BILLINGS GAZETTE  
BILLINGS, MONTANA

Date 11/13

## Indians join "advisory" panel

**CODY, Wyo.** — Joe Medicine Crow of Crow Agency, Mont., and John Woodenlegs of Billings have accepted appointments to an Indian advisory committee for the Buffalo Bill Historical Center in Cody, and will work on plans for the Plains Indian Museum, one of four major museums at the Center.

Medicine Crow is an anthropologist and director of the Crow Central Education Commission. Woodenlegs is a member of the Northern Cheyenne Tribal Council.

Other members of the committee are John Warren of Arapahoe, an Arapahoe language and culture instructor; George Horse Capture of Great Falls, Mont., an instructor and Indian curriculum researcher at the College of Great Falls; Marie Varilek of Fort Washakie, counselor for Indian college students; Lloyd New of Santa Fe, N. M., and Pete Red Horn II of Browning, Mont.

Also on the committee are Dr. DeWitt Dominick, vice chairman of the Center's board of trustees; Mrs. Henry H.

K. Coe, board chairman, and Peter H. Hassrick, director of the Center.

The organizational meeting of the committee on Nov. 3 also included a discussion of plans for a new Plains Indian Museum building and means of providing Indian input on issues related to the display and disposition of Indian materials.

The new building will be designed specifically to house the Plains Indian collection. A drive is under way to raise more than \$3 million to erect the new building.

Among topics discussed was the controversial nature of displays which utilize burial materials or religious items, but no specific recommendations were made. The consensus seemed to be that skeletons or mummies should be restricted from public display. Gene Ball, education and information officer for the Center, said.

Members of the advisory committee will serve two-year and three-year overlapping terms. Their next meeting will be early next year.

Tribal towns are traditional Creek political entities that since the Creek removal from Alabama to Indian Territory in the 1830s have virtually lost any geographic identity. Creek Indians relate individually to their tribal town heritage because of family ties to the towns.

One of the towns, for example, was located in Tulsa and held its meetings at the historic Council Oak near 17th Street and Cheyenne Ave. It no longer is active but many Creeks still consider themselves members of it.

The motion also asks that Chief Cox be ordered to convene the new legislature on Sept. 17, 1977 and that no trust or judgment funds be expended until that legislature approves. The requested order would exempt federal

"We have shown that the BIA and the Interior Department have created an entire body of mythological law in order to manipulate and in many cases destroy tribal governments and we hope that this decision will end the destructive practice the court called 'bureaucratic imperialism' so pervasively practiced on Indian tribes by those agencies during the last century," Luebben said.

"The fraudulent body of BIA 'law' will not withstand the scrutiny of the courts," he said. "The court found that the federal government's argument has withstood neither the logical, historical nor legal analysis" and that "the tribe has a right to determine its own destiny."

body known as the Creek National Council.

(Tulsa's incorporation as a municipality in 1898 was authorized by this act).

2. The Act of March 1, 1901, known as the Creek Agreement. The Creek Nation, acting under pressure of the Curtis Act, agreed to terminate certain tribal functions, schools, administrative offices and other activities but the constitution, chief and legislature were to be continued "until dissolved," presumably after settlement of all tribal claims. (Some are still outstanding).

3. The Act of April 26, 1906 known as the Five Civilized Tribes Act. This provided for termination of the tribal governments of the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles but two sections were added that saved them from extinction.



**HARJO AND ADVISERS**—Tulsa Allen Harjo (second from left) confers with officials of the National Indian Youth Council who financed the case resulting in the Harjo vs. Kleppe decision. They are (from left) Marcia Wilson, staff

attorney; Gerald Wilkinson, executive director of NIYC and Steve Nickeson, NIYC director of research. (Tribune photo)

grants received by the tribes for existing programs being conducted by the Creek Nation.

**THE CASE IS A revolutionary one in Indian affairs, according to officials of the National Indian Youth Council at Albuquerque, N.M., which financed it for Harjo and his adherents.**

The Harjo attorneys are Tom Luebben and Marcia Wilson, both of the NIYC staff.

The court cited four vital acts of Congress the BIA apparently had misinterpreted in regard to Creek government. They are:

1. The Act of June 28, 1898, known as the Curtis Act. It authorized allotment of Creek land, establishment of town sites within the Creek Nation, abolished tribal courts and established federal courts. It did not abolish the Creek constitution of 1867 or the Creek legislative

One placed all residual tribal property after allotment in the federal government's hands to be held in trust for the tribes. The other continued the tribal governments so they could settle their claims. The tribal governments generally were reduced to a chief to sign documents but they were not dissolved and the Creek constitution of 1867 was not terminated.

This is one of the least-known and least-understood federal laws pertaining to eastern Oklahoma and the Indian tribes. It is the basis for many modern claims the tribes have against the government.

*Jan 77*

Many Oklahomans, encouraged by BIA interpretations, believe the Five Civilized Tribes exist only as some sort of honorary recognition of their past. Due to the trust and continuance sections, the tribes are still "nations" in the eyes and language of the courts.

4. The Act of Oct. 22, 1970, which provided popular selection of the chiefs of the Five Civilized Tribes by tribal members instead of selection by presidential appointment. This had no effect on the legislative branch of the Creek Nation government, the court said.

**THE COURT** concluded after reviewing these laws that the "federal defendants, through their policies and practices, have acted illegally in recognizing the Principal Chief as the sole embodiment of the government in the Creek Nation, and that according to existing federal and Creek law tribal funds may not be disbursed by the federal defendants for general tribal purpose without the approval of the Creek national legislature."

The court said the Creek government has been "solemnly guaranteed by treaty after treaty."

It said the federal government illegally invested tribal chiefs with the sole authority to determine tribal expenditures and the BIA had used "its raw power over the tribe to bring about that result."

The court said the "current situation" of the chief's arbitrary power over tribal funds was brought about by "illegal policies of the Department of Interior."

**THE STRONG** language of the court has not been lost on other tribes which have followed the dictates of their chiefs and the BIA without question . . . but not always without dissent. For example, Chief Ross Swimmer of the Cherokees — the nation's second largest tribe — has asked tribal counsel to brief the Harjo vs. Kleppe decision to be sure his administration is not in conflict with the court ruling.



**CONTROVERSIAL CREEK COMPLEX**—This is the Creek Nation headquarters at Okmulgee, financed by tribal judgment and trust funds. Controversy over its financing was a factor behind filing of the Harjo vs. Kleppe lawsuit. The complex contains Creek Nation administrative offices, the council meeting room, the tribal housing authority office, a dental clinic and offices of the Bureau of Indian Affairs Okmulgee agency. Construction at the rear of the building is an expansion of administrative office space. (Tribune airphoto by Royce Craig)

**The Creeks have attained a strong level of government funding through grants for day-to-day tribal operations and their new complex at Okmulgee has been under expansion to accommodate this increased activity.**

But Kleppe vs. Harjo is putting a stop to further expenditure of judgment and trust funds until a new legislature in accord with the 1867 tribal constitution is organized and passes upon such spending.

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# Pueblo asks halt to mining project

SANTA FE  
NEW MEXICAN  
NEWSPAPER

Fri - November 19, 1976

By Peter Kotel  
The New Mexican Staff

The Santo Domingo Pueblo tribal council asked Gov. Jerry Apodaca Thursday to try to delay the proposed Occidental Minerals Corp. mining project near Cerrillos.

"In other words, we want it stopped," pueblo executive director Ernest Lovato told a meeting at the pueblo of the council, state officials and Cerrillos residents, until the company provides "clear-cut answers."

Lovato declined after the meeting to directly answer a question on whether the pueblo claims as its own the site of the proposed project.

During the meeting Lovato said "that whole area" has a "certain significant importance to Indian people." He added, "I will not go into detail on that."

Director Fabian Chavez of the state Department of Development (DOD) told the meeting he'd relay the council's request to Apodaca today.

Chavez added the warning that Apodaca can't order a delay in the project, and that Oxymin is under no obligation to comply with a request.

Oxymin has leased the mining site of approximately 230 acres from a private land-owner, David Henkel of the DOD told the meeting.

Chavez, the chairman of a state task force charged with studying the project, also said he has to tread carefully to avoid being sued for obstructing private enterprise.

There were no Oxymin representatives at the meeting. Robert Akright of Oxymin, the Cerrillos project manager, couldn't be reached later for comment.

