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## INDIAN NEWS CLIPS

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# State sued in 2nd phase of fishing dispute

By STEVE RAYMOND

Assistant City Editor

Attorneys for treaty Indian tribes and the United States government have filed a request for a declaratory judgment against the state in "Phase II" of the Boldt Indian-fishing rights case.

The tribes and the government will seek an order from United States District Judge George H. Boldt that could have far-reaching implications for future development sanctioned by any state agency.

Originally it had been expected the case would be tried this summer. Now it appears there will be no action until early next year.

A **NEW AMENDED** complaint filed by the tribes and the government limits the scope of the second phase. The plaintiff tribes originally had intended to seek damages from the state for environmental degradation they contend has caused harm to runs of migratory fish. The request for damages has been dropped, but the plaintiffs still seek what could amount to a veto power over any state-approved action that might harm fish runs in the future.

Phase I of the Boldt case, formally known as "United States vs. Washington," settled the question of off-reservation Indian-fishing rights. It was based on a series of treaties concluded with the federal

government in the 1850s in which Western Washington Indian tribes reserved for themselves the right to fish in all their "usual and accustomed places."

In their lawsuit, the plaintiff tribes and the federal government contended those fishing rights had been systematically denied by the State of Washington, particularly the Department of Fisheries (responsible for management of salmon) and the Department of Game (responsible for management of steelhead).

After a trial of the case, Judge Boldt on February 12, 1974, ruled in favor of the Indians and ordered that treaty tribes should have the

opportunity to catch 50 per cent of the harvestable salmon and steelhead runs returning to the tribes' traditional off-reservation fishing grounds.

**THAT ORDER** forced the state to cut the numbers of salmon and steelhead non-Indian commercial and sports fishermen could take; setting off a controversy that still continues. It also allowed Indians to conduct a commercial gillnet fishery for steelhead — something which had been outlawed since 1931 and remains illegal for non-Indians.

Judge Boldt's 1974 order did not

address the question of whether Indians have a right to harvest steelhead reared in state hatcheries and paid for mostly with funds from non-Indian sport-fishing licenses.

A state court has ruled that the Indians have no such right to hatchery steelhead returning to the Puyallup River. The State Supreme Court has upheld that ruling.

But in their amended complaint covering Phase II, the Indian tribes will ask Judge Boldt to rule that treaty tribes do have a right to hatchery steelhead on the grounds that such fish were introduced to replace native fish destroyed through environmental abuse and non-Indian fishing.

That is only one of the issues involved in Phase II. Attorneys involved with the case refer to Phase II as the "environmental phase" because it seeks to assign responsibility for environmental degradation that has harmed the fish runs.

**THE TRIBES'** amended complaint sums up their contention:

"Prior to non-Indian encroachment, preservation of fish stocks had long been successfully accomplished by the customs and practices of the plaintiff tribes.

"This state of abundance persisted for a period of time after (the 1850s treaties), but as non-Indian settlement increased and as industrial, agricultural, municipal, residential and other non-Indian devel-

*could*

opment began to accelerate, fish stocks suffered increasing depletion from over-use and from other activities having adverse impacts on aquatic populations and habitats.

"The economic development of the state, the growth of the state's non-Indian population and the agricultural and industrial advances of recent times have resulted in a fishery vastly different from the fishery existing at the time of the treaties . . . The size and nature of fish populations have been substantially altered by numerous activities impairing or destroying the aquatic habitats necessary to maintain them.

"Whole watersheds have been rearranged or destroyed to make room for development; fresh and saltwater systems have been polluted and subjected to changes in flow, level, velocity and temperature; migration routes have been restricted or blocked; spawning beds have been damaged or destroyed; artificially introduced fish populations have displaced native populations; predator and disease problems have been aggravated, and generally the ecological basis necessary to maintain the Indian fishery has been seriously tampered with."

The tribes argue that "this destruction or alteration of fish habitats could have been controlled or prevented in part (by the state) but was not. Much of it actually occurred (through) explicit administrative authorization contained in state-issued permits and approvals."

THE TRIBES' complaint also

cites pressure from the non-Indian commercial and sports fisheries as threats to the resource.

Because of all these factors, the complaint says, the treaty-Indian fishing right established in Phase I of the Boldt decision "is in danger of becoming meaningless and without substance."

The plaintiffs seek an order from the court that Indian fishing rights "may not be impaired by actions undertaken or authorized (by the state) which significantly and adversely affect fish habitat and which directly or indirectly reduce the number or quality of fish available to treaty Indians."

If the tribes win on this point, it would mean they could block state authorization of any activity that could be shown to have a potentially damaging effect on fisheries. That could include such things as building bridges or highways over streams, logging along streams or in sensitive areas of watersheds, state approval of nuclear-power-plant sites and many other activities.

It also could mean a limitation on the number of non-Indian commercial or sports fishermen the state can license.

By extension, the ruling would apply to local governments and conceivably could affect issuance of shoreline-management permits for real-estate developments on rivers or other similar activities.

IN ESSENCE, such a ruling would hold the state responsible for everything it has allowed to happen since the 1850s that may have

changed or impaired the fisheries that existed at that time, and would give the tribes a say over virtually all major forms of future development sanctioned by the state.

That probably would set off a controversy that would make the reaction to Phase I of the Boldt decision seem mild by comparison.

But the impact would not be limited to the state. With a favorable ruling against the state on their side, the treaty tribes almost certainly would turn against the federal government and seek a court order covering all similar actions, past and future, sanctioned by the

United States. This could give the treaty tribes a potential veto over federal dams, interstate highways, logging in national-forest watersheds and many other activities in which the federal government has a hand.

A decision against the federal government also would be highly ironic because the government took a leading role in the tribes' legal fight to establish the fishing rights they already have won. The government will play a similar role in Phase II, working for a court ruling that the Indian tribes ultimately may use against it.

## Indians and AIM

The Senate Internal Security Subcommittee took a useful step Sunday when it spoke out to correct the public impression that the American Indian Movement [AIM] speaks for the Indian people as a whole. The committee labeled AIM as a "minority movement," and a "frankly revolutionary organization which is committed to violence," and reported testimony that AIM has trampled both Indian and non-Indian civil rights.

Such a correction is long overdue. Actually, AIM has never had the support of more than a small fraction of the 900,000 Indians now living in the United States and never had more than a few hundred active followers at any one time, as William Mullen made clear in his recent Tribune series on Indian problems and prospects. But like the blacks who preached and practiced violence in the late 1960s and early 1970s in the name of a majority they did not

represent, AIM has distorted Indian needs and hopes, alienated public opinion, and made it more difficult to find answers to complex human problems.

One major problem is that the Indians have no spokesmen, no effective leaders able to represent on a national level any significant number of the 385 tribes living in the United States. Ancient tribal hostilities continue. Traditions still discourage the development of leaders within tribes and among Indian groups.

With AIM repudiated, however, the way may now be open for real leadership to arise. The American people do care about the Indians, do want to help, do want to end the national disgrace of so many native Americans living wretched, unhappy lives. But we need more help from the Indians themselves. We can only hope that the Indian experience with AIM will spur them into more effective directions.

**Chicago Tribune**  
THE WORLD'S GREATEST  
NEWSPAPER  
D. 767,793 SUN. 1,016,275

SEP 21 1976

# Indian control of BIA schools

By SANDY GRAHAM  
and ELLEN KELLY  
Tribune Staff Writers

A Bureau of Indian Affairs (BIA) official says his attempts to turn over BIA schools to local control may threaten federal bureaucrats, but are necessary if Indian education is to survive.

Dr. William Demmert, BIA director of educational programs in Washington, D. C., made the comments in a speech prepared for the opening today of the National Indian Education Association (NIEA) meeting in Albuquerque.

DEMMERT SAID that in the past four years he has tried to turn over schools in BIA control to the communities in which the schools are located.

"This poses a major threat to bureaucrats like me," Demmert said. And while it will mean considerable change for officials, the move is necessary "if Indian education is to survive."

Demmert said education for Indian students must include cultural as well as academic elements and give students basic skills for dealing with society.

"THERE IS NO ready-made prescription" to deal with the problems facing educators, he said. He said the

best path to take seemed to be to involve teachers, students and the community in improving education.

Demmert said he has recommended that the BIA add new programs in areas such as bilingual and cultural education, early childhood development and special education for the handicapped. He also has recommended construction funds for both BIA and public schools serving Indians.

A plan to give "substantial independence" to Albuquerque's Southwest Indian Polytechnic Institute (SIPI), Santa Fe's Institute of American Indian Arts, and Haskell Junior College in Lawrence, Kan., also has been worked out, Demmert said.

SIPI SUPT. John Peterson said Demmert will meet Wednesday with the regents of the three schools to discuss how the transition will be made.

Peterson said the plan calls for the three schools, which are the BIA's three "national" schools, to report to Demmert's office instead of to area offices.

The 5,000 persons attending the conference, which continues through Thursday, also will hear talks from Albert Shanker, president of the American Federation of Teachers; Morris Thompson, commissioner of the BIA; Dr. Paul Salmon, executive director of the American Association of School Administrators, and Dr. Will Antell, the first NIEA president.

At a luncheon today, the Navajo Community College of Tsaile, Ariz., celebrated receiving for the first time accreditation from the North Central Association of Colleges and Secondary Schools.

THE FIRST 301 students enrolled at

## Indian control

From Page A-1

the college at Many Farms, Ariz., in January 1969, and work on the new, 1,200-acre campus at Tsaile in north-east Arizona started in 1971.

The first buildings erected at the new campus are eight-sided, following the tradition of Navajo hogans, including the \$4 million, six-story Ned A. Hatathli Cultural Center.

The center will open this fall, and its formal dedication will be in the spring of 1977.

Named for the first president of the Community College, the cultural center has a lecture hall, classrooms, audio-visual laboratories, a sanctuary and six chant rooms behind its windows of reflective glass.

"NCC IS A MIRROR of the Indian communities we serve," the president Dr. Thomas Atcitty said in his report for the 1975-76 school year. "More than 70 per cent of our staff is comprised of Navajos; our student body has averaged about 85 per cent Navajo."

Albuquerque Journal

SEP 27 1976

The school's general catalog lists more than 200 courses, including programs in business administration, nursing, emergency medical training, auto mechanics, mathematics, secretarial skills, and studio art.

The Navajo Resource Center offers courses in silversmithing, weaving, basketry, pottery and moccasin making, and studies of other Indian tribes, as well as the Navajos.

There also are courses concentrating on the Navajo language, mythology and psychology, and Navajo and other American Indian music.

THE COLLEGE offers programs in computer science, economics, and courses for students who need to improve their basic skills in language, reading and mathematics and earn high school equivalency diplomas.

All students must be 18 or older, or a high school graduate or equivalent.

The normal course load is 12 to 16 hours each semester, and full-time tuition is \$600 per semester.

Tuition and room and board costs for Indian students are paid by the federal government.

THE COLLEGE catalog says its basic objectives are to give students the necessary academic background to transfer to a senior college or university; provide vocational-technical training programs; provide adult education courses; and "to foster in its Indian students the development and preservation of a healthy pride in their heritage," as well as serving "as a center for development of Indian cultures, with special emphasis on the Navajo."

The school also offers adult classes in 14 reservation communities, job training and skills development for young adults under its Concentrated Employment Program in Gallup, and eight consulting or training projects for Indian students.

# Indian education problems cited in Montoya speech

By SANDY GRAHAM  
Tribune Staff Writer

Four stumbling blocks are holding back Indian education, Sen. Joseph M. Montoya told the opening session today of the National Indian Education Association (NIEA) meeting in Albuquerque.

Montoya, described earlier as "an advocate and friend" of Indians by Defin Lovato, chairman of the All Indian Pueblo Council, hammered at the failures of the federal government to help Indians improve education.

**MONTOKA RECALLED** that in 1973, Navajo tribal chairman Peter MacDonald was asked by a congressional committee if he had seen any changes since policies of

self-determination for Indians were established in 1970.

MacDonald replied, yes, he had seen several Indian Bureau of Indian Affairs commissioners and a couple of secretaries of the Interior come and go, Montoya said.

"Now it's 1976. Three more years," Montoya said. "Do we have change yet — real change? The answer, of course, is no."

**MONTOKA SAID** four things are holding back improved Indian education.

The first is funding and organization. Four federal sources of funding exist for Indian education programs, he said. All have different guidelines, goals and purposes.

"It's like putting up four

walls to a house, but the walls never meet at the corners," the senator said.

**THE SECOND** block is accountability— who is really responsible for Indian education? Montoya said now that self-determination is being stressed, and strong parent groups are being formed, this problem should begin to disappear.

The third block is priorities. Montoya said teachers, equipment and language ought to be stressed because they have "the most immediate impact on children."

Montoya said the final concern was the future of the Indian Education Resource Center in Albuquerque. He drew applause from the crowd when he said he would continue to oppose

attempts to move the center to Washington, adding, "We need these centers right here where Indians reside."

**MONTOKA ALSO** called for a \$100 million construction program for Indian education to be accomplished over the next 10 years.

Lovato also spoke to this morning's assembly and urged listeners to teach Indian youths to participate in government.

Dr. Rick St. Germaine, NIEA president, opened the four-day meeting. Dr. William Demmert, BIA director of educational programs, read a message from President Gerald Ford which said the Ford administration backed the NIEA's efforts.

## UNDERMINING OF TRIBAL RULE CHARGED

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 recognizes 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.

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

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"The federal Indian relationship is a government-to-government relationship. There is not a relationship between 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 over-looked 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 anti-poverty 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.



## Federally Funded Schools Blamed

# Indians Charge Tribal Rule Undermining

By JIM LARGO

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  
Continued on A-2

# Navajos Running Their Own School

By JIM LARGO  
Of the Journal Staff

**BORREGO PASS** — The Navajo people in this small, dusty and isolated community in western New Mexico are running their own elementary school.

The locally controlled school began five years ago after the Bureau of Indian Affairs, with school attendance dwindling, decided to close its day school. Local leaders did not want their children bused away to schools and decided to run the school themselves.

Located about 40 miles north of Grants, the Borrego Pass school is operated by a seven-member, all-Navajo school board, which, unlike other Indian school boards, has authority to hire and fire faculty members and oversee the spending of funds. Each member is elected.

"The difference between other area school boards is our school board contracts the operation," said Donald D. Creamer, director of special projects. "It is responsible for the school program."

Creamer explained that most other Indian school boards serve as advisory boards to BIA officials who run the schools.

The Borrego Pass elementary school is about 20 years old. It has been run by local officials during the last five years. In 1971, BIA educators had 30 students and the school was becoming too costly for them. They decided to close the school.

Before BIA closed the school, local Navajos turned it into a "contract school," meaning it was to be run by local officials with funds from the federal government. The local group obtained funds from BIA and other government agencies.

The school is now "a limited open" school. Creamer said, "We do group our kids by grade level, but we have the students get limited free choices of what they do during the day as opposed to

having all the kids sitting down and doing the same thing at the same time."

Creamer explained that the philosophy of limited open classes seems to work to the advantage of young Navajo students whose daily lives are limited to the harsh country activities.

Creamer believes the community's closest links to the "Anglo world" are the family pickup trucks, a trading post and an occasional family weekend trip to Gallup, Grants, or Albuquerque. In town, however, he said the children usually stay in cars while the family shops.

During the rest of the days, most of the students live in homes where only Navajo is spoken and there is little of the Anglo-related life, such as a television set, said Creamer.

So the school adjusted to a curriculum that attempts to rear children in the Navajo and Anglo cultures at the same time. Instruction begins in Navajo in kindergarten and ends in English before graduation from the sixth grade.

Principal of the school, Mrs. Mary Helen Creamer, a Navajo herself and wife of Donald, said students learn concepts in Navajo early in school but study the English language at the same time.

From kindergarten through second grade, primary instruction is done in the Navajo language, said Don Creamer. But from the third grade through sixth, instruction is done through the English language.

"We believe our kids need a good deal of individual instruction and individual attention. They start way behind where the average kid starts," said Creamer.

"The average student at this school, when he first arrives at kindergarten, not only doesn't speak English but he has never had a chance to associate with anyone who does speak English.

"English is not used in most homes. It is not used in any of the places the kids ordinarily go. Even when they go into town, usually they stay in the pickup trucks.

"So very few of our kids have heard English spoken when they come to our school. That means they are way behind when it comes to trying to learn what schools teach.

"For that reason, we use Navajo as the language of instruction in kindergarten, first and second grades. Instead of waiting for the kids to learn enough English so they could learn arithmetic, we go ahead and teach arithmetic in Navajo—also social studies and science.

"By the time the kids reach third grade, then we switch over and they have to begin to depend on English as the language of instruction. That's the first time that they hear a teacher who speaks only English.

"They learn to read and write first in Navajo because it is easier for them to gain the initial reading skills in their language," he said.

Creamer explained that the learning of concepts through a foreign language in later grades has left many of the children behind because their reading skills are not up to par. He said Navajo teacher aides help many of the students keep up.

Creamer said the school's instructional philosophy creates some problems for some of the students after they graduate. Usually, they go into schools where bilingual education is limited and so their progress becomes limited, he said.

In order to give the students a complete education, Creamer said, the school board is considering a school district that would take a child from preschool through high school. The board wants a junior high

and a high school at Borrego Pass.

Currently, the school has a high attendance rate which seems to indicate that the parents want their children in school locally, he said. In a few years, the educators have built the student body from 30 to 150 students.

The children have the opportunity to attend a boarding school at Crownpoint or public schools in Thoreau. High school students must travel the distance daily.

The small Borrego Pass school is old and now becoming overcrowded. Its fifth and sixth grades are held in trailer houses outside the main building. Preschool and kindergarten are held in small buildings also.

All of the children must travel to and from school daily on dirt roads. There are no paved highways in the community. The bus driver travels at least 150 miles per day, sometime through snow and mud.

Mrs. Creamer said because of limited funds, school personnel often make their own shelves. Yearly, they ask BIA officials for discarded materials. Personnel fix up the equipment and use them. The school budget is \$500,000.

In the second grade room is a black and white television set, and Mrs. Creamer said the 150 children share the one set on limited basis. Often they watch educational programs such as Sesame Street.

Donald Creamer said he would like to see someone come to the school and design the school's playground similar to the one at Monte Vista Elementary School at 3211 Monte Vista NE in Albuquerque.

He said in order for the children to broaden their ideas of the Anglo world, they are often taken on field trips to cities like Albuquerque. They have also been to Houston and Mexico.

SEP 24 1976

Albuquerque Tribune

# Canal traps deer, antelope

FARMINGTON (UPI) — State game officials say the main canal of the huge Navajo Indian Irrigation Project in northwestern New Mexico has been a death trap for numerous deer in an already declining herd.

For several years, while at least 44 animals have perished, they have been pressing the federal government to fence the 15-foot deep concrete lined ditch. But they still have no idea what to expect from the federal bureaucracy.

The canal stretched 32.8 miles from the Navajo Lake Reservoir to the beginning of the huge project land area on the reservation. About half the distance is underground in interspersed tunnels and siphons, which state officials say may contain many carcasses beyond the confirmed losses.

WILD ANIMALS entering the 20-foot wide canal looking for water are unable to scramble back out, especially if the steep slopes are slippery. Their only salvation is for man to find them in time and pull them out with ropes. Even the rescuers are unable to keep their footing on the slick sides.

The deer herd, estimated at about 130 animals in an area five miles either side of the canal, has been declining in number along with most western herds in recent years, officials say.

The decision on fencing is apparently up to Interior Secretary Thomas Kleppe, and, ultimately, Congress. Kleppe has asked for a report from the Bureau of Reclamation, the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service, all under his department.

DALE RAITT, assistant director of the Bureau of Reclamation's regional office in Amarillo, Tex., said the "tone" of correspondence from Kleppe indicated he would act "in the next couple of months or so."

Raitt's agency, which built the canal and maintains it for the BIA, says construction of the required 30 miles of deer proof fencing would cost \$1.2 million. The State Game and Fish Department estimates it could be done for less than a third of that figure.

Fish and Wildlife is the only federal agency backing the state's position that the fencing is necessary and it accepts the state's cost esti-

mate, according to Bob Pacific, field supervisor at that agency's ecological service field office in Albuquerque.

VAL McBROOM, acting BIA area director at Window Rock, Ariz., said, "I am not aware that it is our place to make any recommendation."

Federal and state spokesmen agree at least 38 deer and three antelope died in the canal during five construction years before the first irrigation water began flowing last March.

Three other deer are known to have been lost and one antelope was pulled out alive since July 1.

THE SCORES of animals saved have included elk.

"We didn't realize a canal of this size would be such a deer trap as it has been," says George Merrill, assistant chief of the game management division of the State Game and Fish Department.

Now that the canal is operational, "the losses may be significantly greater," he says.

The siphons, says Merrill, may be the "permanent resting place" of many other animals.

HE SAYS his department

fears the already declining deer herd will suffer much greater losses as the water volume increases and the slopes become mossy.

Another problem cited by state officials is the fact that the canal is being used to only about one-fifth to one-tenth of capacity.

Currently, enough water to irrigate one 10,000-acre block of land is flowing through the canal. Eventually, 11 blocks of land, totaling about 110,000 acres, will be under cultivation.

PACIFIC and the state officials fear deer drownings may greatly increase as water volume increases.

However, they also say the current lesser volume is a hindrance to discovering the real extent of the losses because the water isn't deep or swift enough to flush carcasses out of the siphons into the open flow areas.

Raitt disagrees with this. He thinks the current confirmed number of losses about accounts for all of the dead animals.

"We don't think the carcasses will stay in the bottom of the siphon," he said. "We think they will float on through ... into the open flow sections."

## Enrollment At BIA Schools

**WINDOW ROCK**—As of September 10, there were a total of 17,121 students in Bureau of Indian Affairs schools on the reservation, compared with 17,021 on the same date last year. Education officials predicted that enrollment would reach a total of 17,710 students, a figure that, if past precedent holds, will be reached next month.

A major problem is keeping students in attendance throughout the school year. Enrollment usually declines somewhat, after reaching a peak in October. Expectedly, the enrollment of Navajo students in Bureau schools has declined in recent years as more students enroll in public schools.

The slight increase in enrollment this year over last year was attributed generally to two factors: a more vigorous recruiting effort on the part of local school boards and principals; and a growing awareness on the part of Navajo parents that they need to keep their children in school the full 180 days, to prevent them from falling hopelessly behind. This fact has been stressed repeatedly by school administrators.

Bureau schools had 589 students below anticipated enrollment as of the September 10 date. However, one agency,

Eastern Navajo had 162 students above anticipated enrollment as of that time with a total enrollment of 3,640 students. Virtually every school in the agency had the anticipated number of pupils except Crownpoint Boarding School, a large "feeder" school drawing students from a wide area.

Other agency totals included: Western Navajo, 4,806 students enrolled, 273 below the authorized figure; Shiprock, 2,239 students enrolled, 313 below the authorized figure; Fort Defiance, 3,726 students enrolled, 60 below authorization; and Chinle, 2,710 students enrolled with 105 below the authorized figure.

Wingate High School had a total of 715 students and many Farms High had a total of 701. Tuba City High School, a combination boarding-public school, had 530 students on a boarding basis, and a enrollment of 1,340.

New principals in the Navajo Area, and transfer of principals, involved William H. Draper, 44, born at Canyon del Muerto, who was transferred from Cottonwood Day School in the Chinle Agency to Kinlichee Boarding School in the Fort Defiance Agency.

In the Western Navajo Agency, two schools — Kaibeto Elementary and Kaibeto

Primary — were combined into one school, under the principalship of Glover Rawls. There were two principalship vacancies in the agency following the resignations of Richard McMullin and Dave Finley, respectively.

In the Chinle Agency, Sam Tso a teacher supervisor, was serving as acting principal at Lukachukai, and Harold Tryon, a teacher was acting at Cottonwood.

Chinle Boarding School was physically moved to Many Farms, occupying the physical plant of the old Many Farms Elementary School. However, this large boarding school under the principalship of Cleveland Miller, is still known as Chinle Boarding. It had 819 students as of September 10 with the goal of enrolling 900.

In the Eastern Navajo Agency, changes from last year included Billy Bigheart serving as acting principal at Pueblo Pintado and Ojo Encino following the resignation of Rosalie Roberts, who went to HEW in Dallas; Sherry Woodside serving as acting principal at Alamo; and Dale Allison, formerly at Dzilth-na-o-dithle, named as principal at Torreon.

## Navajo Tax Plan Due in January

**WINDOW ROCK, Ariz. (Dine Bureau)** — The Navajo Tax Commission plans to submit proposed tribal tax laws to the Navajo Tribal Council during its January session, its chairman, Robert Shorty, said Tuesday.

The three commission members, who, besides Shorty, include former Tuba City Councilman Glenn George and Harvard professor David Cole, plan to spend the next four months drafting these proposed laws and talking to Navajos on both a chapter and district level to get local input.

After three months of research, however, Shorty said the commission has discovered certain facts about taxing and leasing on the Navajo reservation.

First, the tribe's existing leases have not been adequately monitored by either the Bureau of Indian Affairs, the U. S. Geological Survey, or the Navajo Nation itself. Commission members believe it is likely that the tribe has not been receiving all the payments it should from the leasing companies.

The commission members have also substantiated their earlier beliefs that

the vast majority of the tribe's mineral wealth and income is concentrated in a relatively small number of chapters within the Navajo Reservation.

From the research, the commission reaffirmed its earlier view that a system of taxation focusing on entities which export products such as minerals and energy from the Navajo Nation is the appropriate direction of a Navajo Tax Program.

After approving a re-drafted set of Rules and Regulations for the Commission and discussing other internal matters the Commission prepared for its next meeting in October and its forthcoming report to the Navajo Tribal Council also in October on the proposed tax program.

"while our future course of action will depend on council reaction," Shorty said, "we expect to follow up on our Council presentation in October with presentations at Agency and District Council Meetings and have a specific tax package for the Council's January session. We welcome input and comments from all interested persons."

## Dances aren't as lively

# Shyness is a Navajo trait

By SUSIE GRAN  
Tribune Staff Writer

Navajos are hesitant to dance and that's why "our dance is kind of a drag," said William Dean Wilson, a member of the Navajo dance team performing at the Indian Village on the Fairgrounds.

The Navajo dances, including the mountain winter ceremonial Wilson calls the "Ribbon Dance," are not as lively as the others, Wilson admits.

"WE ARE a quiet people and shyness has always been with us. We hold back while the Plains Indians are colorful and noisy in their dances," he said.

Wilson, formerly a trial judge for the Navajo Nation, now lives in North Dakota. He has danced at the Indian Village two previous years.

Known throughout the village for his stories, jokes and enthusiasm for reviving Indian tradition, Wilson has encouraged other dance teams to expand their programs and give visitors explanations of the ceremonies as he does.

"The Navajo songs, prayers and dances are going out because the elders don't pass them on. I'm glad to see many youngsters interested in taking it up and learning it," he said.

"MAYBE they'll change the fact that Navajos don't dance. With the 'now' generation and the intermarriage of tribes, they may be willing to gather around more freely and dance," he said.

He thinks the Indian Village needs eight or 10 dance teams to show visitors the variety of Indian dancing.

There are four dance teams which alternate performances on the village platform every half hour during the Fair.

"We have to give more of a show here and try to ex-



(Staff photo by Al Cabral)

### Navajo William Dean Wilson "Our dance is kind of a drag"

plain our dances to the people. We respect the significance of our dances so we can only do for the public what is allowed — not the whole works," Wilson said.

**HE DANCES** are as authentic as they can be although elements of the ceremonial are missing in the public performances, he added.

For example, while many

of the ceremonial dances are performed on the reservation a medicine man and a patient are involved in a healing ritual which is not reenacted for the public dances.

Wilson said the Navajo dances may change in style some because of public demand and the influence of the Plains Indians.

But the shyness will be hard to overcome. "I had a

hard time just getting the dancers with me on the platform at first. The Navajos have always been interested in dancing but very hesitant about it," he said.

Wilson makes the Navajo program at the Indian Village informative as well as entertaining with his candid evaluations of what the dancing means and why its part of his people's way of life.

# Coal Gas Plant Plans Still On

By BILL DONOVAN

WINDOW ROCK, Ariz. (Dine Bureau) - Officials for the Western Gasification Co. (WESCO) apparently still plan to go ahead and seek approval for a coal gasification proposal from the Navajo Tribal Council, despite a rejection of a synthetic fuel loan guarantee by the House of Representatives last week.

WESCO officials met with members of the tribe's general counsel firm last Friday and indicated that they would favor a decision by the tribal council as soon as possible.

"They asked me what the chances were that their proposal would come up before the council during its October session and I told them that right now it was hard to say exactly what the chances were," George Vlassis, the tribe's general counsel, said Sunday.

He said that negotiations between WESCO and the tribe are still going on and no proposal will be presented to the council until these negotiations are complete.

The fall session of the tribal council is scheduled to begin Oct. 19.

The chances of WESCO being given the go-ahead this year for the project even if the tribe and the federal government gives its approval looks dim after the house voted down the synthetic gas loan guarantee program 193-192.

The program would have approved \$3.5 billion in loan guarantees to such projects as coal gasification.

The "syn-fuel" bill lost on a technicality as the House members voted last Thursday, not on the merits of the program itself, but on a rule which would have set forth the guidelines for debate. The defeat of this rule procedure kills the bill for this session of Congress.

Backers of the program, however, have hopes that an amendment being proposed by Sen. Jennings Randolph, D-W.Va., makes it through the Senate committees. The Jennings amendment would allow the government's energy leaders to come before Congress on a project-to-project basis to seek loan guarantees for synthetic fuel plants.

Both of New Mexico's congressmen supported the loan guarantee program. Rep. Harold Runnels said he could not predict whether a similar bill would pass the next session of Congress until he sees who is re-elected in November. Rep. Manuel Lujan Jr., said the vote last week indicates that the program is dead.

SEP 27 1976

GALLUP INDEPENDENT

## MacDonald Honored By Time Magazine

WASHINGTON, D. C. (Staff) - Navajo Tribal Chairman Peter MacDonald is in the nation's capital Monday, being honored by Time Magazine as one of the 200 outstanding young leaders in America today.

Time is sponsoring a two-day seminar, which began Sunday, to get input from the nation's young leaders on what can be done to solve some of the country's most pressing problems.

The seminar is scheduled to conclude Monday night with a speech by Democratic presidential candidate Jimmy Carter.

MacDonald was chosen by Time

Magazine two years ago as one of the nation's young leaders. He is the only Indian and only Arizonan to receive the honor. Among the New Mexicans to receive the honor was U.S. Senator Pete Domenici.

In Washington MacDonald and the tribe's general counsel, George Vlassis, plan to speak to Interior officials in an effort to get the government to move more quickly on a tribally-approved agreement with El Paso Natural Gas Corp. for the mining of coal near Burnham, New Mexico.

# Rules Limit Access to Council

WINDOW ROCK, Ariz. — Demonstrations at Navajo Tribal Council chambers last month, precipitated by the council's approval of the El Paso coal lease, have prompted the council's advisory committee to pass stringent new rules regulating access to council chambers.

New rules approved by the committee will require visitors to council sessions to have a pass issued by a council mem-

ber. Each councilman will be issued a maximum of three passes, which must be shown at council chambers upon request to tribal law enforcement officials.

The Bureau of Indian Affairs area director will be allowed a maximum 10 passes. No persons will be allowed in council chambers when the council is not in session.

The new rules state that executive sessions may still be called by the tribal chairman or by the council, who may limit persons remaining in attendance.

The advisory committee's rules also provide for removal from the chambers of persons disrupting a session. Disruption is defined as loud or abusive language, obstructing passage into the chambers, engaging in violence, disobedience to the chairman or participation in a parade, assemblage or demonstration.

A parade or demonstration will be allowed in the Navajo capitol area only with a permit from the Navajo Division of Law Enforcement acquired at least 48 hours prior to the assemblage.

Actions may be brought in Navajo tribal court within 48 hours if the permit is denied. Non-Navajos are prohibited from participating in a parade.

Parades and demonstrations are considered gatherings of more than 10 persons. Members of the Coalition for Navajo Liberation (CNL) say their lawyers are researching legal issues surrounding the rules and may bring suit against the council charging prior restraint on freedom of speech.

But Jonas Blueyes, an advisory committee member and councilman from Upper Fruitland, says the rules are "really nothing new." The rules are a revision of resolutions passed in 1956, he says.

Blueyes, who said the committee voted 17-0 in favor of the measures, says he doesn't think the rules limit input from constituents.

Advisory committee member Harry Tome of Red Rock could not be reached today for comment.

CNL member Wilbert Tsosie says, on the other hand, that the advisory committee's work "fails to recognize the basic

rights guaranteed under the Constitution and the Indian Civil Rights Act."

He points to a possible situation where an issue discussed in council session may affect only one area of the reservation, but only three persons from that area will be able to attend.

"In order to cut people out (of attendance) at Window Rock on crucial issues, it has to be discussed thoroughly at the chapter level. In that case, there would be satisfaction at the local area level."

The new rules, Tsosie says, don't allow sufficient time to gain citizen input on crucial

issues.

"On the reservation," he says, "all of a sudden you hear about some real crucial legislation about to be made. It doesn't give people time to question or discuss it."

Tribal council members, Tsosie charges, are not sufficiently prepared to discuss the issues due to lack of resources such as council offices, library and consultants.

Tsosie also said he talked with several councilmen from the northeast part of the reservation who were unaware of the advisory committee's measures and were "shocked" about them.

SEP 27 1976

Farmington Daily Times

# Mexican Springs Hears Montoya

ROSWELL (AP) - From a cattle auction on the Navajo Reservation near Gallup to an exclusive dinner party in Roswell, Democratic Sen. Joseph M. Montoya travels the far corners of society in search of reelection votes.

The fast pace of a single campaign day, such as Monday, is made possible by the twin engine Piper Aztec the senator's campaign bought from the campaign of Gov. Jerry Apodaca.

Against a background of several hundred bawling range cattle at Mexican Springs, the senator introduced himself through a bullhorn to the Navajos sitting on dusty wooden bleachers.

"I'm Joe Montoya, your U.S. senator. For many years I've tried to work in your behalf in building schools, building hospitals, building roads and trying to improve economic conditions for the Navajo people," he said.

He then shook hands with everybody in the bleachers as the sale continued.

Only two hours earlier, dressed in the same blue business suit, he was at the Albuquerque Convention Center before a lunch group of Indian educators he greeted as "friends of Navajo Community College and friends of Joe Montoya."

He guaranteed he will work to make the college in Arizona larger. "Sometimes people on the outside say the Indians haven't indicated too much progress. Well, when you look at the White area of activity, the Whites aren't making too much progress on unemployment either," he said.

The blue suit was getting dusty. His wife, Della, brushed it as he went to the back of the Mexican Springs' bleachers for an obligatory plate of outdoor food.

"This is the grandfather of the sopapilla," he said as he ate Navajo fried bread. On the paper plates there also were cuts of tough beef, to be eaten with the fingers.

An old Navajo cowboy walked up and said, "Hey, Monoya. A hundred dollars a plate."

Then it was on to Roswell in instrument flying weather to a gathering that had been billed as a reception for oil men. The senator and his wife slept in the plane.

They were met by a group of men in business suits at the Roswell Industrial Air Center. Dr. Howard Smith, a Roswell physician, told the two news reporters with the senator the reception at his house would be private.

"Frankly, we don't want any reporters at this party," Smith said.

He explained it was a private gathering and said the senator and Mrs. Montoya would spend the night at his home. "He (Montoya) told me he has never spent the night in anyone's home in Roswell," Smith said.

Montoya was scheduled to resume his public campaigning today, a handshaking walk through the Eastern New Mexico State Fair in Roswell, and then fly to Albuquerque for appearances there.

Albuquerque Journal

SEP 28 1976

## Indian Commissioner Submits Resignation

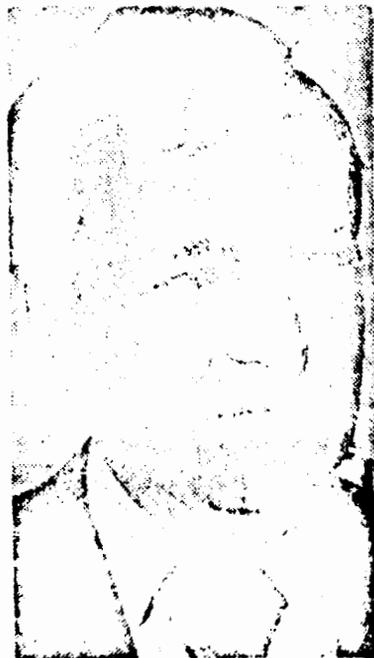
Commissioner of Indian Affairs Morris Thompson recently submitted his resignation to the Dept. of Interior to become vice president of a company in his native Alaska.

Thompson said in his resignation he would leave office Nov. 3 so he can work for a company known as Al-Con, a subsidiary of another company helping to construct the Alaskan oil pipeline.

Officials meeting at the National Indian Education Assn. convention said Thompson "sensed the political climate was right" and submitted his resignation. He was not forced to resign.

Sen. Joseph M. Montoya, D-NM, said Thompson was very helpful to him. "I am very sorry to see him go."

Thompson will make more money working for the Alaskan company. It was not immediately made known who would next become the Commissioner of Indian Affairs.



Morris Thompson  
Leaving BIA Post

GALLUP INDEPENDENT

SEP 28 1976

## Skeet Heads Ford Committee

WINDOW ROCK, Ariz. (Dine Bureau) - Navajo Vice Chairman Wilson Skeet was named this past weekend chairman of the Navajos for Ford Committee.

Skeet's appointment was announced by State Rep Colin McMillan, chairman of the President Ford Committee in New Mexico.

Skeet was a Ford delegate to the state Republican convention.

# Alaska Indians in Arizona urged to claim U.S. cash

SEP 23 1976

Arizona Republic

By BONNIE BARTAK

Although the snow-swept tundra of Alaska is a long way from Arizona's desert heat, the federal government believes that with enough searching it can identify 260 Alaskan Indians here and include them in a large cash settlement plan.

That's what Patrick Hayes, coordinator of the Alaska Native Enrollment Office, said Friday at the Phoenix Press Club as part of a nationwide sweep to find an estimated 5,000 to 10,000 Indians to share in the settlement.