Apodaca said publicly in June that he would try to stop the project until Oxymin "satisfactorily" answered questions on the safety and environmental effects of the project.

Henkel told the meeting that Oxymin has yet to answer three sets of questions on the project.

Henkel and Oxymin has informed him to plans to set off a test explosive blast Dec 1.

The mining method Oxymin plans to use near Cerrillos involves blasting, and "leaching" copper to the ground surface with sulphuric acid.

Cerrillos residents fearful of the effects of the project, particularly on their water supply, formed an organization—Concerned Citizens of Cerrillos—which petitioned Apodaca for help in June.

In response, Apodaca formed the task force of five state agencies, which he ordered to seek answers from Oxymin on effects of the project.

The group met for the first time in August at the Capitol in a session centered on questioning of a large delegation of Oxymin officials.

It was agreed then that questions would be submitted to Oxymin in writing.

Henkel said the Environmental Improvement Agency, Energy Resources Board and Frederick App, a Los Alamos Scientific Laboratory seismologist who's a volunteer consultant to the task force, submitted questions in late August and early September.

Grove Burnett, attorney for Concerned Citizens, said the task force can't do its job "unless Oxymin cooperates."

Information "has just not been forthcoming from Oxymin," Burnett said.

He said the absence of Oxymin from the meeting was a "severe discourtesy" to the pueblo and the task force.

Chavez said later in response to that comment that Oxymin had been informed of the meeting but had not been consulted on the setting of the date and time of the session. Chavez added that he sometimes misses meetings.

Burnett pressed Chavez hard to officially request, as chairman of the task force, that Oxymin cease the project until questions have been answered.

"I have to consult with the governor," Chavez replied. "We have to be cautious that what are doing cannot be interpreted down the road as obstruction."

He added that the state Supreme Court has eliminated legal immunity for government officials found to be "arbitrary and abusive" in doing their jobs.

Burnett indicated that the clearest legal "handle" on Oxymin is the company's obligation to seek a well drilling permit from the State Engineer's office.

Burnett said, "We have every intention of filing a protest of that application and fighting it."

Jim Williams of the State Engineer's office said Oxymin hasn't applied for the permit yet.

He added that the company is apparently in a position to apply under a state law which requires that permits be granted if the State Engineer "finds that the proposed use will not permanently impair any existing (water) rights of others."

The law says that requirement takes effect when an application is for use of three acre feet of water a year or less "in prospecting, mining, or construction of public works, high ways and roads, or drilling operations

designed to discover or develop the natural mineral resources of the state."

Oxymin has leased water from the

Middle Rio Grande Conservancy District to make up for depletion of the Rio Grande which will be caused by the proposed wells.



# The Seminoles And Thanksgiving: Store-Bought Bird

By **GEORGE De VAULT**  
Staff Writer

Back in the early winter of 1621, the mighty Wampanoag chieftain Massasoit got a dinner invitation from his new neighbors.

The still surviving Plymouth colonists wanted their Indian benefactor to help celebrate their first harvest — the result of his basic-agriculture course — with a feast of wild turkey, geese, duck, wood pigeons, partridges, hoe cakes and Indian pudding.

The chief said he'd be glad to attend, but apparently neglected to mention that 90 of his braves also relished a free feed.

The unexpected hungry horde soon depleted the Pilgrim's food stores, but the Wampanoags weren't done with dinner.

They disappeared into the nearest woods, so the legend goes, and returned before long with five deer and many bushels of oysters — enough chow to keep the party going for three days.

Massasoit and friends apparently had the right idea, because their feast is still going on 355 years later.

The present day Thanksgiving turkeys, however, are a far cry from those of 1621, which some historians argue never graced the trestle tables at Plymouth because the Pilgrims were such lousy shots they couldn't even hit the broad side of the Mayflower let alone a wily gobbler.

Turkeys, for the most part, now come plucked, dressed and neatly packaged — complete with their own carrying handles — from the frozen foods section of the supermarket.

Although the Seminole Indians of South Florida say their ancestors never knew Massasoit or the Wampanoag, the Thanksgiving tradition is rubbed off on them.

Years ago the Seminoles used to have the Green Corn Feast, four days of alternate feasting and fasting and all-night dancing in July, but nearly all have abandoned it.

Now, says Dan Osceola, great-great-grandson of the famous Seminole chief, "it's just the regular (turkey and cranberries)."

On Thanksgiving, Seminole families are no different than other folk.



Staff Photo by Henry Fischer

For Anne Jimmie, Thanksgiving will be frozen turkey, cranberries, egg nog and mincemeat pie.

*Cont'd.*

"Families just get together," says Osceola. "That's what we mostly do."

Thanksgiving fare this year for Seneca matron Annie Jimmie, who seldom breaks from her native tongue, will be a frozen turkey with dressing and cranberry sauce, corn and mincemeat pie.

A few other Seminoles, however, will be dining on fresh venison from the Everglades reservations and possibly some wild turkey, although they say the birds are becoming increasingly scarce.

But while most people will be sit-

ting down to Thanksgiving dinner tomorrow in small private groups, many Seminoles will be reconstructing the ritual communal aspects of the first Thanksgiving at the Seminole Indian Baptist Church, 101 Stirling Road.

Each year, about 100 Indians — some with their own venison or fresh shot turkey — show up the annual assemblage as it rotates between Hollywood, Brighton and Big Cypress reservations, says the Rev. Genus Crenshaw.

Besides the traditional turkey and trimmings, Crenshaw says there's always some fried chicken available, "because some of them don't care for turkey."

# Study: Minorities jailed more often

By Doug Stone  
Staff Writer

American Indians and blacks are twice as likely as whites to be sentenced to jail for felony convictions in Hennepin County District Court, according to a comprehensive study released Thursday.

The study also found that, unexpectedly, minorities represented by the Hennepin County public defender's office are more than four times as likely to receive straight jail sentences than are whites represented by the office. In addition, minorities represented by the office are more than three times as likely as minority-group members who have private attorneys to receive jail sentences, according to the study.

The two-part study was prepared by Augsburg College sociologist Robert Grams and a researcher, Rachel Rohde, in conjunction with the 19 district judges and the department of court services. The two researchers made similar

findings in a study earlier this year of municipal court.

The first part of the study analyzes 3,390 convicted felons sentenced between 1973 and 1975, or more than 90 percent of the total convicted during that period.

Twenty-five percent of the convicted Indians received straight jail sentences, compared with 20.7 percent of the convicted blacks and 10.8 percent of the convicted whites. There were 2,601 whites, 610 blacks and 179 Indians in the study.

The second part of the study focused on 482 convicted felons in 1975 in an effort to analyze the effect on sentencing of such factors as the type of crime, criminal record, marital status, occupation and educational level. Taking all those factors into account, the study found, minority members are still twice as likely as whites to receive a straight jail sentence.

(A straight jail sentence means a definite period of incarceration, as

opposed to a modified sentence, which may include a short-term incarceration combined with a period of probation or residential treatment).

The study made no charges of racial discrimination against the judicial system, nor did it offer explanations for the disparity in sentencing, saying, "The actual cause of the difference is open to conjecture."

But Grams and Ms. Rohde noted that "the substantially greater likelihood that American Indians and blacks receive straight jail sentences than whites for the same crime seems inconsistent with the constitutional requirements of equal treatment under the law."

The study of the 3,390 felons found that, taking into account of the person's race, crime and previous convictions, "neither marital status, occupational prestige nor years of formal education are significantly related to serving a straight jail sentence."

*Cont'd*

The second study of a smaller group of felons last year confirmed those findings and elaborated on them.

It found that minorities are more likely than whites to receive jail sentences even when the sentence is recommended by the probation officer in a presentence report or by the prosecutor and defense attorney as part of a plea negotiation. Judges often follow those recommendations. The vast majority of defendants plead guilty to crimes rather than stand trial.

Racial disparities in sentencing are not present, the study said, when private attorneys handle cases. But the study of the 1975 felons found that 34.5 percent of the 139 blacks or Indians represented by the public defender's office received jail sentences. That compares with 7.9 percent of the whites represented by the office. In contrast, only 10.3 percent of the 58 minority-group members in the study who were represented by private attorneys received jail sentences.