On Dec. 18, 1971, then-President Nixon signed the Alaska Native Claims Settlement Act, a congressional attempt to distribute nearly \$1 billion and 40 million acres to the descendants of Alaskan Indians who lost their land to encroaching settlers in the mid-1800s.

Hayes said it is the largest settlement of native American claims in U.S. history.

After making single cash payments to recompense other Indian tribes for their lands, the government decided to try a different approach with the Eskimos, Aleuts and other Alaskan Indians, Hayes said.

The plan is to spread smaller payments to individual Indians over a period of years and to use the rest of the money to turn the Indians, many of whom are nomadic hunters, into business speculators.

Alaska has been divided into a dozen

regional corporations made up of native Alaskan Indians, Hayes explained, and each has elected or will elect a board of directors to invest its money, in profit-making ventures.

Hayes cited establishment of a large hotel, seafood processing business and fleet of fishing vessels as examples of the ventures set up so far. It is too early

Continued on Page A-4

More  
about

## Alaskan Indian funds

Continued from Page A-1  
to predict success for any of them, he said.

All those with Alaskan Indian ancestry living outside Alaska will make up a thirteenth region, but will be restricted to receiving cash benefits instead of participating in such businesses.

In an earlier recruiting drive, 78,000 Indians were enrolled in the program, Hayes said. Congress extended the enrollment effort through Jan. 2, 1977,

because it was believed that 5,000 to 10,000 Alaskan Indians living throughout the United States and in foreign countries had not been reached, he said.

Hayes said his staff of 19 and a public relations firm will spend about \$500,000 this year to find the remaining Indians who might be eligible. So far, he said about 500 additional Indians have been enrolled this year.

Eligible to share in the benefits are U.S. citizens who are at least one-fourth Alaskan Indian, Eskimo or Aleut and who were born before Dec. 18, 1971.

Hayes said Indians who believe they might be eligible can go to any office of the Bureau of Indian Affairs and request an application for bene-

fits. Applications also can be obtained by writing to Alaska Native Enrollment, Pouch 7-1971, Anchorage, Alaska, 99510.

# Tribe Vetoes Orme Dam

FORT MCDOWELL (AP) — Yavapai Indians on the Fort McDowell Reservation have voted by more than 2-1 against the sale of their lands to the government for Orme Dam and Reservoir sites.

The vote was 144 against the sale and 57 for it, according to Phil Smith, tribal police chief. There were 258 persons eligible to vote in the reservation poll.

Tribal chairman Clinton Pattea had said earlier that tribal officials planned to use the poll results as a guide in dealings with the Bureau of Reclamation.

He said a no vote would mean, "we will tell the government we will no longer negotiate because our people do not want to sell their land.

By voting no, the Indians were in effect saying no to the government's offer of \$31.5 million, another 17,000 acres of nearby land, a monopoly on concessions at the Orme Reservoir and new houses built at government expense.

The bureau has been trying for three years to convince the Indians to sell their land 30 miles east of Phoenix for the Central Arizona Project dam.

The dam would regulate the flow of CAP water through a series of aqueducts stretching west to the Colorado River. It would provide flood control and possibly some hydroelectric power.

This is the second time the Indians have voted to stay and not sell. But the first poll was not accepted by CAP officials or the tribal council due to alleged interference from Orme opponents.

Following that vote, the bureau hired a public relations outfit to promote the dam.

And the Indians had a promo effort of their own going Saturday as hand-painted signs lined the road to the community center where voting was held, urging a no vote on the proposition.

Arizona Republic

SEP 23 1976

## Navajo ex-analyst is appointed to run troubled housing agency

WINDOW ROCK — Richard Johnson, a former research analyst for the Office of Navajo Economic Opportunity, has been appointed director of the financially troubled Navajo Housing Authority.

Johnson, 31, replaces Pat Chee Miller, NHA's first director, who resigned after it was learned that he approved several questionable investments using federal funds.

NHA still has about \$4 million of Department of Housing and Urban Development funds tied up in a

Beverly Hills, Calif., investment firm, American Funding, which was placed in receivership last January by a federal court.

The court is liquidating the firm's assets, which include a Las Vegas gambling casino, in order to repay NHA.

Johnson was chosen by the NHA board of directors and HUD representatives from among 122 applicants. He is to begin work Oct. 4.

A native of Ganado, a

small Navajo community 30 miles west of here, Johnson attended Arizona State University and Stanford University before joining the Army and serving in Vietnam.

He was hired by the tribe in July to help prepare the fiscal 1977 budget for the tribal council. In August he was transferred to the newly created Office of Financial Policy Analysis where he was director of the division that reviewed how Bureau of Indians Affairs agencies were spending federal funds on the reservation.

SEP 15 1976

## Tribal project gets U.S. funds

CAMP VERDE — The Yavapai-Apache Tribal Council has been granted \$54,000 from the Depart-

ment of Health, Education and Welfare to continue a remedial and compensatory educational program to aid bilingual children in reading, writing and arithmetic.

Director Devona Knoepfle said 90 Indian children from Clarkdale and Middle Verde are participating in the program, which was started two years ago.

SEP 19 1976

## Indian Land Bill Is Signed by Ford

WASHINGTON — President Ford Saturday signed legislation repealing a 50-year-old law that made tribal lands of the Pueblo Indians of New Mexico subject to special condemnation actions in right-of-way cases.

The 1926 law provided for condemnation of Pueblo lands for any purpose for which other New Mexico lands may be condemned. It was enacted two years after the Interior Department approved an application for a railroad right-of-way through tribal lands of the Zia, Santa Ana and Jemez Pueblos.

SEP 15 1976

## Klamaths keep tribal rights

A federal judge has held that the right of Klamath Indians to hunt, trap and fish on ancestral lands free of state regulation applies to descendants of those listed on a 1957 tribal roll.

U.S. District Judge Gus Solomon, in an opinion filed Friday, ruled against the state, which had contended such rights should be limited only to Indians on the list, prepared as part of the work of disbanding the Klamath Indian reservation. The disbanding was completed in 1961.

"If Congress intended the Klamath Termination Act to terminate all of the treaty rights of the Klamath Indians on the death of the last survivor whose name appears on the final tribal roll, Congress could have proceeded in clear and unambiguous language," Solomon wrote.

"I therefore hold that the rights of the Klamath Indians to hunt, fish and trap, free of state regulations, extend to the descendants of the persons in the 1957 final tribal roll."

Solomon's ruling was in favor of five Klamaths who sought an injunction against the Oregon Fish and Wildlife Commission and the Oregon State Police, prohibiting them from enforcing state game regulations against the Indians on former reservation lands. The Indians are Charles E. Kimball, Stephen L. and Allan Lang, Leonard O. Norris Jr. and James Kirk.

Approximately 2,000 persons were listed originally on the tribal roll, and Solomon's ruling applies to any of their descendants.

The judge noted that the Indians do not want to exercise their game rights on private land, where hunting, fishing or trapping is prohibited.

"Neither to do they seek to enforce exclusive rights on the remaining land, most of which is held by the U.S. government," he said.

SEP 16 1976

# Non-Indian-rights legislation pushed

By LEE MORIWAKI

The powers of Indian tribal governments should be restricted so they are no greater than the authority of the federal or state governments, says Howard Gray, a founding member of the Interstate Congress for Equal Rights and Responsibilities.

Gray, a Seattle resident and producer of outdoor documentary films, returned from Washington, D.C., earlier this week where he and other members of his organization met with officials from the White House, Interior Department, Department of Justice, Bureau of Indian Affairs and other federal agencies to insert such language in a proposed "Indian Jurisdiction Act of 1976."

The Interstate Congress, said Gray, believes all people, regardless of race, color or creed, should have equal rights under the United States Constitution and that no law should supercede constitutional law.

Now, Gray said, non-Indians who own property on reservation lands

come under jurisdiction of tribal laws but have no voice in the formation or operation of the tribal government.

"A real problem exists on Indian reservations" such as the Lummi and Quinault, Gray told a gathering of federal officials in the nation's capitol. The problem "stems from the fact that although the Indians have sold huge quantities of the reservation to non-Indians, nevertheless they still insist on exclusive jurisdiction over everything and everyone on the reservation."

GRAY, who is a spokesman for the Lummi and Quinault Property Owners Associations (composed of non-Indians), complained that non-Indians have been subjected to "harassment" and several property owners "are being forced to sell at a sacrifice."

The non-Indian property owners have been stymied in trying to build on their own lots and are subject to arrest under tribal law, he said.

Gray told of the case of one mem-

ber of the Quinault Property Owners Association who had bought fee patent land.

"The title had no encumbrances, and was clear of all restrictions," he said. "Suddenly the Quinault Tribal Council announced that we were to have tribal law. That we could not be on the beach (even though) we have deeded lots to mean high tide. That we could not get septic (tank) or building permits, and that they (the tribe) would tell us how to conduct ourselves on our property."

"The conflict created by the sale of tribal land to non-Indians should be dealt with forthrightly and now," Gray said. "The solution should recognize the rights of the Indians and the rights of non-Indians living on the reservation."

A DRAFT PROPOSAL for a federal "Indian Jurisdiction Act of 1976" contains some language that is unacceptable to the Interstate Congress for Equal Rights and Responsibilities, Gray said.

In its present form, he said, the act would not specifically address the question of whether tribal courts may exercise jurisdiction over non-Indians accused of committing offenses within Indian country. An alternate section reads, "Nothing herein is intended to address or alter the status of civil and criminal jurisdiction over non-Indians residing within reservation boundaries."

Gray called the proposed measure "pass-the-buck legislation."

He called for language to restrict the powers of Indian tribal governments "to compare with those of federal and state governments" and to affirm the Bill of Rights and the 14th Amendment.

R. Dennis Ickes, deputy undersecretary of interior, said the measure is pending before the federal Office of Management and Budget but has not yet been introduced in Congress. The state attorney general's office said at least two other similar bills have been introduced, however.

THE PURPOSE of the measure pending before the O.M.B., said Ickes, is to give federally-recognized tribes more influence in determining whether they would be under state or federal jurisdiction. State Attorney General Slade Gorton considers the proposed act a "step backwards" and said it would effectively reverse Public Law 280, which permits several states to have criminal and civil jurisdiction over reservations.

Gorton added in a letter to a Squamish resident: "... I do not believe that any group, including Indians, should, by reason of race, have special legal rights which differ from those of their neighbors. My idea of an ideal American society is one in which the law treats everyone equally."

Gorton said he thinks the Interstate Congress, formed earlier this year, is a "responsible organization." The group represents citizens in 13 Western states, including Washington.

Con: H

Joe DeLaCruz, president of the Quinault tribe, said the non-Indian property owners, many of whom do not live on the reservation property, "are making a lot of accusations that are untrue."

**HE SAID THAT** under treaty rights the tribal governments have jurisdiction over reservation land. He said the owners "should have checked on the status of Indian property" before buying.

DeLaCruz added that the tribal zoning and sanitation ordinances are the same as those of the counties in which the reservation is situated.

"If the property they want to build on meets the zoning and sanitation ordinances, and the building code, which is true of any government, then they can build," he said.

But a problem along the coast is that the land is a mixture of gravel and clay, which makes sanitation a problem, he said. The Quinault Indian Reservation is on the west side of the Olympic Peninsula.

The Boston Globe

(EVENING)  
D. 135.000

SEP 10 1976

THE TOWN OF MASHPEE has hired Boston Atty. James St. Clair to fight a suit by the Wampanoag Indians claiming title to 20,000 acres or nearly the entire town. The suit has already forced the selectmen to put off plans for a \$4 million school because of questions about state bonding.

CHICAGO  
SUN-TIMES  
D. 535.138 SUN. 709.173

SEP 17 1976

#### Trim bail for AIM chief

SAN FRANCISCO (UPI) — A judge Thursday reduced bail for American Indian Movement leader Dennis Banks to \$2,000 and postponed until Nov. 15 a hearing on whether he would be extradited to South Dakota to face armed riot and assault charges.

MILWAUKEE JOURNAL

MILWAUKEE, WIS.

D. 350,005 SUN. 543,992

SEP 19 1976

## Menominee Tribal Firm Challenges Vehicle Fees

Journal Madison Bureau

Madison, Wis. — Another court test of the state's authority to tax Indians, involving the payment of motor vehicle registration fees, has been filed in Dane County Circuit Court.

Menominee Tribal Enterprises, Neopit, has claimed in the suit that motor vehicle registration fees constitute a tax. The firm made, under protest, a \$190.50 quarterly

payment of fees for some trucks it owns.

It has asked the court for a judgment declaring that the state has no jurisdiction to require such payments and to order a refund.

Several courts are being asked to consider tax questions in the wake of a US Supreme Court decision in a Minnesota case that held that Indians on reservations may not be taxed by the state.



**INKS AIS CONTRACT**—Delfin Lovato, Chairman of the All Indian Pueblo Council, right, signs the contract authorizing AIPC to assume administrative control of the Albuquerque Indian School from the Bureau of Indian Affairs. Other components of AIS are expected to be transferred to AIPC next year. Watching Lovato is BIA Area Director Ron Escurra. (19 PN Photo)

19 Pueblo News, August 1976—Page 5

## Bill to repeal condemnation law out of committee and nears passage



**SENATE BILL 217**, repealing an outmoded 1926 act governing the transference of Pueblo lands, has emerged from a Congressional conference committee in acceptable form to the All Indian Pueblo Council.

The conference report on the bill will be sent to both the Senate and House of Representatives where ratification of the report is considered a formality. Approval there enables the bill to proceed to the President for his signature, which is anticipated late this month.

S.B. 217 repeals a 1926 act which provided for the condemnation of Pueblo Indian lands for public purposes. Procedures were governed by New Mexico statutes. The act, however, did not contain any provision for compensation.

Railroad companies used the 1926 bill as a loophole to secure

Cont'd.

easements for tracks. The state itself cited the act 12 times as the basis for obtaining highway rights-of-way and utility easements.

Though subsequent to the 1926 act Congress enacted stricter regulations on transferring Indian lands and the manners in which they could be acquired, AIPC contended, however, that the courts continued its application.

Concerns about the wording of one section of S.B. 217 pertaining to rights-of-way renewals meant several language changes before the bill was reported out of the conference committee. The language in the report now asserts that the Secretary of Interior can renew a right-of-way without the consent of an affected Pueblo for a period of up to 10 years, but only if it was acquired through proper court action initiated under the 1926 act prior to January 1, 1975. S.B. 217 would require adequate compensation for any renewals granted. The Secretary will determine the fair market value involved in compensation agreements.

The report also says an existing right-of-way can be renewed if the owner of the right-of-way and the Pueblo cannot reach an agreement on the renewal within 90 days after the renewal request was made.

19 Pueblo News, September 1976—Page 3

## Northern Pueblo starts library

**BRIGHT MORNING** sunlight filters through the window and casts irregular shapes across the desk as Elaine Filbert, librarian as she starts her day at the new Santa Clara tribal library.

"This is really a very interesting job," she says as she leafs through one of the many books she has stacked on her desk. "I thought that this job was only going to be part time, but it has turned into a full time job."

Working a full eight hour day and sometimes even more, Elaine helps young and old alike as she goes through the library with them trying to find a book that that particular person would enjoy reading. "Sometimes the people come to me with only an idea of what the book is about. They describe the book to me and then I go to work trying to find the book or books that I think they would enjoy."

Most of the frequent visitors in the library are the smaller children of the village. "A lot of the children come in just to see the different books we have," she said. "We do have a lot of children of all ages come in to visit the library. For the younger children we have some real nice fiction books along with the easy reading books. And we do have the regular reference materials that all libraries have."

"Sometimes some of the children come into the library and ask me questions that I can't remember. I thought I knew a lot about the library, but the children do come up with some very difficult questions."

To help Elaine solve the problems of hunting through the library randomly selecting the books that she thinks the children are

looking for, Ben Wakshige, of the University of New Mexico comes in once a week to help her with all types of library problems.

"Ben helps me with a lot of things that I don't know," says Elaine. "He showed me how to use the Dewey Decimal System and how I should set up our small tribal library. He comes in and stays for the entire day coaching me on what to do in certain situations."

"Often," she says, "he shows me shortcuts on how to do things I thought were difficult. He knows a lot about libraries."

Head librarian since March, she spends part of her time teaching the children of Santa Clara to use the library system—the Dewey Decimal System (DDS). DDS is a system of cross referencing subjects, story content and author, to help individuals find the book they need or are looking for.

"I've learned about the library from the bottom up," she said. "I had some trouble at first finding the books, but now I am getting pretty good. Now I am arranging the library and classifying the books that are coming in from different companies."

"I catalog all the books that come in. After I catalog them I put them on the shelves. Right now we have about 2200 books, and like the other libraries that you find in the cities, we have check out periods and return periods."

"Our regular check out time is for two weeks. A lot of the children bring the book back just to make sure that they can check it out again in order to finish it."

Elaine, along with the Pueblo recreational director, Stanley Tafoya, sponsored several full length movies that were shown in the

library. "We showed Cat Ballou; The Cockeyed Cowboy of Calico County; The Three Stooges; Abbott & Costello; Genghis Kahn; and several cartoons. We usually had a full house of children—about 60 to 100 every night we had movies."

"I think that the most popular movie we showed was Cat Ballou." Trying to have something for all the members of the Pueblo, the Senior Citizens were shown the movies on different days. "They really enjoyed themselves watching the movies," smiled Elaine.

**CHANGING TO** more serious topics, she said, "One of the most important things about the library is to make the children read. A lot of the Pueblo children don't read

too much. With the library I'm hoping that some of them will come in pick up some books to read."

"We are like a regular library, we have reference materials, fiction, non-fiction, history and all the other subjects that are found in a library. We have easy material for the young children and more challenging material for older children. We have something for everyone. I just hope now that they will come in now and start to read."

Guiding the library on its initial course are Mertin Sisneros, Phylis Gutierrez, Joseph Abeyta and Amarante Silva. The library board will make decisions regarding the policy of the library and what directions it should take in the future.

Helping in the library are Lavirgin Grey and Florence Singer, two senior citizens who double as storytellers in the elementary school and aides in the library. They, along with Elaine, help the children and adults who come into the library.

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Discussing the purpose of the library, Elaine said, "I think that the library will become more and more widely used. But the one thing that I would like to see is more men come into the library. There have been very few men come in and pick up a book.

I would like to know what they like to read so that I can get it and have them come into the library. The women and children come in at regular intervals, but the men are staying away, and I don't know why."

"I just hope that more and more people begin to use the library. We are going to have special hours during the winter months in order to give the people who work an opportunity to use the library. It's just something that everyone can take advantage of."

# AIPC contracts

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**THE ALL INDIAN** Pueblo Council has signed a contract with the Bureau of Indian Affairs to assume administrative control of the Albuquerque Indian School.

The action is the first of an expected series of transfers of AIS components from the education division of the BIA to AIPC. Other areas hoped to be contracted by AIPC by next year are the academic, maintenance and pupil personnel service components.

According to Dr. Willie Alire, director of AIPC education programs, AIPC and BIA officials agreed on a scope of work to be performed by AIPC once the transfer of AIS administrative functions is accomplished. Budget negotiations were still underway at press time, but AIPC was reportedly seeking \$500,000 to meet administrative expenses during the coming fiscal year.