When other factors such as criminal records and type of offense are considered, minority-group clients of the public defender's office are three times as likely as their white counterparts to receive a straight jail sentence, according to the study.

The differences are not explained in the study. There is no accusation that some public defenders mishandle cases or that judges look less favorably on clients represented by public defenders.

The authors suggest that consideration be given to the possibility that some public defenders may treat cases involving blacks and Indians differently from whites. "For example, they might not pursue their role as advocate as

thoroughly as they should," the study said.

The study also suggested that perhaps "the unintentional racial biases of people involved in the decision-making process are operative or reinforced in those cases where the offender does not hire a private attorney."

The combination of the defendant's race, his illegal behavior and his "inability or unwillingness to obtain private counsel, encourages decision-makers to see rehabilitation programs involving probation, residential care or a modified jail sentence as inappropriate," the study said.

If either explanation is correct, the authors said, the relationship between race and sentencing is because of "unintentional biases" of the court's decision-makers.

William Kennedy, chief Hennepin County public defender, was not available for comment yesterday.

Thomas Lavelle, assistant director of court services, who worked with Grams on the study, said yesterday. "I keep looking for some clear explanation (for the results). I'm frustrated. We don't have data that show differences in a defendant's motives or attitudes or on what resources are available in the community (as opposed to jail)."

He said it may be impossible to determine the factors that account for the differences in sentencing among racial groups. Lavelle said that his department will study the report and that as a result probation officers will give careful consideration to their sentencing recommendations.

District Judge Allen Oleisky, who headed the judges' committee responsible for the report, said the district judges will examine the study "to see if we are doing anything wrong. There are intangible factors in sentencing that we didn't hit, such as a defendant's contacts in the community."

He predicted that judges would be sensitive to the study's findings and would examine their sentencing procedures.

Chief District Judge Donald Barbeau reserved comment on the report until he has studied it.



# Indian Record

October-November 1976

## Interior Committee Being Studied by Senate

The Senate Committee presiding over the interests of the Department of Interior may receive a redefinition of duties and jurisdiction.

The Interior and Insular Affairs Committee, now chaired by Sen. Henry Jackson, D-Washington, is being studied to see if revision would make it more effective.

The analysis is being undertaken by a special committee put together earlier this year by the Senate itself. Descriptively entitled, "The Select Committee to Study the Committee System," the committee was organized as a short term study group to examine the structure, jurisdiction, number and optimum size of all the Committees and subcommittees within the Senate.

The ultimate goal is to make better use of Senators' time and effectiveness.

The review committee, after six months of study, has said it will recommend a substantial number of changes for the Senate's 23 Committees and nearly 150 subcommittees.

Some committees might be combined in order to alleviate overlapping jurisdictions. Senators will be asked to sit on fewer committees so they might specialize and devote more time to their chosen interests.

The Senate will be asked to create two new entities, The Human Resources Committee and a Committee for Energy and Natural Resources. These committees would absorb the jurisdiction of the Interior and Insular Affairs Committee.

The Bureau of Indian Affairs would then be divided between the two committees with most of the BIA programs falling within the perimeter of the Human Resources Committee. All trust obligations would naturally remain within the Energy and Natural Resources Committee.

A third component of the proposal is to place all Indian Claims matters within the jurisdiction of the Senate Judiciary Committee.

The Review Committee says it will offer details in a November report to the Senate.

Chairing the review committee is Sen. Adlai Stevenson, D-Ill. Co-Chairman is Bill Brock, R-Tenn. Commit-

tee members include: Lee Metcalf-Mont., Gaylord Nelson-Wisc., Lloyd Bentsen-Tex., Lawton Chiles-Fla., Frank Moss-Ut., Clifford Hansen-Wyo., Barry Goldwater-Ariz., Bob Packwood-Ore., Pete Domenici-N.M., and Jesse Helms-N.C.

## NATIVE AMERICAN AWARENESS WEEK, 1976

By the President of the United States of America

### A PROCLAMATION

It is especially appropriate during our Bicentennial Year to recall the impressive role played in our society by American Indians, Eskimos, and Aleuts. Native Americans have made notable contributions in education, law, medicine, sports, art, the military, science and literature.

The culture and heritage of our native Americans are unique. In renewing the spirit and determined dedication of the past 200 years we should also join with our native Americans in rebuilding an awareness, understanding and appreciation for their historical role and future participation in our diverse American society. We



President Ford greets Indian leaders in Lawton, Okla., after signing proclamation designating Native American Awareness Week.

should do so with the same spirit and dedication which, fostered with reliance on Divine Providence and with firm belief in individual liberty, kindled and made a reality of the hopes for a new life for all who inhabited this land.

In recognition of the importance of the contributions made to our many-cultured society by native Americans, the Senate (September 30, 1976) and the House of Representatives (October 1, 1976) have requested that the President proclaim the week of October 10, 1976, as Native American Awareness Week (S.J. Res. 209).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 10, 1976, and ending October 16, 1976, as Native American Awareness Week.

I call upon all the people of the United States to join in observing this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

THE WHITE HOUSE  
Washington  
August 26, 1976

MEMORANDUM FOR: The Secretary of the Treasury  
The Secretary of Defense  
The Attorney General  
The Secretary of the Interior  
The Secretary of Agriculture  
The Secretary of Commerce  
The Secretary of Labor  
The Secretary of Health,  
Education, and Welfare  
The Secretary of Housing and  
Urban Development  
The Secretary of  
Transportation  
The Director, Office of  
Management and Budget  
The Chairman, Civil Service  
Commission  
The Administrator, Small  
Business Administration  
The Administrator of  
Veterans Affairs  
The Director, Community  
Services Administration  
The Administrator,  
Environmental  
Protection Agency  
The Acting Chairman, Equal  
Employment  
Opportunity Commission  
The Governor, Farm Credit  
Administration

I am today designating Bradley H. Patterson, Jr., of the White House Office to assist me in the area of American Indian affairs. It will be Mr. Patterson's specific responsibility to work with each of you to improve the coordination among the Federal agencies with programs that serve the Indian people.

It is important that you insure the effective delivery and efficient operation of Federal Indian programs and services. I request that priority attention be given to coordination of these efforts among the Departments and Agencies and within the Executive Office of the President.

In addition, I request you continue to insure that when Federal actions are planned which affect Indian communities, the responsible Indian leaders are consulted in the planning process.



Brad Patterson

*Gerald R. Ford*

## Shifts Urged in Education for Indians

By Jim Largo, Albuquerque Journal, Sept. 28, 1976

The director of Indian education programs for Bureau of Indian Affairs said Monday authority and responsibility for educating Indian children should be given to local community leaders.

Dr. William Demmert said the Bureau of Indian Affairs should get away from running schools for Indian people and let local Indian officials control their children's education.

Demmert said, "Our best information tells us that one way to improve education programs serving Indian communities is to give program authority and responsibility to school superintendents and principals.

"That would ensure community direction through authority over policies concerning budget and program direction from representatives of tribes whose children are being served."

He explained that "meaningful interaction" between school and community officials would make better local school systems than the ones now being run by government officials under the direction of Washington bureaucrats.

"Once that becomes a reality, the most critical factor of program quality and success becomes teacher confidence and commitment. This means training and inservice programs to ensure not only dedicated but highly skilled educators where needed.

"Where we have teachers with appropriate skills, it means success is dependent on their using those skills to pull programs together that meet the objectives jointly set by professionals, parents, tribes and students."

Dr. Demmert was one of several speakers at the eighth annual conference sponsored by National Indian Education Assn. of Minneapolis, Minn. The conference is being held at Albuquerque Convention Center through Thursday.

About 4,000 to 5,000 conferees are expected at the conference. Approximately 2,000 were at the opening session Monday morning. Afternoon workshops used every available room at the convention center.

Sen. Joseph M. Montoya, D-NM, Albuquerque Mayor Harry Kinney, and Delfin Lovato, chairman of the All-Indian Pueblo Council, were among the morning speakers. Kinney and Lovato gave welcoming remarks. Montoya gave the opening address.

Dr. Demmert, who took office as director of Indian education last March, said changing to locally-controlled Indian education would require active participation of teachers, students and members of Indian communities.



Bill Demmert and Sen. Joseph Montoya share a relaxed moment before assuming the podium at the National Indian Education conference in Albuquerque.

"It is a process that allows a cooperative working relationship between parents, teachers, and students through the experience of education. This process must allow for training teachers to act as a conduit for pulling together classroom activities that are important to the community."

During school year 1975-76, the BIA directly supported 193 schools. About 46,880 Indian students attended the schools; the largest number came from the Navajo reservation. BIA had 77 boarding schools and 116 day schools.

Demmert conceded that his advocacy of allowing local tribal officials to run the schools is surely a threat to BIA officials who now run the schools. However, the officials should look toward changing their roles from directors to assisting local officials, said Demmert.

"It means a major change in our role as bureaucrats. It means the monitoring, technical assistance, evaluating, coordinating role, because if Indian education is to succeed and even survive, the Indian community must accept no less."

He explained that the process he advocates has already begun. Plans are, he said, to have Haskell Indian Junior College (Haskell, Kans.), Southwest Indian Polytechnical Institute, and Institute of American Indian Arts be made independent and run by regents.

## Indians Charge Tribal Rule Undermining

By Jim Largo, Albuquerque Journal, Sept. 29, 1976

Community-controlled Indian schools that are funded directly by the Bureau of Indian Affairs and other federal agencies are "undermining" tribal sovereignty as recognized through long federal-Indian relationships, said a tribal group and a BIA official Tuesday.

"The BIA and other federal agencies must not circumvent the tribal councils of federally-recognized tribes when granting monies or contracts for all services, including educational programs to Indian people," said Larry Snake, a member of the education committee under the National Tribal Chairman's Assn.

"To do otherwise undermines and erodes the sovereign status of the federally recognized tribes," said Snake. His comments were heard in a workshop panel discussion at the National Indian Education Assn. convention in the Albuquerque Convention Center.

Lafollette Butler, assistant area director in the Phoenix Area Office, said some BIA officials, out of confusion over federal "war on poverty programs," allowed Indian groups below tribal leadership to deal directly for funds with federal agencies.

"The bureau, I think it is fair to say, particularly on education, created entities below tribal government and dealt with those entities in the name of 'self-determination' and 'community control' and bypassed the legitimate tribal governments," he said.

"It is this practice of bypassing tribal governments that weaken their ability to govern," said Butler, who is a member of the Cherokee tribe. He spoke at a workshop session.

In discussing the same topic, some members of the education committee under NTCA, including Snake, demanded that the BIA deal with tribal governments in granting funds to local Indian school boards and other local Indian organizations.

"We insist that BIA education comply with the Indian Self-Determination and Education Act (PL 93-638) by awarding direct monies to 'Indian organizations' only

with expressed consent and approval of the tribes," said Snake, reading from a position paper.

Orick Baker, chairman of Lac Que Oreille tribe in Wisconsin, said, "You people should consider what might happen when we have community-controlled schools undermining the sovereignty of the tribes.

"We have advocates within our various groups saying we should have independent school boards. Yet tribal members come to me and say if we want these educators to run this reservation, we ought to elect them.

"They say, we elected you, and you ought to make the policies for this tribe," he said.

Butler explained that direct BIA and other governmental funding to community-controlled schools resulted from confusion over the philosophy of antipoverty programs designed for non-Indian minorities.

He pointed out that Public Law 93-638 in several paragraphs specifically recognized tribal governments as being the official head for individual Indians on reservations. Butler is recognized to be in contention for the next Commissioner of Indian Affairs.



Lafollette Butler, Assist. Area Dir., BIA, Phoenix.

As the ruling body, said Butler, the tribal governments should receive the federal money, and through "prioritization" disburse the money to tribal organizations, including the contract schools.

"This tribal prioritization is far from perfect, but it constitutes an effort to place control in the hands of tribal government in ordering of program priorities," he said.

Historically, Butler said, Indian tribes have been recognized as individual governments with sovereign powers which are limited only by some acts of Congress.

"The federal Indian relationship is a government-to-government relationship. There is not a relationship be-

tween the federal government and individual Indians, except through tribal governments."

But BIA officials in 1969 and 1970 "did not understand the unique relationship" and began to apply policies for federal assistance programs for the poor to the BIA's relationship with Indian tribes, said Butler.

"Some administrators of BIA education programs began applying in regard to bureau programs the concept of 'self-determination' and 'community control' to entities below tribal government level," he said.

He explained that antipoverty programs, such as the Office of Economic Opportunity, were conceived for the poor people who were being overlooked by school programs. "School systems and school curriculums were designed for middle and upper class students," he said.

"The social engineers who structured the education portions of antipoverty programs started with the premise that public schools were insensitive to the needs of children of poverty," he said.

Passage of the Elementary and Secondary Education Act was meant for poverty stricken children, and it dealt with people "below legal governmental entities," such as school districts.

"Communities then, that is, entities below the level of governmental entities that had been established, were given an opportunity for 'self-determination,'" he said.

## Veto of Bill Concerning Certain Employees of the Bureau of Indian Affairs and the Indian Health Service

*The President's Message to the House of Representatives Returning H.R. 5465 Without His Approval. September 24, 1976*

*To the House of Representatives:*

I am returning, without my approval, H.R. 5465, a bill which would provide special retirement benefits to certain non-Indian employees of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) who are adversely affected by Indian preference requirements.

I strongly support the objective of having Indians administer the Federal programs directly affecting them. I am familiar with and understand the concern of non-Indian employees of these agencies about their long-term career prospects because of Indian preference. But H.R. 5465 is the wrong way to deal with this problem.

This bill is designed to increase employment opportunities for Indians by providing special compensation to non-Indian employees in BIA and IHS who retire early. It seeks to accomplish this purpose by authorizing payment of extraordinary retirement benefits under certain conditions to non-Indian employees of these agencies who retire before 1986—benefits more liberal than those available to any other group of Federal employees under the

civil service retirement system. I believe that this approach will result in inequities and added costs that far exceed the problem it is attempting to solve—a problem which is already being addressed through administrative actions by the agencies involved.

H.R. 5465 would provide windfall retirement benefits to a relatively small number of the non-Indian employees of these agencies. The Indian employees and other non-Indian employees in these same agencies would not receive these benefits. The eligible employees are not in danger of losing their jobs. Because they may face a limited outlook for promotion, the bill would pay these employees costly annuities even though they had completed substantially less than a full career. Payments could be made at age 50 after only 20 years of Federal service, of which as little as 11 years need be Indian-agency service. Their annuities would be equivalent to the benefits it would take the average Federal employee until age 60 and 27 years of service to earn.

This would seriously distort and misuse the retirement system to solve a problem of personnel management for which there are far more appropriate administrative solutions. The Departments of the Interior and Health, Education, and Welfare have established special placement programs to help non-Indian employees who desire other jobs. I am asking the Chairman of the Civil Service Commission to make certain that those placement efforts are rigorously pursued with all agencies of the Federal Government.

Further, these Departments assure me that many non-Indian employees continue to have ample opportunity for full careers with Indian agencies if they so desire. Accordingly, H.R. 5465 represents an excessive, although well-motivated, reaction to the situation. Indian preference does pose a problem in these agencies, but it can and should be redressed without resort to costly retirement benefits.

I am not prepared, therefore, to accept the discriminatory and costly approach of H.R. 5465.

GERALD R. FORD

The White House,  
September 24, 1976.

## White House Appoints New Board Members to the National Advisory Council on Indian Education

New Board members to the National Advisory Council on Indian Education (NACIE) were announced at the NIEA conference in Albuquerque, New Mexico before it convened October 1.

New members appointed by the White House include:

Joe Abeyta (Santa Clara Pueblo), Superintendent of Albuquerque Indian School; Linda Belarde (Tlingit), teacher at Zuni Alternative School, New Mexico; Wesley Bonito (Apache), Tribal Director of Education; Calvin Isaac (Mississippi Choctaw), Tribal Administrator; Earl Oxendine (Lumbee), Principal of Upchurch Jr. High School, Raeford, N.C.; Paul Platero (Navajo), Associate Director of the Native American Materials Development Center in Albuquerque; Donna Rhodes (Creek), President of Indian Women Consultants, Inc., Tulsa, Okla.; James Sappier (Penobscot from Maine), Development Coordinator of the Passamaquoddy Tribe; Thomas Thompson (Blackfeet), Teacher Corps., Eastern Montana College; Minerva White (Mohawk), Director of Native American Special Services, Canton, N.Y.