The contract is effective until September 30, 1977 and is renewable, Alire said. He said he anticipates that AIPC will submit a contract application to BIA for remaining components at AIS by April, 1977.

AIPC's authority to assume control of AIS is provided in the Indian Self-Determination and Education Assistance Act which is designed to offer tribes new opportunities for self-development. A provision of the act allows tribes to assume operation of certain BIA programs if they choose. The process is called contracting.

Lawmakers refer to the contracting provision as one which gives tribes the most complete control over programs now administered by the BIA.

**ALIRE SAID** AIPC envisions new construction at the school, possibly meaning the renovation of the existing plant at 12th and Menaul or the relocation and construction of a new campus at another site. AIPC Chairman Del Lovato disclosed several possibilities for a new location at a recent governor's meeting, including the Southwest Indian Polytechnic Institute, and the Sandia and Isleta reservations. The latter two sites appear more favorable than SIPI.

Phase IV of the consultant's study will describe planning procedures for a "permanent" AIS, Alire said. Phase V will entail plans for continued operation of the school once construction is complete.

School policies are likely to change but will be recommended to AIPC through the school's board of education, Alire explained. Policy recommendations will be developed with ample community input.

To accomplish that, Alire said three "needs assessment teams" are currently visiting each Pueblo "to explain in depth the situation that now exists and to elicit community input." The sessions have been very successful to date, he said.

"As a result of identifying the needs," Alire said, "we'll develop a philosophy and the type of system we want. Then it will be continuous refinement."

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**ALIRE SAID** talk of AIPC assuming control of AIS began in early January in light of some disturbing problems at the school. An AIPC investigation revealed an extremely high student drop-out rate, numerous incidents of fighting, a large faculty turnover rate and a high percentage of job vacancies.

In March, Pueblo governors passed a resolution directing the AIPC education staff to begin exploring the possibilities of AIPC assuming control of AIS. BIA funds were secured for a feasibility study, Alire said to determine what could be taken over and when those functions could be assumed.

Phase I of the study, being prepared by Tonnigan and Associates of Albuquerque, produced the recommendation that AIPC assume control of only the administrative portion of AIS this year.

Now that AIPC and BIA have inked that contract, 19 administrative positions are vacant including those of the superintendents and AIPC began advertising for those positions last week.

Eighty-seven other positions at AIS will remain under the BIA until AIPC assumes control of the other components. Teaching positions remain under the BIA.

The consultants at this time are engaged in Phase II of the feasibility study which concerns itself with actual operation of the school, Alire said. Phase III is expected to detail methods of obtaining technical assistance for operation of AIS during the initial two years of the takeover by AIPC.

**ONE OF THE** primary policy decisions facing AIPC deals with admittance criteria. For the past few years, AIS has been a school for children with social problems, Alire said. In many cases, students were sent there on referrals.

Development of new criteria will depend largely on the community input being sought in the meetings currently underway.

Alire looks at the implications of developing new admissions criteria and its affect on students with social problems frankly. "We need to develop a philosophy. We either provide for them here, or find them an alternative."

AIS currently has a capacity for about 400 students in grades seven through twelve, but enrollment, because of the high turnover, is about 50% below capacity, Alire said. He said AIPC envisions capacity level enrollment within several years.

AIPC's decision to assume control of AIS came only after hours of deliberation and balancing the advantages and disadvantages. Alire stresses that the actual implementation of AIPC control, "will take time."

Administrative control of the operation is only the first step, but a good one. Alire said, "We're very happy about the contract. It's the first time we've put the horse before the cart."

## AIPC supports Santa Clara bid to fight ruling in Supreme Court

**THE All Indian Pueblo Council** is supporting Santa Clara's bid to challenge in U.S. Supreme Court a circuit court of appeals ruling that appears to disregard traditional laws governing the Pueblo's right to determine membership.

Pueblo governors assured Santa Clara of their support at the August 31 general meeting of AIPC, the first governors' conference in the new Indian Pueblo Cultural Center.

AIPC's action follows a court of appeals decision which reversed a lower court ruling that essentially recognized Santa Clara's right to determine its membership. The matter stems from a lawsuit filed against the Pueblo by Julia Martinez, Santa Clara, whose children are allegedly denied certain rights such as interests in land or housing because their father, a full-blooded Navajo, is non-Santa Clara. The tribal membership ordinance states that if a Santa Clara woman marries a non-Santa Clara, their children are non-Santa Clara.

Martinez contends that the policy is discrimination on the basis of sex and is a violation of the Indian Civil Rights Act of 1968.

The United States District Court, however, ruled that Santa Clara could apply its traditional rules and continue to do so as long as they were applied uniformly, fairly and consistently.

But the Court of Appeals of the Tenth Judicial Circuit took a different viewpoint. It reversed the lower court ruling, holding that the membership practice was sex discrimination and that such discrimination was unlawful under the Indian Civil Rights Act regardless of the traditions in Santa Clara.

Pueblo governors agreed to support Santa Clara's attempts to have the matter settled in Supreme Court and are seeking an *amicus curiae* standing to aid Santa Clara.

**IN OTHER MATTERS**, AIPC Chairman Delfin Lovato, said a bill prohibiting any adverse effects on Indian sovereignty by Title II of the Civil Rights Act of 1968 will likely be introduced in Congress after the general elections in November.

He said he could afford one of two possibilities. One would allow tribes, by a consent vote, to determine for themselves whether they will fall under the act. The

other would make the law applicable only in criminal cases.

Lovato, acknowledging a struggle ahead, stated, "We're in for a two or three year fight on it."

Running down through other current legislation affecting Indian people, Lovato said Senate Bill 217 is due for presidential signature shortly if it passes both houses of Congress as expected. The bill will repeal the outmoded Act of 1926 that authorized certain Pueblo lands to be condemned for easements and rights-of-way without any compensation provisions.

Meanwhile, Senate Bill 2652, introduced in 1975 by Sen. Pete Domenici to exempt Indian tribes from the Freedom of Information Act, may not be necessary, Lovato said.

The bill to date has been held up partly by a lawsuit filed by the State of New Mexico against the Secretary of the Interior for the Interior Department's failure to comply with the state's request to divulge information regarding the water rights of seven New Mexico Indian reservations. The state was seeking, from the United States Geological Survey, certain information on lands within the Nambe, Pojoaque, San Ildefonso, Tesuque, the Jicarilla Apache, Mescalero Apache and Navajo reservations.

AIPC has contended that even though the Freedom of Information Act specifies that any federally-funded program or study is

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subject to the scrutiny, Indian matters should be exempt because of the trust relationship between the Indians and federal government.

At this point, it was reported, however, legal research indicates that an amendment to the act will not be necessary and that the act, as it now exists, would in no way force the Interior Department to disclose the information.

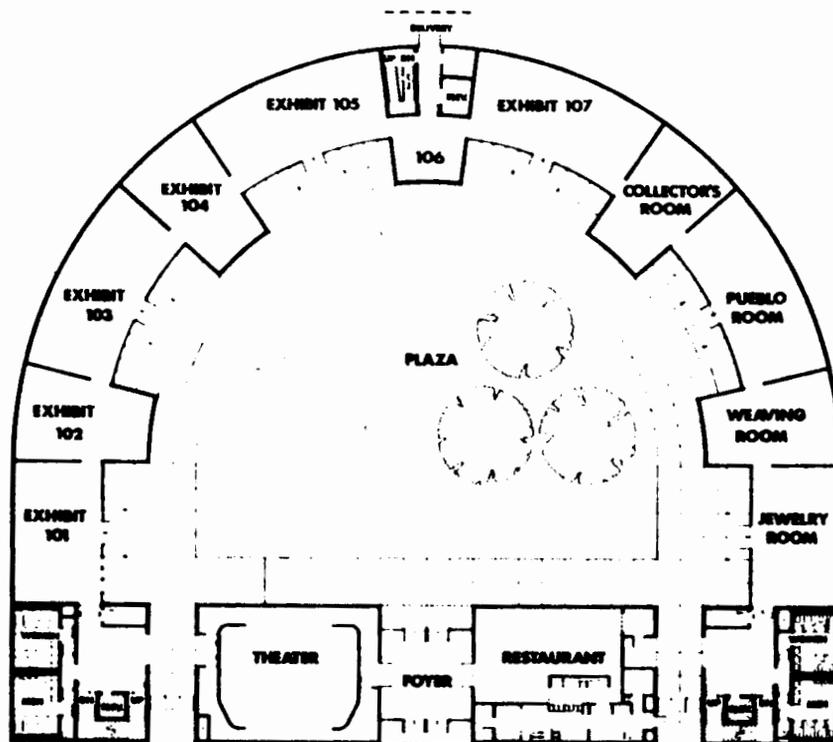
Lovato said Senate Bill 2399, amending the Comprehensive Employment Training Act, is in the House of Representatives at this time. The bill would enable Title I funds, like Title II, III and VI to flow directly to Indian tribes rather than through the state government. The current process creates funding problems because of inaccurate population figures that are used in filtering the funds through another party.

**HOUSE BILL 2525**, providing scholarship and training funds in the Indian Health Service, is ready for the President's signature. Lovato said he is "99 percent sure" the President will ink the bill.

A year after Pueblo governors voted to turn over Johnson O'Malley accounting operations to AIPC, the question was raised about the effect of the transfer and concern expressed that the vote was taken without proper consultation with local Indian Education Committees and the board of regents.

Responding to questions, Lovato said AIPC took over accounting operations to see that funds are "spent according to the budgets" submitted by the IECs and approved by the board of regents. He emphasized that AIPC does not have any budget control, "only a bookkeeping function." He also noted that AIPC does not collect a "single penny" from the JOM budget for administrative costs, but that those costs are absorbed through the BIA's administrative budget.

Lovato also said that before Pueblo governors passed the resolution making the transfer, all IECs and board members were consulted.



ABOVE IS the basic floor plan of the IPCC's lower level. The second story floor houses various offices.

## IPCC opening ends a dream but only the start of new directions

IT WASN'T more than nine years ago when the federal government took a look at a small piece of land at the corner of 12th and Menaul in Albuquerque. Owned by the Albuquerque Indian School, AIS had decided it no longer needed it and the tract was designated for disposal by the Department of the Interior as "surplus land."

That was before a man named Domingo

Montoya, then governor of Sandia Pueblo, instigated a movement to secure the land for use by the Pueblo Indians. Today the 11.6 acre parcel is the smallest Indian reservation in the country. But it is also the site of one of the largest Indian exhibition complexes in the world—the Indian Pueblo Cultural Center.

Indian leaders, government dignitaries and over 3,000 visitors were on hand under a hot sun August 28 for the formal dedication of the center, referred to as "a dream come

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true." Following opening statements by master of ceremonies Delfin Lovato, chairman of the All Indian Pueblo Council, Senators Joseph Montoya and Pete Domenici addressed gatherers, as well as other noted figures. Montoya, in particular, played a vital role in securing funds for development of the \$2.1 million complex.

Gov. Jerry Apodaca, who was unable to be present during the ceremonies, was treated to a full tour of the facility later in the day.

That morning, Archbishop Sanchez administered a formal Church blessing of the center following a private Indian ceremony. Throughout the day in the lot north of the main cultural building, Pueblo artisans from all over New Mexico displayed many of their arts and crafts. The evening feature was a traditional Pueblo feast.

The IPCC indeed spells the end of a long dream for the Pueblo people but only the start of a campaign to impart to the public through its exhibits, arts and crafts the many facets of Pueblo culture. William Weahkee, center director, explained it this way: "The Pueblos are by nature a very private people. We want to communicate our lifestyle and we want to sell our wares, but we really don't want our Pueblos—which are in essence our homes—overrun with tourists.

"This way we can bring our culture and goods to a central location, making it easier for the visitor and us," he added.

The center actually consists of a 49,000 square foot "D" shaped building and plaza in addition to a 1,000 square foot replica of an adobe house. The two-story crescent shaped part of the main building contains seven exhibit halls of paintings, textiles,

jewelry, pottery and other artifacts from each Pueblo.

On the ground floor is a large retail market; upstairs are offices for the IPCC, the AIPC, the Friends of the IPCC, plus lease space for related businesses.

The leg of the "D" contains a 200-seat auditorium and the Indian Oven restaurant which specializes in Pueblo Indian-style food. The lower level will house the museum's major exhibits, a library and media center, storage and work areas, and the wholesale outlet for the Zuni Craftsmen Cooperative Assn.

In the semi-circle of the complex is the plaza which serves as the scene for traditional Pueblo dances and other events. Under the portals lining the walls of the curved building is space for craftsmen to spread their wares, creating an open market for visitors.

The IPCC is the largest Indian owned and operated museum in the world and is destined to become one of the most significant centers of its kind by offering both arts and crafts to the visitor and an ongoing educational program about the Pueblos.

The museum is open Tuesday through Sunday. The museum and arts and crafts shops are open from 10 a.m. to 9 p.m. while the restaurant is open from 11 a.m. to 3 p.m. and 5 p.m. to 9 p.m. Admission is \$1.00 for adults and 50 cents for children.

# PCDP—parents are educators

By MICHAEL J. HARTRANFT

A RECENT SURVEY of Acoma school children revealed that many were below grade levels in a variety of subjects including math, reading and language. Further studies indicated that most of the students below grade levels were faring poorly because they were "not ready for school."

Preparing children for formal schooling is a primary objective of both Headstart and kindergarten, but Acoma has gone a step further with special program for youngsters up to four years old that helps parents recognize that they, too, have an important and primary role in their children's education.

The program, called Parent-Child Development (PCDP), is one of two federally-supported pilot projects of its type in the United States, according to Lloyd Vicente, program director. (The other project is located in Choctaw, Miss.) Created in 1973, PCDP is recommended to become part of the BIA educational program in 1978.

## educators

Education assessments suggest that part of the reason for the school "unreadiness" observed in Acoma children stems from what professionals call "the internalization of low self-concepts" by the time they reach the school readiness level, in large part caused by frustrating school experiences.

In addition, educators believe that the Acoma concept of education is divorced from family and community experiences due to its absence in the native cognitive system. The result is that education is seen as an external non-Acoma element of life and is separated from Acoma culture.

PCDP believes that to help children develop socially, emotionally and intellectually motivated learning abilities, their self-concepts must be boosted at early stages in their growth. Its approach is to emphasize Acoma culture first. The hope is

that parents will recognize their role as educators and view education as something encompassing all of life's experiences and not just something they send their children away to school for.

"WE WANT to educate parents to interact with their children at early ages," Vicente said. "Previously we always depended on the school to provide education and not necessarily the home. We want parents to realize that everything in the home is some kind of learning tool."

Several components comprise PCDP. Vicente said, all of which involve parents in significant ways: family day care for children up to two and a half years old; two day care centers for youngsters two and a half to four years old; and home base projects, an alternative program for children up to four years old.

In each component, parents are offered as many opportunities as possible to take leadership and teaching positions. They are

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# Indian Center w/2-2-117 seeks foster parents

By TERESA CHEBUHAR

The Seattle Indian Center has begun an intensive drive to recruit American Indian foster-care parents to curb the number of Indian children in white foster-care homes in Washington State.

Indian leaders are concerned that the children in the white foster homes will lose their Indian heritage and face major psychological problems when they become teenagers.

There are only 162 licensed Indian foster homes here and there were more than 1,000 Indian children in foster care at the end of July, according to Donald C. Milligan of the Indian Desk, Department of Social and Health Services.

Last year, 30 Indian children were placed in adoptive homes. Five Indian children were adopted by their white foster parents.

Indian tribe leaders and the representatives of D.S.H.S. have been meeting for the past three years to work out differences concerning the placement of Indian children in foster care.

AFTER RECENT public hearings, the Washington Administrative Code is expected to be changed soon to outline a specific preference for the placement of Indian children in Indian foster homes.

"The Indians aren't totally satisfied, but it will provide some protection for Indian children," according to Milligan.

"We're losing track of our kids," said Tom Jones, supervisor of the foster-care program at the Seattle Indian Center.

The center has been granted a license by D.S.H.S. to license Indian foster homes.

In the past there have been cases



Tom Jones sat in front of a Glen Eaglespeaker picture at the Seattle Indian Center.

where Indian children have been placed in white family-foster care and the Indian parents subsequently lost track of the child.

"Sometimes they had no way of knowing whether or not they (Indian parents) ever would get their children back," Jones said.

"We can prevent a lot of problems by simply giving the Indian mother satisfaction that her children are being placed in Indian homes," he added.

"WHAT IS HAPPENING is that foster parents are starting to lose

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encouraged to participate in activities, develop and lead programs and offer advice in an extensive list of areas ranging from playgrounds to native foods to child rearing.

Furthermore, PCDP offers parents a number of workshops in areas of nutrition, child development, native child rearing and discipline, and how to find and obtain various services. To aid parents, PCDP has developed a community services directory.

Through its health coordinator PCDP can apprise parents of what types of medical services are available as well as provide a family education program in matters of first aid and environmental health.

As a general rule parents are invited to attend all staff training sessions of PCDP.

Vicente said the PCDP staff is attempting to establish a natural progression of participation in the program. It is hoped PCDP can become part of a chain of education: from the family day care program and home base projects to the day care centers to Headstart on up. In many ways, PCDP can be considered a "head-Headstart."

Vicente explained that the family day care program affords working parents and their children an opportunity to participate in PCDP. The children are taken to the homes of specially selected "day care mothers," who are generally close friends or relatives of the family, Vicente said. There's a limit of four children per home.

A school bus laden with toys visits the homes twice a month enabling the children to select their favorites on a take-out basis. Day care mothers also have access to many reading materials.

An outreach coordinator frequently drops by each participating home to offer technical advice. Natural parents are kept abreast of program developments by PCDP's monthly workshops.

**THERE IS** no planned curriculum, explained Lois Waconda, of Outreach. Family day care simply gives children a lot of help and opportunity for the type of interaction PCDP seeks to establish good learning abilities. As one person observed, at PCDP ages (18 months to four years), "everything is a learning experience."

Acoma has day care centers in Acomita and McCarty's, both of which are converted houses. Parents are generally responsible for their children's transportation though a school bus serves those who cannot get to the daily sessions any other way.

Teacher aide Sandra Simon said the day care centers "give them (the children) the chance to be with a group of kids in a rich learning environment."

One goal, she said, is to develop the children's sense of independence. PCDP staffs make sure they let the children do "a lot of self-selecting of toys and games."

"We try to develop a lot of pre-reading

skills and good strong concepts," Simon said. "They're forming a sense of 'who am I.' We try to give them a real strong self-image."

The day care centers, Vicente noted, are staffed by seven teachers and trainees, most of whom are parents from the Acoma area. The Acomita center has an enrollment of about 25 children while McCarty's lists about 15 on its rolls.

Rebecca Lucario, a teacher trainer at Acomita, said both centers are operated roughly the same, which, for one thing, means the children are treated to breakfast, lunch and a mid-afternoon snack each day.

She said the PCDP staff attempts to familiarize the children with colors, names and numbers. The association of names with persons and objects, she said, is particularly stressed.