Reappointed to the 15 member Board were: Patricia McGee, David Risling, Ted George, Ellen Allen and Will Antell.

## Agreement With Alaska Arctic Slope Regional Corporation

It was a happy day for one Alaska delegation when Interior Secretary Thomas Kleppe began the movement toward transferring land back to their regional corporation this August. Alaska's 12 native corporations are entitled to about one-eighth of the state under the Alaska Native Claims Settlement Act of 1971.

Kleppe put his signature on an agreement that will make it easier to weave through the complicated paperwork involved in the massive land transfer.

The Alaska Arctic Slope Regional Corporation was the first of the native organizations to work out an administrative approach with the Department of Interior. Kleppe commented, "This agreement will remove legal obstacles to conveyance of about four million acres of land, about 10 per cent of the 40 million acres due to



Signing of agreement. Front row, l. to r.: Cong. Don Young (Als.), Comm. Morris Thompson, Joseph Upicksoun, Ron Coleman, Secy. Thomas Kleppe & Jake Adams. Back row: Oliver Leavitt, Larry Dinneen & Curt Burkland.

the Alaska Natives under the Act," Secretary Kleppe said. "We expect when the actual conveyance is made, hopefully within a few months, it will constitute the first major conveyance of land to an Alaskan Native Corporation under the historic legislation which was signed into law in December 1977."

Kleppe said he also had his people working out a method that will allow the Department to transfer lands to the other Alaska Native Corporations in spite of certain pending litigation.

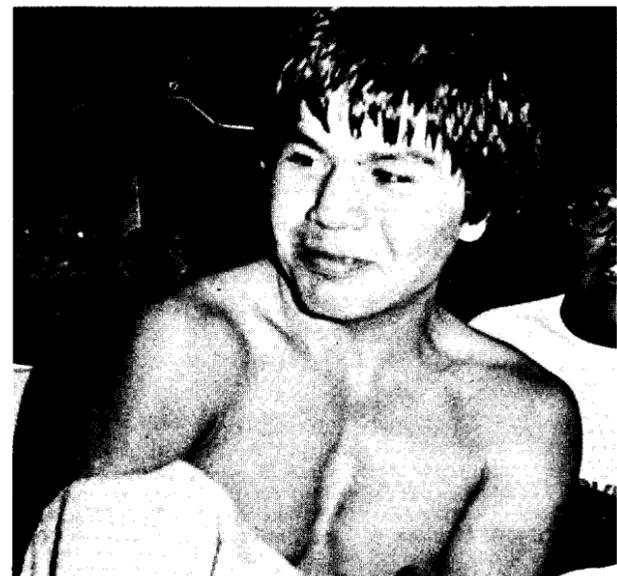
The Alaska Native Claims Settlement Act provided for a cash settlement totaling \$962.5 million, to be paid over a period of years, plus selection by the Natives of about 40 million acres of Federally owned lands in Alaska.

## They're Knockin' 'Em Dead!

Amidst screaming cheers and wildly applauding fans, two young Indian athletes at the Stewart Indian School in Stewart, Nevada have skyrocketed student-body morale, surprised officials in the Amateur Athletic Union, thrilled sports fans in the western states and inspired a boxing revolution in Indian country.

The flashing gloves of Adrian Dennis and Billy Turner have turned the Stewart School into the foremost boxing camp in the Bureau School system and almost gave the United States Olympic Boxing team its first Indian contestants.

It all began several years ago when Ray Sorenson, Assistant Director for Education in Phoenix and his staff assistant, Farrel Whitey sat down and put their heads together. (Whitey has since become Principal at the Gilla Crossing Day School.) William Whipple, Program Administrator at Stewart formed the third member of a three-man team which tried to rebuild a foundation that would support good boxing safety and sportsmanship for young Indian pugilists. They wrote up guidelines and regulations for boxing in the Phoenix Area.



Billy Turner

Historically, boxing had taken a nosedive in the Bureau following a period when young athletes were permitted to fight out of their weight bracket or experience class. Beginners were allowed to square off against experienced fighters and the results were not conducive to good boxing. The sport was abolished from Bureau schools.

But five years ago, the Phoenix Area received permission to conduct a well-supervised program based on stringent guidelines concerning the health and well-being of the student fighters and the Stewart Camp literally took off.

"It's unbelievable," says Rolly Swartz, manager of the U.S. Olympic team, "these kids have very little experience or history in the sport and they come in here and win on sheer heart."

Dennis and Turner have been winning pretty steady since those words were spoken . . . and racking up some high class experience.

During the last school year, when Turner was a senior and Dennis a junior, they tore up the ropes and canvas around the country. They racked up wins and credibility at the Pacific AAU Championships, the Western Regional Golden Gloves, the National Indian Boxing Tournament, the National AAU Tourney and the Western Regional Olympic Trials.

Both fighters made it to the Olympic finals in Cincinnati, Ohio where Adrian Dennis had the fans in pandemonium when he narrowly lost a decision to Louis Curtis of Washington, D.C. He would have been the first American Indian to represent the United States in the Olympic ring. Turner had been knocked out of an earlier Olympic bid by New Yorker, Howard Davis who went on to win a Gold Medal in Montreal.

Turner, a 19-year old Paiute from Bishop, California, has since turned pro with six professional bouts under his belt this summer. He's won five out of the six. He also entered the University of Nevada this fall majoring in Physical Education.

Dennis is back at Stewart for his final year and is still inciting crowds to riot. He'll garner some international experience this fall when he travels to Poland as part of a United States boxing team. The Americans will see action in three major cities.

It's not unlikely, however, for the 17-year old Hopi from Flagstaff, Arizona, to have the fans on their feet shouting *his* name . . . it's just part of his style.



Adrian Dennis

## Chick and Smokey— Girl Truckers

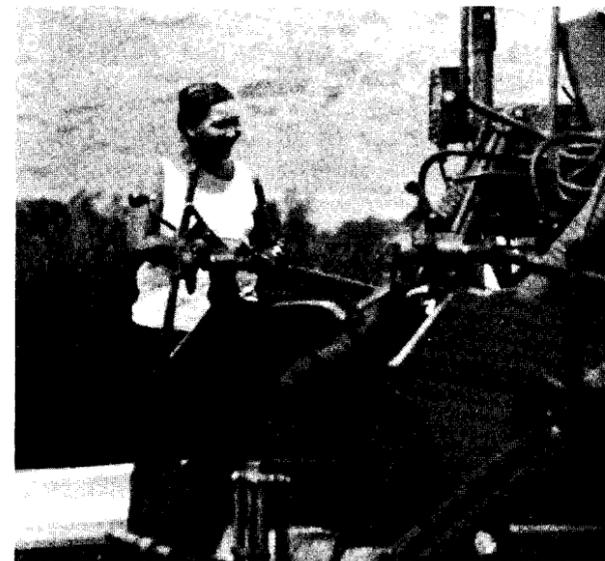
The harsh job of repairing roads in the stubborn Montana terrain lasts only as long as the summer sun. Then winter smashes hard on the land, heavy equipment is hibernated and the road crews gather in a dusty bar somewhere to talk about winter employment.

It's almost that time again. Pretty soon, Chick will be making her last run in her ten-ton, twenty yard truck. Smokey is already gone.

They come out of Blackfeet country. Hell bent for driving cattle and hauling hay. Their mother has a ranch there and from the time they could stand up to a grasshopper's leg, they were doing outside work right along with their brothers. They've worked farm equipment all their young lives. (They're both under thirty and that's all you'll get from here.)



Lorraine "Chicken" Augare in her ten-ton truck.



Yvonne "Smokey" Augare with her paver.

They were born Lorraine and Yvonne Augare. Sisters. But the world knows them as "Chicken" and "Smokey." Is anyone ever called by their right name in Indian Country? Matter of fact, the nickname for Chicken's nickname is "Chick."

Chick and Smokey walked into the agency one day and signed up for construction work. While some of the sisters were worrying about breaking a nail or how short to cut their hair or how to organize the womens' movement . . . Chick and Smokey were out there building roads. Driving truck. Making union scale.

They do all right.

## Loretta Helle, Only Eskimo Physician

The tiny student body in Nome, Alaska could barely muster 35 kids. The graduating class consisted of nine . . . which certainly shortened the commencement exercises. It doesn't take too long to hand out nine diplomas.

In that small cluster of students waving high school degrees were the clenched hands of a young girl determined to become what very few of her background had ever achieved . . . in the white world.

Today, Loretta Helle is the only Eskimo physician in the country . . . says the Alaska Federation of Natives. At least as far as they have been able to determine.

There were sacrifices. When one knows one has got to be a doctor and there are no courses even remotely geared to that dream . . . there is that realization that you're going to have to study harder, desire more intensely, and give up more of everything in pursuit of that goal . . . than others who may have easier access to chemistry, mathematics and laboratories.

Max Bieberman knew about the intense goal of Loretta Helle. And as the math teacher at Nome High School, he stayed after class with her and offered extra math courses for her and another student. He encouraged that dream.

Still deficient in so much, Loretta Helle had to pull together every ounce of self-discipline, organization and study time she could find to overcome what was called, "a poor academic background." She allowed herself one night occasionally for relaxation. "I would go out and howl," she says.

Because she knew she had to hurdle such severe obstacles, she reached out. "I was never bashful to admit I was dumb and needed help. If you let them know that you need help, they're willing to bend over backwards to help you."

Still, medical school is heartbreakingly hard to get into. She was advised at Washington State University to prepare for another profession to fall back on. She studied for an extra summer and picked up a degree in bacteriology and public health as well as one in the basic sciences. And with that added touch, she landed a job as a lab technician in a Seattle hospital. While working nights and weekends . . . she *did* get into medical school and put herself through.

Nine years of rigid discipline and numbing sacrifice achieved what she had always wanted to do. "There's something really satisfying about having somebody come in to you with an injury or health problem of some kind, and you sitting down and diagnosing it... and treating it... and watching the patient respond. You really feel like maybe you've accomplished something."

After five years in private practice as a General Practitioner, Dr. Helle went back to school again. This time for a law degree from the University of California at San Diego. Today, she does counseling and practices industrial medicine.

Her advice to students? "...Ask questions and never be afraid to ask for help," she says. "Don't stand back. Just don't stand back."



Loretta Helle, Eskimo physician.

## Sherwin Zephier Wins Poster Contest

If the Yankton Sioux Zephiers ever incorporated, they could probably keep the Bureau of Indian Affairs in-house as sort of a family run enterprise.

There is Harley Zephier, a low-keyed reserved figure who holds the post of Area Director in Aberdeen. His brother, Richard Gene, holds down the Tribal Operations office in the same Area and another brother, Andy is the Athletic Director at the Flandreau Indian School in South Dakota.

Keep that straight because there's more. They're all first cousins to another "Bureau Brat", Richard Lynn Zephier, who is an Enrollment Specialist in Washington, D.C. Do not confuse Richard L. with Richard G.

Now... the lovely lady who became the mother of Richard L. is none other than Gertrude Trimble Zephier who related the whole Zephier clan to the Trimble bunch when she married Alvin R. Zephier. Gertrude is a sister

of Al Trimble who retired from the Bureau of Indian Affairs to become Chairman of the Oglala Sioux Tribe. She is also sister to Shirley Trimble Plume who heads the BIA Standing Rock Agency at Ft. Yates, North Dakota. And of course, she is sister to Charles (Chuck) Trimble who is Executive Director of the National Congress of American Indians.

And at least one of the Zephiers is related to Sid Mills, Executive Assistant to the Commissioner of Indian Affairs, somehow.

This story however is about none of the above. It is about Sherwin Zephier who is the son of well-known artist, Adlebert Zephier. (And Adlebert is first cousin to Antoine and Alvin R. Zephier. Antoine is the father of Harley, Andy and Richard G. Remember them? And Alvin R. is responsible for little Richard L. Not to be confused with Richard G. Right?)

Now... back to the story: Sherwin is an aspiring young artist who just won a nationwide poster contest sponsored by Brigham Young University. The Zephier poster, which supports an anti-alcoholism drive, will be reproduced and distributed to Indian Centers, half-way houses, high schools and reservations... courtesy of the Lockheed Missile and Space Company.

Nineteen-year-old Sherwin, who was honored in special ceremonies at BYU, is in his last year as a middle-college student at the BIA's Institute of American Indian Arts in Santa Fe. He will receive an Associate of Fine Arts Degree next year and has indicated he would like to go on to become a physical education teacher. He was a Golden Gloves boxer in high school.

There is a little more to this story as related by the active typewriters in the BYU Communication Department... Second place winner in the poster contest was Wilbert Talashoma of Tuba City. John Womer of Nespelem took Third... which just might relate the rest of the BIA to the world of art.



Sherwin Zephier, poster winner.



Gladys and Charlie

Where the Swallow's come home to roost...  
There's Lots of Action.

## Gladys Swallow Leaves the Bureau

The soft spoken voice at the end of number 202-343-5116 is gone. Gladys Swallow, who used to say, "Good Morning, Commissioner's Office," is no longer your public servant. (She also used to say, "oh, god" a lot too... under her breath.)

Gladys Swallow was the Commissioner's secretary and it was her specific duty to remain calm while the rest of the world was going to glory in a handbasket.

Gladys retired. And now... the rest of the world has gone to glory... etc., etc.

She was quiet, serenely beautiful and had the best laugh in the world, Boy, could she ever make you feel good when you told a joke. Even a dumb joke.

She could have been the most outstanding circus performer the world has ever seen. Her art was juggling. She juggled appointments, switched meetings and volleyed appointments... with the grace and ease of someone who had a secret knowledge that somehow Washington was not going to sink into the Potomac if things kind of just fell apart at the last minute.

Gladys doesn't actually intend to retire to the world of housekeeping and afternoon teas. She is taking her special brand of serenity to the offices of the National

Tribal Chairmen's Association where she has accepted a position.

The other half of her team, Charles, is the new bank president at the American Indian Bank which has its office of sleek carpets and hushed voices a few blocks down the street from the BIA. Charlie, as he's called, also worked for the Bureau (didn't everybody?) before defecting to the world of high finance.

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## Harley Frankel Leaves B.I.A.

The Deputy Commissioner of Indian Affairs, Harley Frankel left the Bureau of Indian Affairs in September to join the Virginia presidential campaign. At 33, Frankel was the youngest Deputy Commissioner to be appointed when he assumed office in February of 1975.

He holds a Bachelor of Arts degree in Social Sciences, a Bachelor of Science degree in Operations Research and a Masters Degree in Business Administration from Harvard.

Theodore (Ted) Krenzky, Director of Indian Services for the Bureau of Indian Affairs, has been acting as Deputy Commissioner in the interim period.



Harley Frankel.

## Martin Seneca Accepts New Position With FEA

Martin Seneca, Director of Trust Responsibilities for the Bureau of Indian Affairs has taken a position with the Federal Energy Administration. He is the new Deputy Assistant Administrator for Energy Conservation and Environment. In this capacity, he supervises over 200 technicians and is involved in planning and policy making decisions.

In his stead, Ralph Keene is the Acting Director of Trust Responsibilities for the Bureau. Keene is an attorney from Tahlaqua, Oklahoma who specialized in property law before moving to the BIA in Washington.

Keene narrowly lost a bid for the Republican seat in Congress last year. He ran against Ted Risenhoover to represent the Second District.



Martin Seneca

## Sequoyah High Receives Chronicle

In the library of Sequoyah High School in Tahlaqua, Oklahoma is a fantastic chronicle of man's grope through time. It is a gift to be studied by the youth of today... bequeathed by the family of a man who gave nearly all his yesterdays to the education of Indian students.

Dr. A. B. Caldwell put in seventeen years as Assistant Area Director for Education in Muskegee, before his death last year.

His wife and two children, Alex Jr. and Nell, wanted all that time to account for something so they donated their private collection of "The Story of Civilization" to the high school as a living memorial to the husband and father of the Caldwell clan.

The ten volume set, written by Will and Ariel Durant, is now part of Sequoyah High Library.



Mrs. A. B. Caldwell presents the "Civilization" books to Edwin S. Moore, Asst. Area Dir. for Educ. (left) and Amon Baker, Supt., Sequoyah High School (right).



Dancers, drummers and singers from Alaska were the last native group to perform in the Native American arena at the National Folk Life Festival in Washington, D.C. this summer. The summer long festival saw tribal cultural groups from every area of the country.