**EACH CENTER** has a native resource area, Lucario said, as well as a resource

person who teaches the children the Acoma dialect. "We speak to them in both languages (English and Keresen dialect)," she said, "but we don't try to drown either one of them. We try to help the children get better understanding by language."

The children have been on a number of field trips including jaunts to Grants, the Albuquerque airport and zoo and the Acoma "waterhole." PCDP staffers regularly read stories to the children. Sometimes the youngsters play with puzzles which depict Indian life. Other times they paint or play "dress-up" in a special "housekeeping" area.

Some fundamental rules of personal hygiene are not overlooked. Lucario noted that the children are reminded to brush their teeth after every meal. Even rest isn't forgotten as an after noon nap is generally scheduled every day.

As with other aspects of PCDP, parents are always welcome to visit the center or to offer suggestions or criticisms. A visit would likely please parents for their children's tidiness. "They're really good at cleaning up after themselves," Lucario said. "That's one of the few rules we have here."

The third component of PCDP is the home base project which gives parents who aren't working, or don't wish to send their children to either the family day care and day care centers, a chance to develop the same interaction with their children but in the closer confines of home.

**THE HOME BASE** portion of PCDP uses a technique called the verbal interaction program that allows children to participate in activities designed to arouse curiosity and to serve an energy outlets. Trained toy demonstrators issue educational toys and books to participating homes which the children may keep permanently. The demonstrators model various interaction methods focused around the toys and books for the children's mothers to use. The sessions are held twice a week with each family.

Materials are furnished parents free of charge.

Vicente believes that persons involved in PCDP have been "real satisfied" though the early going was rough. "It took a while," he said. "There was an attitude of 'wait and see what happens.'"

One of the program's strongest supporters is Gov. Merle Garcia. "I've always told everyone that this is the governor's pet project. It's shown that a contract of this nature could be run by our own people and make a go of it," Garcia said.

**"I'M VERY HAPPY** with the program and that I was involved with it and I will back up all their needs and requests and keep it going.

"I do know a lot of our people don't know its function or its purpose and tend to belittle it, but once you sit here (in the governor's chair) you find out. I wish we would have more interested people," he added. "Maybe the people (involved in the program) don't know it, but they've been getting pats on the back for it."

Overall, Vicente said the program involves about 90 children. He said PCDP intends to hike that figure to 100. Currently PCDP is attempting to establish a follow through program to sample the total success of the operation. As with many other projects, funding drawbacks pose the only real problem faced by PCDP. Vicente said, and has somewhat curtailed facility development. Administrative offices and the two day care centers face immediate space shortages.

Despite those problems, PCDP is looking ahead to its future. It could hold the key to the beginning of success for hundreds of Acoma school children. But the real key-makers are those parents who are making commitments to their children by recognizing their roles as primary educators and by contributing to a program designed to meet that need. The children are only winners.

sight of being able to give up the foster child at a moment's notice," Milligan believes.

"It is a temporary service designed to return the child back home."

The courts and caseworkers are making "a big thing of moving children," Milligan said. It is their feeling that a child is psychologically harmed if he has spent several months in a home and then is abruptly moved.

"It's overplayed, I think," Milligan said.

"Regardless of the culture they (Indian foster children) do all right until their pre-teen crisis when they start dating. That's when it hits the family," Milligan continued.

Because the courts and caseworkers don't usually have any reason to follow an Indian child adopted by a white family, they do not see that the test of adoption is when the Indian is 25 or 30 years old, he said.

"Indians need to know what reservation they are from and what Bureau of Indian Affairs benefits they are eligible for," Jones said.

"There are a lot of things that white foster parents don't plug their foster children into for which they are eligible," he added.

"We have been looking first at a relative of that Indian child and the last resort would be a white home," said Barry Fibel, D.S.H.S. foster-care specialist.

**HE SAID THE** department has been functioning under an informal agreement with the Indian tribes to always try to find an Indian family before having to place the child in a white home.

However, Fibel admitted that in the past Indian families have had difficulty being licensed because of some ideological differences be-

tween the traditional white family lifestyle and that of the Indian which he characterized as "large extended families."

At the same time, Indian families have been reluctant to be licensed by D.S.H.S. In the past the Indian families felt they could not meet the white standards for foster care, according to Jones.

"From what Indian people have told us," said Sally Hopkins D.S.H.S. adoption specialist, "Indians are fearful of approaching a state agency."

**NOW THERE** are local tribe welfare committees and a state level Indian advisory committee.

The local Indian child-welfare advisory committees will review the cases of Indian children to be placed in foster care.

"This will provide some advocacy for the child," Milligan believes.

Jones thinks it will also be a way to monitor where the children are placed so they won't "get lost in the state's paper prison."

What it boils down to, Jones said, is "We like to take care of our own and think we can do a better job if we can find Indian foster homes."

Indian families interested in be-

coming licensed foster homes should contact Jones or Betty John at the Seattle Indian Center.

## Deputy chief hopeful

# Tulsan James Gordon to seek Cherokee tribal post

Tulsan James L. Gordon announced today he will run for deputy chief of the Cherokee Nation at the head of a slate of 15 council candidates.

The all-mail balloting deadline will be Oct. 23 and election results will be announced Nov. 13.

Gordon, who finished second last year to Ross Swimmer in the race for principal chief, retired in 1973 as chief executive officer for a five-state region of the Indian Health Service. He is five-eighths Cherokee.

Gordon led Swimmer in Oklahoma, but lost in absentee balloting. Since then he has been active in formation of an organization known as "Cherokees for Responsible Government," a group concerned about heavy financial losses of the Cherokee Nation in recent years, mostly in construction ventures and operation of the Tsa-La-Gi Inn at Tahlequah.

**GORDON IS** the second Tulsan to announce for the post. Tulsa County Sheriff Dave Faulkner began his campaign for the job Sept. 3. The position is a part-time duty, requiring two or three meetings monthly.



JAMES L. GORDON  
... Cherokee candidate

*Cont'd.*

The Tulsa Tribune

TULSA, OKLA.

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SEP 17 1976

The Cherokees for Responsible Government slate of council candidates running with Gordon is composed of the following:

Paul B. Thomas, state parole officer from Pryor; George Underwood, Tulsa lawyer and certified public accountant; Agnes Cowen, Cherokee Nation bilingual education program employe from Welling; Houston Johnson, retired Tulsa County deputy sheriff from Bixby; Ben Shoemake, Claremore and Tulsa industrial equipment inspector.

Betty Thompson, Ketchum real estate broker; Jack Sparkman, Muldrow businessman; George Wickliffe, principal of Catoosa middle school and also a 1975 candidate for chief; Leslie Smith, Stilwell minister.

Ramona Williams, Stilwell social worker; Allison (Rabbit) England, retired Muskogee public works employe; John G. Chopper, Claremore Indian Health Service employe; Buddy McCarty, Tahlequah clothing store owner; Sam Ed Bush, tribal bilingual program employe from Marble City; Joshua L. Downing, Midwest City postal worker.

Gordon said he and the slate are pledged to provide a check and balance system against what has been a "one-man rule" by the chief in the past.

He noted that in the Arkansas River

bed matter, for which the Cherokees may soon get a settlement of more than \$100 million, the slate will support the will of the Cherokee people on the matter of per-capita payment. Chief Swimmer has said most of the money should be invested for general tribal benefits instead of being distributed on a per capita basis.

Swimmer is expected to support his own slate of candidates for the council. He appointed a non-elected council of 15 earlier this year and many of those are expected to seek election.

Seattle  
Post-Intelligencer  
D. 200,733 SUB. 159,737

SEP 18 1976



## MINORITY VOICES

# Indians Lead U.S. In School Dropouts

By JOAN LA FRANCE *WJL* federally-recognized tribes.

In 1972 Congress passed the Elementary and Secondary School Act. Title IV of the act provided a revolutionary and comprehensive program for Indian education.

Prior to the era of Title IV, money for Indian education was channeled primarily through the Bureau of Indian Affairs (BIA) and through Johnson O'Malley programs which provide money to schools serving Indians living on reservations. Neither Johnson O'Malley or BIA programs provide many opportunities for Indians to control the educational programs, and both limit services to federally-recognized tribal people living on or adjacent to reservations. The Title IV legislation greatly increases the voice of Indian people in their own education and broadens service to Indian children who live in urban and rural non-reservation areas.

The impact of Title IV is just being realized. The law created the Office of Indian Education under the Office of Education in HEW and provides for a National Advisory Council on Indian Education. All school districts who apply for money under Title IV are required to have Indian parent approval of their programs. The law allows tribal governments and Indian organizations to develop and administer their own educational programs. The act also provides special funding for adult basic education programs. Title IV expands the definition of "Indian" to include urban residents and Indians who are not members of

As a result of the act, Indian education programs have multiplied throughout the country, and Indian citizens are becoming active in their local school districts. However, this creative and energizing growth in Indian education is being jeopardized by a significant congressional cut-back in appropriations to Title IV programs.

In fiscal year 1976-77 \$57.065 million was appropriated to Title IV programs. The appropriation for 1977-78 is \$44,933 million. Those programs operating within school districts will face a 26 per cent cut-back in funds, and programs operated by tribal groups and Indian organizations will be cut by 16 per cent.

Locally, many school districts in the King-Snohomish County area are benefiting from Title IV. Grants have been awarded to Seattle, Lake Washington, Northshore, Edmonds, Everett, Highline, Federal Way, Kent, Auburn, Renton and Issaquah school districts. Kitsap County schools also enjoy Title IV programs.

A review of these programs revealed the following: The highest percentage of these programs are working in raising the basic academic skills of Indian students. Many programs are working on improved self-image and drop-out prevention. Counseling and tutoring is given high priority. Many programs are developing curriculum and providing for career awareness.

*Cont'd*

These programs are operating in districts that are facing funding difficulties due to the recent levy failures. There is no way the Indian programs can look to district support if the federal dollars are cut.

Historically, Indians have been poorly served by education. We lead the nation in drop-out rates and among adult Indians the average school completion is only seventh grade. Yet Indians place a high value on the need for better education to improve the quality of life for the Indian people.

Title IV programs have provided hope that more and more Indian children will complete high school and more will enter college or sound career development programs. For this reason, we have been writing many letters to congressional representatives requesting an increase in Title IV appropriations. I would invite our non-Indian friends to support us and help us in this important cause.

There is a good chance that we can convince Congress to increase the appropriations if it gets many requests from the communities served by Title IV. If you wish to help, write letters to Congressman Sidney Yates, 1427 Longworth House Office Building, Washington, D.C. 20510. Representative Yates chairs the House Interior Appropriations Subcommittee.

Letters should stress the value of Title IV programs and the need to fund them at least at the same level as in 1976. Letters also could be sent to the Washington congressional delegation.

**Chirann Triump**

THE WORLD'S GREATEST  
NEWSPAPER

D. 767,793 SUN. 1 016,275

SEP 17 1976

# *Indian has two schools: White man's —and Nature*

Given a choice, virtually any American child would jump at the chance to grow up like Indian children do on the reservation. Most Indian families own at least one horse, and the children learn to ride at a very early age.

Indians revere children. They allow them the greatest latitude in exploring the wide-open spaces and the stark beauty of the reservations. The youngsters soon learn to live in and love nature, a trait they carry into adulthood, when Indians express a deep reverence for their land.

But the reservations have their drawbacks, too, for Indian children. Offspring of remote farmers and herders often must leave home at a very early age in order to attend boarding school. Those lucky enough to live near the reservation towns and schools, must still rise early in the country mornings for a long, bumpy, dusty bus ride to the schoolhouse, and make the same trip home in the evenings.

The quality of Indian schools has risen markedly in the last several years. More and more schools are opening on the reservations so children don't have to leave home, and there is a corresponding decline in the enrollment of government-run boarding schools.

SEP 13 1976

# Navajo spoken at polls

By Janet Wilcox

Deseret News correspondent

**BLANDING, San Juan County** — Election judges who can speak Navajo will be on duty to help Indian voters at polling places in southern San Juan County.

Betty Vigil, an election judge at Bluff, said interpreters can help because about half the voters who come in need the ballot explained in Navajo.

The ballots will be in English, which many of the Navajo voters can't read.

At the last election involving a bond issue on schools for the reservation, the ballots were printed in English and Navajo, but that experiment has been dropped.

"No one could read it anyway," said Clytie Barber, San Juan County clerk.

Officials estimate that only five or six persons in the entire county are able to read the complicated language — and all of them read English better.

The burden of explaining the ballots to Indian voters will fall upon the election judges. Volunteer interpreters will not be used.

Terry Hunt, Democratic committeeman and former county chairman, said it was difficult to find non-partisan interpreters.

Another problem with interpreters who are not election judges is the feeling by some citizens that they are telling the Indians how to vote.

Not all areas provide bilingual judges.

Blanding has many Navajo residents, but no election judges who speak the language. The county clerk said no requests have been made to have such judges there.

Hunt said it would help to have small pictures of candidates alongside their names.

"Most Navajos are acquainted with people, at least the way they look, even though they might not be able to read their names," he said.

## Inheritance awaits missing Alaskans

About 120 members of the largest group of missing heirs in the history of this country are believed living in Colorado.

They are the Alaska Indians, Eskimos and Aleuts who have not registered for their shares of the 40 million acre, billion-dollar inheritance granted to them by Congress in the Alaska Claims Settlement Act of 1971.

According to the office of Alaska Native Enrollment at Anchorage, 265 other Alaska natives living in 40 different Colorado communities have already registered and received shares of the cash settlement and stock in the business corporations set up to manage the native lands and monies.

More than 78,000 Alaska natives living in every state in the union and in at least

22 foreign countries are currently sharing in the inheritance. An estimated 10,000 more are still being sought.

The original Settlement Act said that, in order to share in the benefits, anyone who was at least one-quarter Alaska Indian, Eskimo or Aleut, and a U.S. citizen, had to have their name entered on the Alaska Native roll. Earlier this year, Congress amended the Act to open the rolls for one more year.

People who wish to submit applications during this final enrollment period must do so by Jan. 2. Applications may be obtained from the Alaska Native Enrollment office, Pouch 7-1971, Anchorage, Alaska, 99510.

There are no offices in Denver or Colorado from which to obtain applications or further information, officials said.

SEP 23 1976

SEP 20 1976

## Local Indian leaders laud AIM's role

Two Portland Indian leaders who believe the Indian cause can best be served by working with "the system" gave credit Sunday to the American Indian Movement (AIM) for bringing the problems of American Indians to worldwide attention.

Reacting to a report by the Senate internal security subcommittee that called AIM "a frankly revolutionary organization which is committed to violence" were Charlie Johnson, former director of the Urban Indian Center who is working privately to promote various Indian causes, and Lowell Curley, head of the Portland Urban Indian Council.

"I would have been disappointed if the subcommittee's report, prompted by the FBI, would be anything but what it was. Any time a minority wishes to express some sort of self-determination the FBI and other conservative groups are going to call it revolutionary and associated with Communists. All you have to do is look at how the FBI reacted to the work of Martin Luther King," said Johnson.

AIM's work has not always been supported by every Indian organization in the country, but no Indian can discredit what AIM accomplished in focusing worldwide attention on Indian problems that continue to exist, said Curley.

"They proved to the world that we are a minority that continues to be oppressed," said Curley.

The Urban Indian Council leader said he felt AIM "has pretty well run its course."

"Our job now is to help the 10,000 Indians who live in the Portland area. Our way is to work within the system. We are not railing against the system. We have learned to deal with life," Curley said.

Another local leader, John Talley, who in the past has associated himself with AIM work, but who said he was not speaking for the organization, said the subcommittee's description of AIM as "revolutionary" is true to the extent that a "revolutionary" is a person who seeks change.

Talley said the local AIM organization is inactive although "there are people who consider themselves AIM supporters."

MINNEAPOLIS TRIBUNE  
MINNEAPOLIS MINN.  
D. 250,125 SUN. 674,307

SEP 14 1976

## Indian father's death suit dismissed

A federal judge has dismissed a \$500,000 lawsuit filed by the father of a 15-year-old Indian youth who was shot to death three years ago by a policeman of the Bureau of Indian Affairs (BIA) on the Red Lake Reservation.

U.S. District Judge Earl Larson ruled that the Indian officer, James Bailey, fired the fatal shot at Brian Desjarlait because the policeman was "in fear of his life."

The judge accepted Bailey's trial testimony that he fired in self-defense when the youth ran toward the officer pointing a shotgun at him and ignoring his order to drop the gun. The incident occurred before dawn on Nov. 25, 1972, as BIA officers searched for juveniles who allegedly shot at a house and exchanged gunfire with police.

Some Indians on the northern Minnesota reservation reacted angrily, claiming that police "planted" the shotgun on the youth's body and failed to provide prompt medical attention.

The lawsuit, filed by Leo Desjarlait, charged that the shooting resulted from negligence, that the victim's civil rights were violated and that officers conspired to "harrass and intimidate" the victim's family.

SEP 17 1976

## Ritter blocks Ute code ruling

U.S. District Court Chief Judge Willis W. Ritter has delayed enforcement of a Utah Supreme Court ruling in a battle over legal jurisdiction on the Ute Indian Reservation.

The ruling will remain in effect until a federal suit is settled. The suit was filed a year ago by the Ute Tribe in support of its new "Law and Order Code," which has been the target of bitter opposition by residents of the area.

Ritter's order prohibits the state, the cities of Roosevelt and Duchesne, and Duchesne and County from enforcing a Utah Supreme Court decision that in effect extended state jurisdiction onto the reservation.

The decision, filed Aug. 17, gave a Uintah County man \$28,000 in damages following a traffic accident involving a Ute Indian. The defendant, Ramon R. Appawora, Randlett, contended the state court lacked jurisdiction over him in the case.

The attorney for the Ute Tribe, F. Burton Howard, filed a motion before Ritter asking that the Utah Supreme Court decision be overturned. He told the federal judge the state's highest court "improperly and without justification ruled on the very issues pending before this court."

Howard's federal suit, filed long before the Utah Supreme Court decision in the accident case, charged that Duchesne County officials have stated publicly that they will ignore or defy the Ute Code and have encouraged others to do so.

The suit asked for a court order to prohibit the defendants from interfering with enforcement of the code.

Ritter's decision does not overturn the state court decision. It only prevents enforcement of it until the question of the code's validity is decided.

Howard said today a trial date will be set soon for his suit.

SEP 14 1976

## World church group gives AIM \$15,000 from anti-racism fund

The American Indian Movement (AIM) has been given \$15,000 by the program to combat racism of the World Council of Churches (WCC).

Dr. Cynthia Wedell, a WCC president here to attend the Episcopal General Convention, presented the check to Vernon Bellecourt, AIM field director, who accepted it in behalf of AIM's national council.

Bellecourt said the money will be used principally in outreach work with young people who are in courts or other crisis situations and for education.

It was the second \$15,000 grant AIM has received from the anti-racism program of the WCC.

SEP 27 1976

## Countersuit asks: Are they Indians?

MASHPEE, Mass. — The Wampanoag Indian tribe has filed a lawsuit that is blocking many real estate deals on Cape Cod, but now two defendants are asking if the Wampanoags are still Indians. The point may be crucial in a lawsuit that seeks to recover about 16,000 acres of land in the towns of Mashpee and Sandwich. New Seabury Corp. and Greenwood Development Corp. claim the tribe evolved into a mixed race because of intermarriage with blacks and mulattos, losing legal status as a formal tribe by the late 18th century.