## Indian Lass Named to Air Force Academy

In 1980, a certain young officer will begin five years of service in the regular Air Force.

Hardly anything to throw confetti or blow horns about!

Except this particular 'second Louie', in the lineup of several hundred commissioned officers on that fine spring commencement day four years hence, will be shorter, darker and of the opposite sex.

And the Air Force Academy of the United States will have graduated its first Indian woman.

She comes tearing out of Oklahoma, bearing the name Mary Sue Hatton, to take her place among the first group of women ever appointed to the "wild blue yonder" halls of the nation's great Air Academy.

That's worth, at least, a small hurrah!

Waving their hands in the background are Sam and Edna Hatton, who watched their Oklahoma born daughter raise a cloud of dust through Buffalo Valley High School in Talihina before taking on the long blue line.

Come 1980, they'll be there at Colorado Springs watching Ms. Hatton add a little sparkle of history to the world of air defense. (That's Second Lieutenant Hatton to you!)



Mary Sue Hatton, appointed to Air Force Academy.



## B.I.A. RAINFEST

The Great Potomac BIA Picnic and RAINFEST was a smashing success. Especially for those who were smashed.

Two years in the making (they just couldn't get it together last year, something about finding the right place to cook the buffalo... or maybe it was finding the right buffalo...) Anyway, after two years of planning, scurrying around hallways to confer with fellow committee members, mucho dinero telephone calls, selling tickets, counting noses and drafting volunteers—IT FINALLY HAPPENED!

The First Annual (?) BIA Employees Picnic. JUNE 19, 1976!!!

It rained.



## 170 of Today's Drugs Were First Used by Indian Medicine Men

Indian medicine men were not the feathered quacks Hollywood made them out to be, decked out in bells and beads and frenetically rattling their bones. In many ways they were years ahead of early American doctors.

Early settlers looked down their noses at Indian cures because of ignorance and "racial arrogance," says Dr. Virgil J. Vogel, associate professor of history at Mayfair College in Chicago.

"Whites thought Indians were savages," he said. "But American Indians were mixing a lot of potent, valuable drugs with their rituals, and producing successful cures, treatments and medications."

Among the sophisticated medicinal compounds they concocted from bark, seeds, plants or other natural ingredients were fever reducers, oral contraceptives, astringents and drugs remarkably similar to antibiotics.

Roughly 170 drugs that have been listed in the official Pharmacopeia of the United States—a listing of doctor-approved drugs—were first used by North American Indians, Dr. Vogel revealed. About 50 more were used by Indians from Latin America and the Caribbean, he said.

Here are some examples of "primitive" Indian medicines and drugs that later proved valuable to the white man:

**Oral contraceptives.** "Various Indian drugs that were used to suppress ovulation and control the menstrual cycle started researchers on the road that led to 'The Pill,'" Dr. Vogel said. "Among them was stoneseed, which was tested on laboratory rats and found to be an effective contraceptive."

**Childbirth medicines.** "Indians used numerous medicines to ease and hasten delivery in childbirth," Dr. Vogel said. "Two of them, corn smut and cotton root bark, were later adopted by physicians for the same purpose."

**Antibiotics.** "It's possible that some Indians may have stumbled onto the working principle of antibiotics, although they were unaware of how and why the desired results were obtained," Dr. Vogel said.

Among the antibiotic-type drugs used by Indians were rotted corn, for treatment of leg ulcers; a slimy ground fungus, for boils, and heated dirt from the top of a grave, for treatment of body sores.

**Astringents.** Indians used various leaves, flowers, roots, fruits and seeds to make astringents to treat sore mouth, bleeding and diarrhea.

**Fever reducers.** "The greatest of all botanical fever drugs, the conchona bark, from which quinine is extracted, was a discovery of South American Indians," Dr. Vogel said. "And North American Indians used numerous drugs to reduce fever, including dogwood bark, herb of boneset and bark of yellow poplar—all of which later became official drugs."

## Grants to Native Americans (1975-1976)

Information about private funding to Native American projects and programs, until recently, has been difficult to obtain. In 1973, however, the Foundation Center, an organization with public reference files in New York and Washington, D.C. center offices, which gathers various kinds of data on foundations and their activities, began categorizing information on grants to Native Americans.

The Center issues a bimonthly **Foundation Grants Index** which is a record of currently reported foundation grants of \$5,000 or more. Grants of more than a year old are generally not included in the **Index**. While the Center also gathers data on grants of less than \$5,000, their greater number does not make it feasible to publish that information.

For the information of Native Americans, the following data on foundation grants to Indian programs gathered by Sibohan Oppenheimer-Nicolau of the Ford Foundation in January 1976, covers the period from January 1975 to January 1976 and does include grants of less than \$5,000 for that period. All of the grants in this report are in the Foundation Center's bimonthly **Index** entered in a computerized file.

The foundations are listed alphabetically with a record of their grants to Native Americans arranged by amount, name of recipient, location and grant description.

Information about grants in 1973 and 1974 is available upon request from the Phelps-Stokes Fund, 1832 Corcoran Street, N.W., Washington, D.C. 20036.

### Abelard Foundation, NY

\$10,000 to American Indian Lawyer Training Program, Oakland, CA. For general program support.

\$5,000 to Youth Project, Inc., Navajo Coal Development Impact Study, D.C. For research and information office, Shiprock, NM, re coal gasification plants, Navajo reservation.

### Akbar Fund, IL

\$10,000 to American Indian Treaty Council Information Council, NYC, NY. For research on Sioux and Iroquois treaties.

\$5,000 to Coalition of Indian Controlled School Boards, Denver, CO. To cover costs of annual membership meeting.

\$20,000 to Dinah Cooperatives, Chinle, AZ. For revolving loan fund for Navajo Nation community cooperatives. Continuing support.

\$10,000 to Northern Cheyenne Landowners Association, Lame Deer, MT. For operating support.

\$30,000 to Northern Cheyenne Tribal Council, Lame Deer, MT. For legal expenses related to protection of natural resources. Continuing support.

\$30,000 to Quinalt Tribal Council. Law Program, Tahola, WA. To meet costs of on-reservation legal counsel to tribe. Continuing support.

\$5,950 to Su-Worhorm Ishi Pishi, Inc., Hoopa, CA. For operating support.

\$10,000 to Western Shoshone Legal Defense and Education Association, Battle Mountain, NV. For community organizing related to Shoshone land claim. Continuing support.

\$3,170.16 to Menominee County Education Committee, Keshena, WI. For debt retirement.

#### **Bush Foundation, MN**

\$17,000 to College of Saint Scholastica, Duluth, MN. For American Indian circuit-riding professor program, Northern Minnesota and Wisconsin reservations. Terminal grant.

\$70,000 to Minneapolis Public Schools, MN. For development of new elementary school program to help decrease Indian student dropout rate. Two years.

\$30,000 to Sicangu Wolakota Oti (Rosebud House of Friendship), St. Francis, SD. To remodel kitchen facilities and expand living area of home for Indian children.

#### **Carnegie Corporation of New York, NY**

\$35,000 to American Indian Lawyer Training Projects, DC. For support of "Indian Law Reporter", Renewal grant.

\$235,530 to Native American Rights Fund, Boulder, CO. For internship program for recent law graduates. Three years.

\$14,828 to Western Interstate Commission for Higher Education, Planning Resources in Minority Education program, Boulder, CO. For general support. Renewal grant.

#### **Clark Foundation, NY**

\$5,000 to Brigham Young University, Provo, UT. For additional graduate scholarships for American Indian students.

#### **Donner (William H.) Foundation, NY**

\$98,540 to Alaska Legal Services Corporation, Anchorage, AK. To enable recruitment, instruction and engagement of ten Native Alaskan paralegal trainees for lay advocate and legal technician services in Alaska's rural villages. Two years.

\$16,250 to American Indian Law Students Association, Albuquerque, NM. To develop a stronger organizational base. Three years.

\$30,950 to Mississippi Band of Choctaw Indians, Philadelphia, MS. To enable Choctaw Board of Education to make major effort to engage Choctaw community in their educational process.

\$60,580 to National Indian Health Board, Denver, CO. To enable planning of a national institute to train Indian Health Board personnel for work on and off reservations.