SEP 19 1976

# Tonekei Speaks



Tonekei

Native American Awareness Week,  
Oct. 10-Oct. 15, 1976

Central theme of Native American Awareness Week is to spotlight the impressive collection of Native American talent and contributions to society that present the greatest growth and self-determination that has ever been assembled in the 200 years of our country's Bicentennial heritage.

Among this collection of talent are current figures who have made notable contributions in education, law, medicine, art, military, science, literature, etc., which further emphasize how Native Americans are helping others as well as developing their own potential.

This officially proclaimed week also gives the opportunity to focus national attention on the many positive contributions made to society by Native Americans and to more realistically portray the true image of the Native American in this great segment of modern America. Gov. David Boren has issued the follow:

## Proclamation

WHEREAS few non-Indian people today recognize the vast contributions made by Native Americans to many and varied professions and occupations, and

WHEREAS there is a strong and renewed interest in the self-preservation of all aspects of Indian culture and heritage, and

WHEREAS there is urgency to promote a unified effort of all for the common good, and to bring about a more wholesome relationship among Native Americans, and

WHEREAS the Native American population is working for a better future, for a revival of participation in the tribal affairs, and for a revival of moral support for the tribal councils, and

WHEREAS the Native American communities are voicing greater self-expression and exposure of their values to surrounding communities, and are taking a more active role in the use and development of their skills and resources, and

WHEREAS the Native American people made significant historical contributions to the welfare and survival of early pioneers and explorers who ultimately founded the Republic of the United States of America.

Now, therefore, I, David L. Boren, Governor of the State of Oklahoma, do hereby proclaim the week of Oct. 10 through 15, 1976, as "Native American Awareness Week" in Oklahoma.

A-ho! Gov. Boren, we just might vote for you again. See schedule next week.

Indian legend entitled, "Origin of the Kiowa Flute," told by Ida Botone Kaubin (Mrs. Frank Kaubin) when she was 13 years old at Riverside Indian School at Anadarko:

In the days not so long ago when Kiowa youth sought a mate he would go to a place near her tepee in the dust and play love songs to her on a cedar flute.

According to Leurance, the composer of Indian songs, the Kiowa flute has the loveliest tone of any of the flutes made by so-called uncivilized peoples. My grandfather, Delos Lonewolf, who was the great chief of the Kiowa told me this story of how the Kiowa flute came to be made:

Long, long ago before the white men came, the Kiowa roamed the region of the Black Hills just east of the great western mountain.

One day, Poor Boy, a young man who was lonesome and unhappy because he had not many friends and could not win the girl he loved, wandered far from camp trying to forget his loneliness and when evening time overtook him he lost his way.

He wandered about until at last tired and hungry and sleepy, he sought shelter beneath the friendly branches of a cedar tree. He was lulled to sleep by the whispers of the night wind through the cedar branches. It seemed to play a song sweet and low.

During the night a storm came up and the rush of wind through the cedar branches made a song, tempestuous and troubled but beautiful, a storm song, thought the young man — like the storm in his heart.

Then a flash of lightning struck the tree, tearing off one of the limbs and stunning the boy.

When dawn came, Poor Boy awakened and through his mind kept running the music he had heard.

He picked up the torn limb and said to himself, "Perhaps there is some way that I can get this limb to sing the music for me."

He had seen the old men make whistles, so with his hunting knife, he began to work on the cedar branch in a similar way. He noticed that there were six holes in a straight row in the branch where some dead twigs had fallen off. These he dug out and then smoothed the outside of the branch; then hollowed it out and cut a notch in it like that of a whistle. To finish it he tied it with strips of buckskin from his clothing.

Then he reverently put his lips to this creation and blew his breath gently through it. The response was a high, soft, sweet note like the gentle singing of night breezes through the branches of the tree that had sheltered him.

When he put his finger over one of the holes in the flute he found that it lowered the tone. He could make high and low notes at will.

In a little while he could play the song he had heard during the night and his heart was made very happy. For with the flute and its songs he won the girl of his desire.

To this day Kiowa flutes are made of the heart of cedar and tied with buckskin and the music they give forth is like that of the first flute — high or low, soft or loud, but always vibrant and sweet.

I have spoken!

Needed: 1 volunteer receptionist for NAC, no pay, just good people to work with. Maybe you could volunteer one day a week? Or two?

SEP 13 1976

## Last 'Hello' In Lonely Areas?

The American Telephone & Telegraph Co.'s Bell System is very large and very efficient, and the Federal Communications Commission wants to curb its size so as to make phone service competitive.

Ma Bell, however, has considerable competition—some 1,618 independent telephone companies, including some giants. In fact, seven are listed on the New York Stock Exchange, and General Telephone & Electronics Corporation has 12.5 million telephone connections in the United States.

Most of the independents serve rural areas, and, in fact, serve a greater land area than Bell. An example is the Arizona Telephone Co. which has 840 customers, including the Havasupai Indian Tribe in the bottom of the Grand Canyon.

There is one phone there (802-488-6161), connected by two bare copper wires that run 74 miles from Supai to the nearest AT&T toll connection. But if the FCC restructures Ma Bell to its liking, the

Indians may have to give up their phone. The price of service would be out of their reach.

Over the years the Bell System has recognized that the independent phone companies were providing a service in remote areas that would not be profitable for a large corporation. Bell provided special services, such as phone book listings, operator service and toll service at reduced rates. Toll charges were shared with the independents on a rather generous basis.

The government action, however, has forced the Bell System to reassess its policies and put services and revenue sharing on a more businesslike basis. Such increases have already hurt the independents. Arizona Telephone Co. had a net loss of \$15,361.37 last year.

The FCC may force the Bell System to become more competitive, but this won't mean much to the Indians in the Grand Canyon when they no longer have a telephone to report a medical emergency.

## Congress Completes Funds Bill: \$90 Million for Uintah Project

By Frank Hewlett

Tribune Washington Bureau

WASHINGTON— Congress completed action Monday on an omnibus reclamation bill containing a \$90,247,000 authorization for the Uintah Unit of the Central Utah Project.

This was announced by Sen. Frank E. Moss, D-Utah, sponsor of the important Utah legislation along with Sen. Jake Garn, R-Utah, who also reported he had immediately written President Ford asking for his "full support for a timely decision on final approval of this important project".

"The Uintah Unit, an integral part of the Central Utah Project, provisionally was authorized in 1968", said Sen.

Moss. "It plays a vital role in providing increased agricultural benefits to the Ute Indian Tribe and to non-Indians in Duchesne and Uintah counties."

The Senate has acted twice this year on the Uintah project. First it passed a separate bill for the Utah water program and now it has cleared a House-approved \$322 million authorization of eight reclamation projects, including the Uintah Unit.

Sen. Moss said regulating of the flows of the Whiterocks and Uintah rivers will go a long way toward ending perennial water shortages in Duchesne and Uintah counties. He noted that about 80 percent of the water will be used on Indian lands.

The Salt Lake Tribune  
SALT LAKE CITY, UTAH  
D. 108,270 SUN. 188,699

SEP 14 1976

SEP 22 1976

# Indians deserve fair settlement

By BILL SAMPSON

**WHY THE** long holdup in settling the Arkansas River bed ownership matter with Oklahoma Indians?

Holdup may indeed be the appropriate word because the Indians are being robbed by the reluctance of the government to resolve the issue. If the money due them was drawing interest it would amount to thousands of dollars daily.

The U.S. Supreme Court ruled in 1970 that the Cherokees, Choctaws and Chickasaws own the river bed between Muskogee and Fort Smith, Ark., which the federal government had developed into a navigation channel with locks and dams under the mistaken assumption the state of Oklahoma owned the river.

Earlier this year appraisers contracted by the government—not the Indians—set the value of the property at \$177 million. Subsequently two bills have been introduced in Congress authorizing the Secretary of Interior to discuss the matter of restitution with the Indians. The bills bind him to not less than the appraised value.

The bills are bogged down in Washington red tape. The legislative counsel of Congress asked the solicitor of the Bureau of Indian Affairs for an opinion of the bills. That office responded in August with a memorandum saying the Indians are due restitution.

When The Tribune obtained that

memorandum recently and published it, the Indians' lawyers were criticized by Interior Department officials who said it was an intra-government communication not supposed to be made public. But it was not so marked and

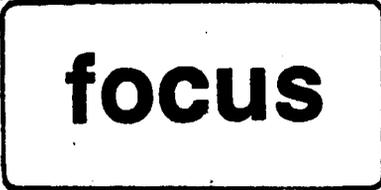
interested than those originating the claims, also met delay until they were willing to settle for less than the original claims, if not forgotten. Is that American justice for the Indians?

The federal government's lawyers making \$30,000 and \$40,000 a year and relegated the task of carrying out trustee obligations should be ashamed of this long delay.

This is an election year and politicians and their bureaucrats are reluctant to spend or appropriate any more funds than absolutely necessary. Has American justice and politics come to such a cynical state that a just debt can't be paid pending an election? Is there not one official or candidate with enough courage to stand up and say "to hell with the votes, let's pay our debt to these Indians"?

I think it is unfair for the government to deal at arms-length with the Indians in this matter, circulating "private" communications among its employes, keeping the Indians ignorant of the status of this most important financial matter in tribal history since their removal to Oklahoma.

It is inexcusable for the government in this enlightened age to rob its wards by delay, to blind them by secret communication, to bind them in red tape and lead them along a legal "Trail of Tears."



besides what's the secret? Everything in the memorandum except the citation of two previous cases showing precedent for restitution to Indians in similar circumstances long has been a matter of public record in litigation of the river question.

Why is the government so interested in delay? I suspect the reason is because officials of the government are more interested in saving the taxpayers' money for political reasons than they are in meeting their obligation as trustee for the Indians.

History is replete with tribal leaders who have taken legitimate claims to Washington only to have been delayed and delayed for years, sometimes unto death. Their successors, often less in-

SEP 16 1976

## Aboriginies Tour Western U.S.

# Aussies, Indians Cite Comparisons

By Vandra L. Huber  
Tribune Staff Writer

An ocean and more than 18,000 miles separate them, but native Americans and native Australians are cultural cousins.

That's the opinion of five Australians who have been touring the western states, visiting Indian reservations and examining Indian related programs. They were visiting the University of Utah recently at the conclusion of their six-week tour.

"There are just so many parallels, even though we come from opposite corners of the globe," said Bob Winroe, an Australian Department of Employment vocational officer.

### 'Close Alliance With Earth'

"Aboriginies and Indians have a close alliance with the earth, which is reflected in their religion, customs and actions. We've discovered that the ties even extend to ceremonial clothing and head dresses. The designs of both native groups are similar," the 28-year-old Vietnam veteran added.

The struggle to be self-sufficient and maintain land rights has occurred with both groups, according to Lorna Little, an Australian mental health officer.

"The difference is that aboriginies have never been violent. They just allowed the white man to take their lands. Now, instead of large reservations or cash settlements, aboriginies are confined to very

Cont'd



small settlements on the outskirts of towns," she said.

Highlights of the Rotary International-sponsored program have been visits to various Indian programs.

Each of us come from a different discipline. We've not only been comparing cultures but picking up new ideas on how to deal with common said problems,"

said Eric Conway, an Australian alcohol and drug specialist.

Alcoholism, like with the American Indian, is a difficult problem among aborigines, Mr. Conway said. After visiting the University of Utah's Western Regional Alcoholism Center which trains Indians to be counselors for their people.

"This program is something entirely new to us. But it's something that would help. Aborigines don't like to be counseled by white men. They are less likely to come forward for treatment. But if we could set a program like this where aborigines help aborigines, then we could help our people," he explained.

The difference in health services, Mrs. Little added, is that in Australia the emphasis is on prevention and therapy with no follow-up. In America there isn't much prevention, but there is therapy and follow-up.

#### 'Fill in the Gaps at Home'

"By visiting the project, we're getting new ideas to fill in the gaps at home," she said.

But the lack of affirmative action said Phillipa Cook, a nurse and student social worker, still holds back the aborigines from making progress in job rights, employment and education that American Indians have made.

"The University of Utah has special programs geared to native Americans. They have tutors to help catch them up if they are low on the fundamentals. There is nothing like that at home," she said.

Mr. Winroe added that the education system is so demanding that aborigines can't compete. "I tried the university, but like the other aborigines I couldn't keep up. The result has been that no aborigines have ever graduated from the University of Western Australia."

Australians Robert Isaacs, Eric Conway, Phillipa Cook, from left, are touring  
way, Robert Winroe, Lorna Little and Indian reservations in western states.



# British Give a Sterling Salute to American Indian Art

By JUDITH WEINRAUB

Special to The New York Times

LONDON, Oct. 6—Happy Rockefeller said she was crazy about Pocahontas's robe. Ambassador Anne Armstrong said that an 18th-century buckskin coat was simply fabulous. And Sir John Pope-Hennessy, the director of the British Museum, said that everything was absolutely magnificent.

"This is incredibly exciting," said Vice President Rockefeller, standing yards away from a huge painted screen from the northwestern coast of Alaska. "It would be a tragedy if this exhibition didn't come to America."

The scene was London's Hayward Gallery. The occasion was the opening last night of "Sacred Circles," a vast exhibition of 2,000 years of North American Indian art. The mood was jubilant.

After five years of planning, fund raising, persuading, exhorting, and just plain hard work on both sides of the Atlantic, a crowd of diplomats, industrialists, art enthusiasts, members of the English aristocracy, American bankers, oilmen and businessmen, plus the women who did all the work, got together to celebrate.

## Rockefeller Is Co-Patron

"In the United States we men just expect leadership from you women," said Vice President Rockefeller with a smile.

Milling around the effigy pipes, masks, beaded moccasins, miniature ivory sculpture, embroidered panels and baskets, 600 people crowded into the Hayward Gallery for the opening, which marked the start of an otherwise sluggish social season that has been dampened by the relentless fall of the British pound.

Pearls, diamonds and emeralds competed for attention with Indian squash blossom necklaces and turquoise and silver rings—on the men as well as the women. This year's plaids mingled

with every year's pants suits, mink capelets, ethnic shawls, long chiffons, short basic blacks and old Gucci shoes.

Vice President Rockefeller (who along with the Duke of Edinburgh was co-patron of the exhibition) and Mrs. Rockefeller flew over for two days. "I got leave from my boss," quipped the Vice President, who said that he had been collecting pre-Columbian Indian art for almost 40 years. "It's a very important exhibition and a real milestone in recognition of an important part of our culture."

More than 230 people from Kansas City came to lend financial and moral support to the show, which was compiled by Ralph T. Coe, the assistant director of the Nelson-Atkins gallery in Kansas City, where it is hoped that the exhibition will go after it winds up in London in January.

"We're determined to get it," said Coleman Branton, chairman of the

board of the Plaza Bank and Trust in Kansas City. "We're 85 percent of the way there."

Karen Dean Bunting, an oriental-art specialist who runs the museum's sales and rental gallery, said, "It's easy to excite Kansas Citizens in American Indian art because they live in the middle of it."

Mr. Coe led the Rockefellers and Ambassador and Mr. Armstrong around the 850 objects in the show, which range from 1500 B.C. to the present.

## 'Can Stand on Its Own'

"The formal power and psychic inventiveness of the objects in this exhibition demonstrate that North American Indian art can stand on its own alongside the great traditions of world art," said Mr. Coe, whose previous background is in European art.

From the Hayward Gallery everybody piled onto buses that took them to the Banqueting House at Whitehall for a reception.

Guests nibbled at smoked salmon, pâté or tongue sandwiches, ham and melon brochettes, and chicken and mushrooms as they gathered in the Banqueting House, which was designed by Inigo Jones and has ceiling paintings by Peter Paul Rubens.

"We've always been fascinated by red Indians in this country," said Countess Jellicoe. But this is a gorgeous exhibition. It will surprise people. We've all been so stifled by the appalling arrogance of 19th-century values. Indians show us the way back to the strength of nature.

After the last bus arrived, a liveried attendant made his way through the Vice President's sea of Secret Service men to gavel the room to order, and to listen to speeches by Lord Gibson, Lord Donaldson (Britain's Minister for the Arts), Ambassador Armstrong and Vice President Rockefeller.



Vice President Rockefeller and his wife next to a mask at the North American Indian art exhibition, in London

The New York Times/Neil Libbert

SEP 22 1976

TU anthropologist makes OC study

# Urban Indians 'Forgotten

## Poor'

By BILL SAMPSON  
Innovate Editor

OKLAHOMA CITY — The Indians of Oklahoma City are called "The Forgotten Poor" in a new study blaming several social agencies here for failing to serve the Indian population.

The report was compiled by Dr. Garrick Bailey, associate professor of anthropology at the University of Tulsa, and James L. Redcorn, needs assessment coordinator for the Native American Center in Oklahoma City.

The study said much of the problem is due to failure by the agencies to identify Indian population, thereby not meeting its needs. Agency officials have concentrated their recruitment efforts on other minorities and poor whites, mostly because of an "almost total absence" of Indian staff members, the study said.

The somewhat statistical study is based on a survey of Indian households in Oklahoma City which then was coordinated with such existing data as the 1970 census report, the 1976 census estimate, the 1975 needs assessment report of the Native American Center in Oklahoma City, reports of social service agencies and surveys by other Indian organizations.

THE AGENCIES upon which the study concentrated are Senior Workers Action Program of Oklahoma County, Nutrition Program for the Elderly, Area Development Education Placement and Training Program, Head Start, Youth Development Program, Oklahoma City Housing Authority.

Agency officials who have examined the study have agreed it is "disturbing" but have not questioned its general accuracy, although some debate census procedures and statistical ratios used to compile certain data upon which the report is based.

# INNOVATE

Even when agency officials have recognized their responsibility for Indians, they have failed to communicate with them, according to a survey of Indian households detailed in the study. This is blamed again on lack of Indian staff and also failure to contact Indian organizations in the city.

Because of what the study describes as the "myth of government benefits

for Indians," social agencies tend to ignore them if not actually discriminate against them. This myth is based on ignorance of non-Indians concerning the special relationship between Indians and the federal government.

"The average non-Indian Oklahoman believes the Bureau of Indian Affairs spends vast sums of money on the Indian," the study says. "They believe the bureau takes care of every need of the Indians and even gives them a monthly allowance check.

"Many non-Indians think that the Indians would grow rich from these government benefits if it wasn't for drinking and wasteful spending. The general consensus is that the Indian receives far too many benefits from the government and there is a great deal of resentment against Indians because of these alleged benefits. This resentment is strongest among the poor whites and other minorities," the study states.

ALTHOUGH no such detailed study has been made about Tulsa's urban Indians, it is known certain problems and characteristics of Oklahoma City's Indian population also apply to Tulsa Indians:

1. Federal law and policy places tight limitations upon the extent of services urban Indians may receive from the BIA and the Indian Health Service.

2. Most of Oklahoma's urban Indians are from rural Oklahoma and have moved to the city to find work. They no longer can live on land rentals from what is left of their family allotments, subsistence farming and seasonal labor. Their land base has decreased and inflation has compounded their economic problem.

3. Most urban Indians lack sufficient education or vocational training to compete in urban business and industry, many of them having attended BIA schools where agricultural training has been emphasized.