\$72,000 to Coalition of Eastern Native Americans, DC. For research and legal assistance to eastern Indian tribes with community development-related problems, in particular non-federally recognized tribes wishing to form nonprofit charitable corporations for purpose of applying for federal funds and services.

\$60,000 to Crow Tribe, Central Education Committee, Crow Agency, MT. To establish a Crow educational research and development office.

\$67,750 to Hawaiian Coalition of Native Claims Corporation, Honolulu, HI. To assist corporation in establishing organizational base and to enable it to render legal protection with aid of Native American Rights Fund, to land base of Native Hawaiians.

\$97,000 to Navajo Tribe, Window Rock, AZ. To help establish tribal budget and management offices.

\$95,000 to Oklahoma City Indian Health Council, Oklahoma City, OK. To enable clinic to employ a full-time physician and to provide supplies to make health delivery services more accessible to Indian community. Two years.

\$112,830 to University of New Mexico School of Law, American Indian Law Center, Albuquerque, NM. To establish National Institute of Tribal Government to assist Indian tribes with legal and administrative problems and for research to assist American Indian Policy Review Commission in its comprehensive review of Indian affairs. Two years.

#### **Educational Foundation of America, CT**

\$12,000 to Northfield Mount Hermon School, East Northfield, MA. For financial aid for Native American students.

#### **Edward Elliott Foundation, NY**

\$2,500 to Native American Educational Services, Inc., Chicago, IL. For development of higher education program known as Reservation-Urban Learning Exchange (RULE).

\$1,500 to Fort Hall/Shoshone-Bannock School Board, Ft. Hall, ID. For planning tribal school system on the Ft. Hall Reservation.

\$500 to Ramah Navajo School Board, Ramah, NM. For the summer training of a staff member.

#### **Field Foundation, NY**

\$5,000 to Alaska Legal Services Corporation, Anchorage, AK. Toward litigation costs of suit to enforce equal educational opportunities for Eskimo and Indian children.

\$40,000 to National Indian Youth Council, Albuquerque, NM. For general support during 1975. Continuing support.

\$16,700 to Native American Rights Fund, Southwest Indian Environmental Project, Boulder, CO. For general support during 1975.

#### **Fleischmann (Max L.) Foundation, NV**

\$70,000 to Navajo National Health Foundation, Sage Memorial Hospital, Ganado, AZ. To operate only Indian-owned and operated hospital until October 1975 when majority of patients will qualify for medicaid coverage and hospital will be on self-sustaining basis.

\$115,000 to National Medical Fellowships, NYC, NY. To aid first and second-year Mexican American and American Indian medical students.

#### **Ford Foundation, NY**

\$75,000 to American Indian Development Assoc., Bellingham, WA. For technical aid to help Indian tribes

increase their access to funds for community development programs. Supplemental grant.

\$125,000 to American Indian Historical Society, San Francisco, CA. For development of accredited journalism internship program for American Indians in cooperation with Stanford University and University of Oklahoma. Supplemental Grant.

\$50,000 to Arizona Job Colleges, Casa Grande, AZ. To match federal grants for comprehensive family rehabilitation center serving primarily Chicano, Indian and Black displaced farmworkers. Supplemental grant.

\$150,000 to Navajo Community College, Chinle, AZ. For demonstration programs to improve range and livestock management and community farming. Two years.

\$7,500 to Oglala Sioux Community College, Pine Ridge, SD. For conference and report on American Indian Higher Education co-sponsored by American Indian Higher Education Consortium and Phelps-Stokes Fund.

\$15,000 to Columbia University Graduate School of Journalism, NYC, NY. For scholarships for Black, Mexican American, Puerto Rican, American Indian and Asian American students.

\$3,417,110 to Educational Testing Service, Princeton, NJ. For fellowships for Mexican Americans, American Indians, and Puerto Ricans. Supplemental grant.

\$15,000 to Northwestern University School of Journalism, Evanston, IL. For scholarships for Black, Mexican American, Puerto Rican, American Indian, and Asian American students.

\$15,000 to Stanford University Graduate School of Journalism, Stanford, CA. For scholarships for Black, Mexican American, Puerto Rican, American Indian and Asian American students.

\$14,500 to University of Alaska, Fairbanks, AK. For legal review of statutes, court decisions, and agency regulations governing Alaskan Native education.

\$15,000 to University of Missouri, School of Journalism, Columbia, MO. For scholarships for Black, Mexican American, Puerto Rican, American Indian and Asian American students.

#### **Kresge Foundation, MI**

\$88,000 to Northern Cheyenne Native American Programs, Lame Deer, MT. For construction of modular units for use as reading learning laboratories for Northern Cheyenne school age program.

\$10,000 to Shepaug Valley Archaeological Society, Washington, CT. Toward expansion of American Indian Institute.

#### **Kress (Samuel H.) Foundation, NY**

\$25,000 to British-American Associates, NYC, NY. For exhibition. Two Thousand Years of North American Indian Art, jointly sponsored by Arts Council of Great Britain and Nelson Gallery at Kansas City, MO.

#### **Lilly Endowment, IN**

\$135,790 to Arizona State University, Tempe, AZ. For

program in Southwest Indian religious studies. Three years.

\$225,000 to California Indian Legal Services, Oakland, CA. To support Indian education law project. Two years.

\$190,000 to Coalition of Indian Controlled School Boards, Denver, CO. For training of lay advocates. Two years.

\$25,000 to Defiance College, Defiance, OH. To study feasibility of merger with Northwest Technical College.

\$160,000 to Haskell Indian Junior College, Lawrence, KS. For planning and development of early childhood education program. Two years.

\$25,000 to National Indian Education Association, Minneapolis, MN. For program to address higher education needs of the Hispano American and the American Indian.

#### **McKnight Foundation, MN**

\$30,000 to Saint Mary's Mission School, Red Lake, MN. For teacher aides, books, science and physical education equipment, for Benedictine school for Red Lake reservation Indian children.

\$10,000 to University of Minnesota Center for Urban and Regional Affairs, Minneapolis, MN. For educational program for American Indian inmates at Sandstone, St. Cloud and Stillwater and to coordinate all cultural and educational programs at these institutions.

#### **New York Community Trust, NY**

\$25,000 to American Indian Development Assoc., Seattle, WA. For technical assistance in developing a tribal agriculture program for Seneca Nation, western New York State.

#### **Noble (Edward John) Foundation, NY**

\$16,500 to Indian River Central School, Philadelphia, NY. For artist-in-residence in the school and community.

#### **Public Welfare Foundation, DC**

\$10,000 to Sage Memorial Hospital, Ganado, AZ. For general support of hospital serving Navajo Indians.

#### **Rockefeller Brothers Fund, NY**

\$25,000 to Museum of New Mexico Foundation, Santa Fe, NM. For feasibility study to evaluate use of federal post office building, Santa Fe, for a museum of the Southwest American Indian.

\$300,000 to American Association of Community and Junior Colleges, DC. For internship program to train American Indians to become community college administrators.

\$10,000 to American Music Center, NYC, NY. For consultation expenses for American Music Recording project.

\$100,000 to Educational Broadcasting Corporation NYC, NY. For international program series on global interdependence.

#### **Rockefeller Foundation, NY**

\$33,800 to American Indian Development Assoc., Bellingham, WA. For aid to Indian tribes in develop-

ment of food production programs (jointly with Equal Opportunity Program).

**San Francisco Foundation, CA**

\$17,000 to Humboldt County Schools, Northern Indian California Education Project, Eureka, CA. For Indian Education Coordinators working toward improvement of school materials for Indian students. Continuing support.

**Seattle Foundation, WA**

\$5,000 to Seattle Indian Health Board, Seattle, WA. Toward purchase of medical equipment for examining rooms.

**Ann Maytag Shaker Foundation, NY**

\$3,500 to Nevada Indian Legal Services, Reno, NV. For

educational program concerning tribal jurisdiction. \$3,000 to Native American Committee, Inc., Chicago, IL. For development of higher education program, Reservation-Urban Learning Exchange (RULE).

**Weiboldt Foundation, IL**

\$7,000 to Central YMCA Community College, Seven Nations Project, Chicago, IL. For Seven Nations Talent Search program.

**Woods Charitable Fund, IL**

\$5,000 to American Indian Center, Chicago, IL. To support budget of Center for American Indians in metropolitan Chicago. Renewal grant.

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