4. Indians have the least understanding of all minorities about how white society works. Unlike other minorities, Indians until recent times have been isolated from white society, living on reservations or in remote rural areas. Most of their contact has been through a paternalistic BIA. Social isolation and

(Cont'd)



DR. GARRICK A. BAILEY  
... criticizes Indian social services

governmental paternalism has not prepared them for urban existence.

"THE AMERICAN INDIAN in Oklahoma City occupies one of the lower if not the lowest rung on the economic ladder," the report said. "Over half fall below the poverty level and more

than one household head in four is unemployed.

*"These problems are the result of cultural differences and linguistic handicaps, compounded by a lack of vocational skills. As a group they are ill-equipped to survive in an industrial urban society."*

The Oklahoma City Indian population is growing rapidly with an "Indian ghetto" having developed in some southeast Oklahoma City census tracts.

Many Indians live in cheap rooming houses, hotels and "flop houses," holding menial jobs during weekdays, then returning to their rural homes on weekends, the study said. This mobile population has made it difficult to get an accurate census.

However, federal census figures show the following Oklahoma City Indian population, with the total population in parenthesis, followed by the Indian percentage of population starting in 1960:

1900, only one Indian (10,037); 1910, 49 (64,205); 1920, 56 (91,295); 1930, 578 (185,389); 1940, 303 (204,424); 1950, 2,013 (325,352); 1960, 6,453 (511,833, 1.26 per cent); 1970, 12,951 (640,889, 2.02 per cent); 1976, estimated, 16,851 (700,000, 2.41 per cent).

THE GROWTH of the Indian population in Oklahoma City began in the 1950s and is expanding at a much higher rate than the overall population growth. Since 1960 the Indian population has almost tripled in absolute numbers and almost doubled in percentage of the total population.

The study estimates that if the official Indian population growth rate in Oklahoma City continues at its present rate, the 1980 census will probably show an excess of 20,000 Indians in Oklahoma City.

Estimates by Indian organizations in Tulsa generally place the Indian population there today at about 15,000.

In 1947, the BIA initiated the Indian Employment Assistance Program designed to relocate reservation and rural Indians to cities so they could assimilate into white society, thereby "solving" the federal government's Indian problem. It was expected that would end Indian economic problems created by lack of rural opportunity.

OKLAHOMA CITY, however, was not a relocation center during the height of that program in the 1950s and 1960s. Oklahoma Indians were sent by the BIA to Dallas, Denver, Chicago, Los Angeles and other cities.

Thus the growth of Oklahoma City's Indian population has been by voluntary self-relocation. Today the program will help Indians relocate in Oklahoma City but few interviewed in the study said they had moved here because of it.

The study says that in Oklahoma, persons of Indian descent are in three categories: socio-cultural Indians, legal Indians and individuals of Indian descent.

Socio-cultural Indians are those who live virtually full-time as Indians either socially or culturally. Legal Indians are those who are one-fourth degree Indian or more and thus qualify as Indian for BIA and IHS programs.

Those of Indian descent are 1-16 or 1-32 or less Indian and are not socially, culturally or legally Indian. Certain programs of the Health, Education and Welfare, and Labor Departments can count those of Indian descent for statistical purposes and they can qualify as "Indians."

THE PROBLEMS of identifying Indians and their mobile population make census figures questionable, the report said. At any rate, those compiling the report believe the Indian population is increasing-although the blood quantum may be decreasing.

The report concludes by recommending that social services for Indians should be contracted or sub-contracted to Indian organizations when legal and feasible.

When that is not possible, the agencies should hire employes who are socially and culturally Indians to work at all levels of planning and implementation.

"The urban Indian is one of America's forgotten people," the study says. "To the Bureau of Indian Affairs, to the Indian Health Service, and all too frequently to his own tribal leaders, he no longer exists.

"Excluded from participation in Indian programs, he is commonly ignored by state and local social service agencies. Powerless and without recognized leadership he exists alone in a culturally alien world in which he is ill-equipped for survival.

"Unable to help himself and through negligence refused assistance by those responsible to assist him, it is little wonder that he is rapidly slipping into the quagmire of hopeless poverty and degradation, more debilitating than that from which he is attempting to escape."

## Federal Preemption Viewed As Western Water Threat

TORRINGTON, Wyo.—(AP)—Republican senatorial hopeful Malcolm Wallop says he thinks the federal government will try to gain control of all Western water within the next 10 years.

Wallop, in a speech before the Rotary club here, said suits filed by Indian tribes claiming control of waters that flow through their lands "are merely a warning of what the Department of Interior will attempt in the next decade.

"The federal government is going to try to preempt all Western water under obscure provisions of the old Homestead Laws."

IN HIS SPEECH, Wallop didn't specify how the federal government would attempt to preempt or lay claim to the water. But John Jenkins, the research director for the Wallop campaign, said the federal government could do it through use of the "reservation doctrine."

Jenkins said the doctrine, which the U.S. Supreme Court supports, says that the government can lay claim to any water which is needed to develop land or minerals it has reserved for its use in Western states.

He said the federal government has reserved the mineral rights under 72 per cent of Wyoming's land area and that these are among the areas which could be used to preempt Western water.

WHILE THE FEDERAL government up to now hasn't had a need for massive amounts of water, Jenkins said, it could need it in the future.

He also said that conversations Wallop has had with Interior Secretary Thomas Kleppe led him to believe Kleppe wasn't very sensitive to the desire of Western states to control their water.

The preemption of water rights would be done on a case by case basis, Jenkins said, as the federal government needs water for various uses.

Jenkins also said Congress easily could halt the threat to water control by passing a law giving up the federal right to such water.

Wallop, now a state senator from Big Horn, is seeking the U.S. Senate seat of Democratic incumbent Gale McGee.



# INDIAN NEWS CLIPS

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*Seattle Times*  
*Oct. 3, 1976*

Stanton H. Patty



## Death of a Star? There's still hope

Time is running out for the good ship North Star III.

Unless the federal government approves construction of a new ship or a \$10 million or so rebuilding of the North Star III, the long-time Bureau of Indian Affairs program will die.

The Seattle-based North Star III, built in 1945 as a Victory ship, transports general cargo and fuel to about 70 native villages in Alaska.

"The North Star is their lifeline," said David S. Jollie, director of the bureau's Seattle Liaison Office.

Experts have told the B.I.A. that the North Star III only can operate about four more years in its present, deteriorating condition.

AT LEAST two or three years will be needed for design and construction of a North Star IV.

Thus, the B.I.A. and worried village leaders in Alaska feel a deadline coming on — soon.

"There's still enough time to do something if we hear pretty soon," Jollie said. "But another six months and things could get pretty shaky."

A recent B.I.A. study recommended replacing the North Star III with a new and larger vessel designed for severe ice conditions. Estimated cost: \$30 million.

Morris Thompson, the B.I.A. Commissioner, followed through by asking the Maritime Administration to do an "in-depth study." Thompson expects a recommendation from the Maritime Administration before the end of the year.

This step should result in documentation for budget requests to Congress and the Office of Management and Budget.

Clarence Antioquia, the bureau's area director for Alaska said the B.I.A. is getting "positive responses" from the Interior Department and Alaska's congressional delegation.

"I think we at least have the issue surfaced now," Antioquia told The Times.

No suitable surplus ships are available for the North Star run.

"We have already surveyed all of the surplus (mothballed) vessels and we didn't find anything better than what we have," Jollie reported. "That's not the answer."

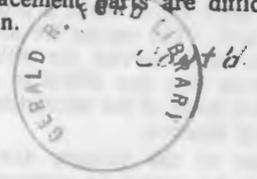
ONE BUREAU requirement is that the new ship be diesel-powered so it can get up power quickly to escape storms and ice. The only vessels available from the mothball fleet are steam-turbine freighters.

Why not rebuild the North Star III?

Because, Jollie said, major work including replating, wiring and plumbing is needed throughout the ship.

This would be a big, expensive job and we would end up with an old ship that will continue to need additional repairs — and as the ship becomes older, it will become even more obsolete to meet the increasing needs of the people it serves."

For example, the manufacturer of the North Star III's main engine (Nordberg) no longer is in business. Replacement parts are difficult to obtain.



Besides, the North Star III is too small and outmoded to keep up with the needs of the villages.

"In the past two years we had to turn down about 500,000 gallons of bulk oil per trip," Jollie said.

With new housing, schools and hospitals, native communities have a higher standard of living and are buying more heating oil and other goods.

**THIS YEAR**, in two sailings to Alaska, the North Star III delivered about 20,000 tons of general cargo and oil.

Because the North Star III was designed for military missions, innovations such as containerized handling of cargo cannot be used.

Containerization, the B.I.A. said, would trim labor costs, expedite delivery and lessen cargo damage.

The 455-foot North Star III, built in Baltimore, is the last of three identical Victory ships still in service. With a 9-cylinder diesel and shaft horsepower of 5,850, it cruises at about 15½ knots. The B.I.A. obtained the ship in 1962.

Age and Alaskan conditions have taken their toll.

"It's an old ship and, like people, parts wear out," said retired Capt. Cecil W. (Moe) Cole, a veteran of 32 years with the North Star program.

There is no question that they need a new ship. The service has to be continued for the villagers. They can't do without it."

The present skipper is Capt. John O. Case, another long-time crew member.

The North Star is an Alaskan tradition, dating back to 1922 when the Boxer began supplying the remote villages.

It is a unique program.

The B.I.A. guarantees delivery of cargo, regardless of delays and weather conditions. Tariffs are set lower than those of commercial carriers to keep costs down for the natives.

Villagers are hired for longshore work, often the only cash income they receive all year.

**AND THE** operation is self-supporting.

"We don't try to make a profit," Jollie said. "The reason we are in business is to service the villages at a price they can afford so they can have some of the necessities of life they deserve.

"Many of the villages are too small to be served by commercial

operators without some kind of subsidy."

Not only that, Jollie said, but the commercial carriers could not afford to wait "stormbound" to complete deliveries to the natives.

"We wait as long as it takes," Jollie said.

Last year at Barrow, when heavy ice conditions prevented conventional lightering of cargo to shore, the B.I.A. chartered helicopters to lift the freight. In 1970, when the North Star III was unable to offload at Barrow, it detoured to Seward

and the cargo was transported by rail and then by air to Barrow at no additional expense to the natives.

"The natives call it their ship and the crew members are real close to the people," Jollie said. "They go way beyond the call of duty."

**ANTIOQUIA**, the B.I.A. director in Alaska, called the relationship between the North Star III and the villagers "something akin to love."

We have been there with the North Star and we have felt that love.

Frankly, this is a service the natives cannot do without. Loss of the North Star service would be stunning economic hardship.

Here's hoping there will be a North Star IV.

SEP 29 1976

GALLUP INDEPENDENT

# BIA TRIO WILL TESTIFY

**WINDY ROCK, Ariz.** (Dine Bureau) — Tribal Court Judge Merwin Lynch Tuesday decided to drop possible charges of contempt against three Bureau of Indian Affairs officials who had refused to testify in tribal court several weeks ago.

The charges were dismissed against Tribal Operations Officer Val McBroom, Law Enforcement Director Dwight Marable, and Soil Conservationist Don Renteria when their attorney said that they had been given permission to testify by the Interior Department.

Interior Dept. officials had earlier ordered the three not to testify in the dispute between the Navajos and the Hopis involving the erection and tearing down of a fence at Pasture Canyon near Tuba City because the tribe had failed to fol-

low proper procedures.

According to federal regulations, federal employees are not permitted to testify in tribal, state or federal courts about anything connected with their jobs unless they have permission from their department. In this case, Interior attorneys told the three that they would not testify because the tribe failed to submit a written request with a list of questions they would be asked.

Jam Loss, an attorney for the Department of Justice who represented the three BIA officials, told the court that the tribe did submit a written request with a list of questions soon after the first hearing and that the three BIA officials have since been given permission by the Interior Department to testify.

After Tribal Prosecutor Raymond Tso said he had no objections to dismissing

the contempt charges, Lynch ordered the charges dropped and set a hearing for Oct. 29 to determine whether the Hopi tribe should be given a permanent injunction forbidding tribal members from building a fence around a water reservoir at Pasture Canyon.

Members of the Hopi Tribe began building a fence around the reservoir last August although the land is on the Navajo Reservation. Hopi leaders said that the land in question belonged to Moenkopi Village which is primarily occupied by Hopis.

Before the fence was completed, members of the Navajo Tribe came in and tore it down. The Navajo tribal court ordered a temporary injunction against the Hopis in September forbidding any more work on the fence until a hearing could be held.

# Study Aims to Protect Indians in Energy Development

By BILL STRABALA

Denver Post Business Writer

The accounting firm of Ernst and Ernst last week was awarded a \$250,000 contract by the Federal Energy Administration in Washington, D.C., to study what is needed for energy-rich Indian tribes to develop their resources. The Denver Post learned from confidential sources.

The survey, to be conducted among 23 Indian tribes on mostly Western reservations, stems from a request by the Council of Energy Resource Tribes (CERT). The group is seeking FEA guidance in the wake of alleged failures by the

Bureau of Indian Affairs (BIA) to protect properly the mineral interests of Indian tribes.

UNTIL THE CERT request, initiated by the Indian tribes with the FEA a year ago, not even the Indians knew that the BIA was already conducting a minerals inventory on at least 16 Western reservations. What the BIA intended to do with the information is not clear, but it aroused Indian suspicion and prompted the FEA to make its Indian assistance program a top priority matter.

The BIA's mineral-search activity came to light only after the FEA, under its administrator, Frank Zarb, had responded to the demand of the Indian tribes that they be informed about energy development on their lands. When the FEA subsequently sought to develop a minerals inventory for the tribes, it was told by BIA that such a study was already under way. FEA has since turned that portion of energy planning for the tribes back to the BIA, but proceeded with its own energy study as sought by CERT.

Minerals such as coal and uranium have been partially developed on some reservations, including the Crow and Northern Cheyennes in Montana, and the Navajo in New Mexico and Arizona. But tribal leaders have charged they are now being shortchanged under some of the long-term mineral agreements.

IN THE CASE of the Northern Cheyennes, contracts with major coal companies several years ago went for 12 cents an acre. At that time, according to Allen Rowland, chairman of the tribe, BIA officials advised the Cheyennes, "That is the best contract ever made." And so the tribe accepted the bid, which it now regrets.

More central to the mineral-development controversy is water rights.

Most Indian treaties guarantee to the various tribes that "all water flowing through or rising in" their lands will belong to them forever. Most Western states have—by other legal arrangements since the time of the Indian treaties—violated the Indian water rights—with full knowledge of the BIA, some tribal leaders charge.

IN A RECENT meeting between CERT and Zarb in Denver, Allen Rowland,

chairman of the Northern Cheyennes in Montana, noted that his people had to spend \$450,000 to defend its rights in court. The case went to the U.S. Supreme Court, which ruled in favor of the Cheyennes.

Rowland also complained that the tribe's legal expenses hadn't been paid as promised by the Interior Department, and he blamed Montana's senators for not helping.

Zarb left the meeting promising to look into the matter.

NOW, IF THE contract just signed with Ernst and Ernst does what FEA officials hope it will do, Indian tribes will gain a fuller knowledge of what their resources are, what their true value is, and how to deal with companies sniffing for bargains.

The FEA contract calls for a tribe-by-tribe analysis of financial, social and environmental conditions and needs; recommendations on management and technical skills required within the tribal systems; technical education needs for self-help in development of minerals; and a specially tailored approach to environmental-impact statements.

The environmental-impact package is of special importance, according to FEA officials, because, as the Indians themselves point out, these aren't public lands.

## Ft. Peck water deal closed

By FLYNN J. ELL  
Of The Gazette Staff

A deal between Montana and the federal government to market a potential \$12 million worth of water from Ft. Peck Reservoir for industrial use was concluded in Billings Thursday.

Jack Horton, assistant secretary of the Interior, signed the 300,000 acre-foot contract at a press conference, prior to flying to Wyoming.

Horton hailed the precedent setting contract, pre-signed by Gov. Thomas L. Judge, as a "giant step ahead" which will give the state the "cutting edge" in marketing Ft. Peck water.

The state already has its first customer's application.

Gary Wicks, director of the Montana Dept. of Natural Resources, said Dryer Bros., have applied for 32,000 acre-feet for Circle West, a Burlington Northern proposal to convert McCone County coal into ammonia fertilizer and possibly liquid fuels.

The first-of-a-kind agreement between the state and federal government on marketing the West's water will recognize all pre-existing water rights, Horton said.

That includes undetermined amounts of water owned by Indians and Indian tribes.

Under the five-year contract, the state will pay the federal government \$20 an acre-foot for any federal water it sub-contracts.

But nothing will be paid by the state prior to water sales.

And, Wicks said, Montana may tack on an additional \$20 an acre-foot to make maximum costs to its customers \$40, with the state's share going into the general fund.

The Circle West cost is \$25 (\$20 federal, \$5 state) an acre-foot, Wicks said, but added water costs will rise as demand increases.

Wicks said he doubted applications within five years would equal the 300,000 acre-feet "block" of marketable water, "but we'll make a stab at it."

The state also has been assured by the feds that enough water has been set aside for agricultural use, Wicks said.

Wicks estimated total water stored in the reservoir at 18 mil-

lion acre feet, most of which is already used for power generation.

"We hope the same agreement can be made on water stored in Yellowtail Reservoir," where the Bureau of Reclamation has options contracts for 600,000 acre-feet.

The state hopes to negotiate for any of Yellowtail water not used under those contracts, Wick said.

Wicks indicated the Ft. Peck agreement is a breakthrough on the state's use of water, most of which is tied up in legal squabbles with Indians, which he termed among the top five water problems in Montana.

Horton said that Interior will make a statement regarding its

"Indian Water Policy" within six weeks.

But most agree it may take several years before litigation settles the questions surrounding Indian water rights.

Other top water problems the state is trying to solve are identification of water needs for energy development, agriculture needs, and other existing water rights, Wicks said.

# Reservation Jurisdiction May Be Settled Soon

SAN CARLOS (AP) — The question of whether the Arizona Department of Public Safety and other police agencies can enforce traffic laws on Indian reservations without tribal permission may be resolved within 10 days, a Bureau of Indian Affairs official said.

A settlement will directly affect law enforcement on the San Carlos Apache Indian Reservation in eastern Arizona. At present, both DPS and BIA police are patrolling a 40-mile stretch of U.S. 70 through the reservation, but each has its hands tied because of jurisdictional limits.

DPS OFFICERS can issue citations to non-Indian motorists but have no jurisdiction over Indians for anything but major crimes, said DPS Lt. J. R. Smith.

Conversely, BIA police have jurisdiction over Indians on the reservation stretch of the highway.

The current impasse developed after an incident in which a DPS officer

issued a traffic warning to Tribal Chairman Buck Kitcheyan.

The next day the BIA police notified DPS officers that the tribal council has ruled that the DPS could not enforce the law on the reservation.

WILLIAM Wilson, Phoenix BIA area special officer, denied that the tribe has ordered the DPS off the reservation. "What they're really doing is saying there's a question on your ability to enforce tribal law," he said.

Wilson said the courts have ruled that state criminal laws do not apply to Indians in a reservation.

"In the past, if a tribe required outside help, it has, in some cases, negotiated to commission the DPS, county sheriff, or other outside agency, whose duties take them on the reservation. Such arrangements have been made for patrol of Inter-

state 10 through the Gila River Indian Reservation. The Navajos have similar commissions," he said.

DPS RECORDS show that 73 per cent of the accidents and fatalities on that stretch of road last year involved Indians from the reservation.

Smith said his officers are continuing to patrol the area. He said when a person is stopped, if he is an Indian, the Indian police are notified.

Smith said his agency is commissioned by the BIA to handle major crimes, such as murder, manslaughter, arson or rape, and has in the past cooperated with the BIA and Indian police in solution of such crimes.

OCT 6 1976

*Phoenix Gazette*

# Tribe Considers Meeting Passes

WINDOW ROCK (AP) — Navajo tribal officials are considering regulations limiting the number of persons who can attend Tribal Council meetings.

The proposed regulations would allow only council members free access to the chambers.

ALL OTHER persons interested in watching the session would have to get a pass from the chairman's office or a member of the council.

At least one youth group, the Farmington, N.M., Coalition for Navajo Liberation, plans to stage a demonstration when the council begins its fall session later this month. The demonstration is to protest what leaders call an attempt by the tribal administration to "crush the spirit" of the coalition.

The proposed regula-

tions stem from demonstrations held during the council's August session which resulted in the chambers being sealed off for the meetings.

DURING that session, about 40 demonstrators conducted a sit-in to protest passage of a new coal agreement with El Paso Natural Gas Co.

A tribal spokesman said the proposed regulations were modeled after procedures used by Congress in providing access when the House or Senate is in session.

OCT 6 1976

*Phoenix Gazette*

**Supreme Court may hear custody case**

# Grandpa, Anglos fight over Indian boy

By WILLIAM GIBSON  
Tribune Staff Writer

Three-year-old Freddy, a Navajo, was the favorite of his grandfather and often accompanied him in travels around the reservation near Gallup.

Last year Freddy was turned over for adoption and placed in an Anglo, Christian family.

The grandfather, recalling the Navajo custom of extended family relationships with the maternal grandfather at the head of the clan, wants Freddy back.

The collision of Indian culture and white man's law has reached the State Supreme Court.

A PETITION was filed Thursday asking the Supreme Court to review the District and Appeals Court rulings upholding the adoption.

The Association on American Indian Affairs and the Navajo Nation of Indians have filed briefs with the State Appeals Court arguing that Freddy's father and grandfather "were denied due process of law by the failure of the trial court to recognize Navajo

extended family structure and child rearing practices."

The Appeals Court denied the grandfather's claim, primarily because it felt the adoption would be in the best interest of the child.

But the court also ruled that state law takes precedence over Navajo custom.

"NEW MEXICO need not subordinate its own policy to a conflicting Navajo custom," the court ruled. "The grandfather had a right to custody

under Navajo custom. He had no such right under New Mexico law."

The grandfather began his attempts to get Freddy back through a habeas Corpus suit in District Court.

About 40 people attended the emotional hearing.

Indians came wearing velvet, silver and turquoise.

Some of the Anglos came wearing crosses.

DIST. JUDGE Rozier Sanchez

Continued on Page A-6

## Granddad, Navajo

From Page A-1

learned from the testimony Freddy's mother had turned the child over for adoption by fraudulently obtaining the consent of his father.

Her boyfriend had phoned the adoption agency pretending to be the father and to give his consent.

Sanchez assessed court costs to the adoption agency because the fraud hadn't been brought to his attention at the outset of the case.

But he ruled that Freddy, who had already spent eight months with his new parents, should remain in his new home.

He ruled, and the Appeals Court affirmed, that the father's consent was waived because he had abandoned the child, who was born out of wedlock and reared mostly by his aunts and grandfather.

**BOTH COURTS** ruled that the grandfather had no legal right to custody.

"The trial court found that Navajo custom and tradition confers upon grandparents, particularly maternal grandparents, the status of custodians of the grandchildren," the Appeals Court noted in its ruling.

Sanchez had found that laws and customs of the Navajo Nation had "full faith and credit" in New Mexico courts the same as with the laws of any other state.

He reasoned that the Navajo have joined with the U.S. in a treaty and that the Indian custom must be recognized in state courts.

**APPEALS JUDGE** Joe Wood declined to rule on whether the Indian custom was entitled to full faith and credit. His opinion says that even if full faith and credit is given, New Mexico law would take precedence.

The issue of the status of Indian custom in the courts was not specifically presented to the Supreme Court for review.

However, the petition challenges the abandonment issue which relates directly to the question of Navajo custom, says Patricia Goldsmith of the DNA-People's Legal Services, who filed the petition.

The Appeals Court's ultimate decision was based on what it said was the best interest of the child.

**THE RULING** noted that the grandfather had battled alcoholism and was often away from his home selling Indian jewelry.

The ruling further notes that testimony that Freddy's vocabulary, toilet training and psychological state had improved in his new home.

"The grandfather's asserted right to continued custody and his desire to maintain his ethnic heritage and customs are not the paramount interests involved in this case," the ruling states. "The paramount interest is the best interest of the child."

OCT 6 1976

Albuquerque Tribune

# New damsite or forced sale are choices for Orme project

By TOM KUHN

The secretary of interior must decide whether to force the Fort McDowell Indians, through court condemnation, to sell tribal lands needed for the proposed Orme Dam or "tell us to find another damsite," a U.S. Bureau of Reclamation official said Tuesday.

Yavapai Indians on the small Fort McDowell reservation 30 miles east of Phoenix voted Saturday not to sell their lands for the dam. A tribal leader added that any attempt at court condemnation would be opposed.

It was the second time the Yavapais rejected a government offer of at least \$31 million to sell their Verde River bottomland so it could be flooded by Orme Dam, a proposed component of the Central Arizona Project.

Clifford A. Pugh, projects manager for the Bureau of Reclamation in Arizona, said the Indian vote presents a dilemma for the interior secretary.

"The secretary," he said, "must decide whether he is willing to condemn

the (Indian) land or tell us to find ourselves a new damsite."

The interior secretary not only runs the Bureau of Reclamation but also the Bureau of Indian Affairs, which administers Indian reservation lands.

Orme Dam, planned at the confluence of the Salt and Verde rivers, is described by the government as having the dual ability to regulate the flow of the CAP and provide flood control protection for metropolitan Phoenix.

The proposed site is partly on Indian land, and the Verde arm of the Orme reservoir would inundate nearly 20,000 acres of land now a part of the Fort McDowell reservation.

"We are going to notify the secretary of the vote and proceed with evaluation of alternative sites," Pugh said.

The alternative sites are smaller than the Orme Dam site and would not provide for flood control, he said.

"The bureau has no legal obligation to provide flood protection for the Valley," he explained. "Our job is to find regula-

tory storage for the CAP and that's all we're looking for at this point."

He said the Bureau of Reclamation must be prepared to build a CAP regulation dam elsewhere if the Orme site is abandoned.

Government documents published in The Arizona Republic recently indicated a concern by the Bureau of Reclamation and the Salt River Project about the effect that an Orme lake might have on the stability of Stewart Mountain Dam upstream on the Salt River.

Other documents confirmed that two geological faults run through the Orme Dam site. Bureau of Reclamation engineers said the faults could be plugged against leakage.

The Orme site is opposed by federal and state wildlife agencies and by several conservation and environmental groups, the most vocal being the Citizens Concerned About the Project (CCAP).

The CCAP has a lawsuit pending in U.S. District Court in Phoenix to stop

Continued on Page A-4

## More about Alternative to Orme Dam

Continued from Page A-1

Orme Dam. Frank Welsh, a Phoenix engineer who heads the group, said the CCAP plans to ask the court for a summary judgment later this week.

"I think the (Indian) vote was about what we expected," Welsh said. "The number who voted for the dam is the equivalent of the number (of Yavapais) who live off the reservation."

"What we expect the bureau to do is go after Coons Bluff site next, which means flood control will have to be provided by other means than Orme Dam," Welsh said.

Roger Ernst, president of the Central Arizona Water Conservation District

board of directors, which will operate the CAP when it is completed in the late 1990s, said he agrees with the government decision to look seriously at alternative sites.

"I hate to see Phoenix lose the flood-control protection, but we just don't want to see this project get off schedule," Ernst said.

The alternatives that the bureau considers should be evaluated "very carefully" and not be controversial, he said.

"I don't want to get involved in these controversial ones," he said.

Pugh said the Bureau of Reclamation is evaluating work on the Coons Bluff site on the Salt River, outside the Indian lands.

# Orme Dam study inadequate, says Forest Service

Arizona Republic

OCT 6 1976

By ROBERT L. THOMAS

A U.S. Forest Service report on Orme Dam says the Bureau of Reclamation's draft environmental statement is inadequate as it pertains to the areas of archaeology, endangered species, recreation, flood control and loss of water purity.

The report, written by a team of Tonto National Forest staff officers and experts from the regional forest headquarters in Albuquerque, was approved by Deputy Assistant Agriculture Secretary Paul A. Vander Myde.

Vander Myde, in a letter to Reclamation Commissioner Gilbert G. Stamm, said the bureau's environment statement "ignores certain assessments, objections and recommendations" made in an archaeological sites report by the Arizona State Museum in Tucson.

The report declares that the best protection the Archaeological sites could receive would be if Orme Dam were not built.

One hundred seventy-eight sites would be inundated by the reservoir, which would create two lake arms in the Verde and Salt rivers.

The environmental statement also fails to assess the effect the flooded area would have on the Forest Service's management program for culture and history resources dealing with both prehistoric and historic sites, the Forest Service said.

The bureau omitted data prepared by other agencies and by schools on "desert - nesting eagles" found in the Orme Dam area, said Vander Myde.

The Forest Service supported earlier expressed objections of the U.S. Fish and Wildlife Service, and said that if the dam is constructed it "will cause the destruction and modification of (eagle) habitat and may jeopardize the eagle's continued existence."

"Third," the report continued, "there is a need to expand alternative proposals (to Orme Dam). Floodplain management; nonstructural measures and stream modification as methods of alleviating extensive flood damage are not adequately evaluated."

While one of the purposes of the Central Arizona Project is controlling floods, there is no statement in the law that Phoenix "must be totally protected from extremely rare floods by a dam with a large floodpool," the Forest Service said.

The report was critical of the bureau for not being more thorough as to the effect of the loss of some 20 miles of riverside environment.

Loss of the river would affect flora, fauna, floating trips, bird - watching and other "inexpensive forms of recreational activity," the report said.

The bureau's "mitigative measures are directed solely towards replacing these unique activities with more common lake-oriented activities," the Forest Service said.

Moreover, the lake created by Orme Dam will cover 178 prehistoric or historic sites; 10 square miles of rare riverside vegetation; and 15 square miles of habitat needed by wildlife.

The Forest Service report was especially critical of the Bureau's environmental statement in regard to wildlife.

Nothing in the way of mitigation can replace the habitat which will be destroyed by Orme Dam, the Forest Service said.

When water from the Colorado River is added to the drinking water from the

Continued on Page A-4

## More about *Report on Orme project*

Continued from Page A-1

Salt and Verde Rivers in the Orme Dam reservoir, there will be a deterioration of water quality that "could degrade the high quality water of downstream aquifers," the Forest Service said.

Its report said the Bureau of Reclamation statement ignores that the Colorado River water may push the total of dissolved solids in the water over the accepted limits set by the U.S. Public Health Service. The bureau estimates that dissolved solids may go as high as 920 milligrams per liter. The PHS recommends that the limit not exceed 500 milligrams.

Most of the 22-page Forest Service

comment is an item-by-item criticism of the Reclamation Bureau's environmental statement.

*Phoenix Gazette*

# AIM Doesn't Aim For Indians

Conscientious custodians of the Fourth Estate are trying to remember that it's our job to "report" the news, not to "make" the news.

By focusing attention on an upcoming event, we can rightly be accused of "promoting" participation or attendance in that event.

Similarly, by limelighting some organized group, however unworthy it may be, we tend to solicit support for that group.

From time to time we have had to refer to the AIM, the "American Indian Movement."

If our frequent mention of that high-sounding designation has tended to dignify it — we should apologize.

IT WAS IN 1972 that the so-called "American Indian Movement" first commanded attention with its violent raid on the Bureau of Indian Affairs

building in Washington. They did \$2 million damage and removed file cabinets of records.

The following year the same organization organized the occupation of Wounded Knee, South Dakota, for 11 weeks, resulting in major damage to the town and the deaths of two Indians and the wounding of two federal agents.

Extensive media publicity left the public impression that this AIM spoke for the masses of Indian people. It never did and does not.

An exhaustive investigation by the Senate Judiciary Committee has established that:

**THE AIM IS A revolutionary organization committed to violence: arming Indians, stockpiling guns and explosives, planning kidnappings and eliminating opposition in the manner of the Mafia.**

Some of the AIM leaders consider themselves Marxists, have visited Castro Cuba and have ties with the outlaw IRA in Ireland and with the PLO in the Middle East.

In the United States the AIM has

received support from the infamous Weather Underground, the Communist Party, the Black Panther Party and the Symbionese Liberation Army.

Yet our media coverage of AIM activities has generally been sympathetic — assuming this outfit to represent the best interests of American Indians.

The Eastland committee came out of this tedious investigation convinced that news coverage of the AIM had convinced not only the general public but government leaders as well that the organization was legitimate.

**EVEN SOME churches were suckered into supporting these renegade redmen — and some offices of the federal government allocated money to support them. Most such money was used to stage confrontations and to keep AIM leaders "comfortable."**

For the record, the only proper spokespersons for the American Indians are the elected tribal councils — and the councils have expressed shame over the overt and covert activities of this unworthy handful calling themselves the "American Indian Movement."



HARVEY

B-8 Wed., Oct. 6, 1976  
*The Phoenix Gazette*

## Violation Charges Ruled Out

LARRY Baca, attorney for the department's Indian Rights Office, said there is "no action planned at this time" on the study that was turned over to the Justice Department last month.

Baca said, based on information the department has, there are no violations of the one-man, one-vote standard in the two counties.

But he said the department has not drawn any conclusion on what the tribe called disparities in McKinley and San Juan counties in New Mexico.

The tribal study claimed the disparity in population distribution is 9.74 per cent in Coconino County and 14.86 per cent in Navajo County. Both, however, are within the maximum 20 per cent disparity in equal population allowed by the U.S. Supreme Court.

THE STUDY stated "it can be argued that the individual precincts are grouped into districts so as to minimize the political influence of the Indian people" in both counties.

Referring to Coconino County, the tribes' study said:

"In each of the existing districts, the Flagstaff precincts constitute a significant portion of the population, and the Flagstaff vote undoubtedly offsets the rural votes in Districts 1 and 3. Yet, it is clear that the precincts could be grouped in a way to maximize the influence the rural, largely Indian, citizens of the county."

Coconino County Manager Jack Smith said tribal representatives were present when the new districts were drawn.

He said, "We're very much surprised they would come up with a report like this now because they agreed with us originally."

The revised districts were given final approval by the courts in April. The new precinct lines were approved in December 1975.

THE JUSTICE Department investigation is similar to a department probe two years ago in Apache County that resulted in a lawsuit to reapportion supervisor districts.

In that case, the department claimed Apache County officials were depriving Navajos of fair representation by allowing only one supervisor district for the 30,000 residents of the Navajo Reservation, while giving two to the Anglo 7,000 population nonreservation portion.

The U.S. Justice Department said it has found no violations in the makeup of supervisor-voting districts in Coconino and Navajo counties.

The department issued the statement after completion of a study by the Navajo Tribe that contended the districts in the two counties slightly favored the larger, mostly Anglo communities.

# Reservation Liquor Rejected

## Arizona Liquor Board Turns Down Request

GALLUP INDEPENDENT

OCT 1 1976

By BILL DONOVAN

WINDOW ROCK, Ariz. (Dine Bureau) The Arizona State Liquor board Thursday rejected two applications for permission to establish package liquor stores in St. Michaels and Kayenta.

The board, meeting for the first time here, indicated that the state would allow the Navajo tribal government to decide whether or not liquor would be sold within the boundaries of the reservation.

The first application, made by Rex Linville, was for a license to establish a liquor store on tribally-owned land in Kayenta.

Linville currently operates a laundromat on land that is leased to his wife, Josephine. He wanted to put the liquor establishment next to the laundromat.

### Tribe Has Been Against

Attorneys for the Navajo Tribe told the hearing board that the tribe has historically forbidden the sale of liquor on the reservation and in one of its advisory committee meetings three months ago, recommended that the liquor request be turned down.

Linville argued that allowing him to establish a liquor store would do away with the illegal bootlegging that is going on in the Kayenta community and would prevent Navajos from having to pay exorbitant prices for their beer.

He said that his lease only allows him to run a laundromat but that if the application was approved, he would go to the tribe for permission to modify the lease to sell liquor.

### Not Considered Problems

Alexander Russin, Linville's attorney, told the board that he felt the tribe has failed to address itself to the problems of liquor on the reservation.

Herm Olsen, a tribal attorney, argued, however, that the reservation's alcohol problems will not be solved by making liquor easier to obtain.

The three-man board then voted unanimously to reject the application since Linville's lease prohibits any acts against tribal law and since tribal law prohibits the sale of liquor.

### Lee Bid Different

The second application, made by Philip Lee of Lupton, presented a different set of circumstances. Lee wanted permission to establish a liquor store on the Blackrock or Old Fort Defiance Road, which begins across from the Navajo Health Authority.

Lee told the board that he has leased land owned by Jim McAvoy across from McAvoy's wrecker service. The land is fee-patent and now owned by the tribe.

Lee argued that the land was within a non-Indian community and therefore was exempt from federal regulations prohibiting the sale of liquor.

### Area Mostly Indian

However, when Olsen questioned Lee, he admitted that the racial make-up of the area within a mile of the proposed site was 60 per cent Indian and 40 per cent non-Indian. St. Michaels councilman Albert Ross later testified that the makeup was closer to 80 per cent Indian and 20 per cent non-Indian.

Lee also argued that allowing him to establish a liquor store there would reduce the number of alcohol-related accidents on State Highway 264. One member of the board, however, said he could not see how making liquor easier to obtain would reduce the number of accidents.

### Surrounded by Reservation

Olsen also told the board that although Lee's lease was on fee-patent land, it was totally surrounded by the Navajo Reservation. He added that new federal regulations required Lee to get a business permit from the Bureau of Indian Affairs and one provision of this permit lease required Lee to agree to abide by all the laws of the tribe.

The board again voted unanimously to reject the application. Just before the vote was taken, one member of the board told Lee that he was not sure that if the board voted to approve the license, they would not be doing Lee a disservice since it was obvious that a favorable action by the board would only be the beginning of his problems.

### One Was Withdrawn

Another application, made by Chester Johnson, was withdrawn before it could be considered. Johnson owns Charlie's and Mary's Beer Store in Lupton and wanted to get an extension of his license to sell other types of liquor besides beer.

Lee is also trying to get a license to establish a package liquor store in St. Johns. The discussion on this request was postponed and will be heard in Phoenix at a later date.

# Negotiations Failure Leaves 40 Jobless

OCT 3 1976

Farmington Daily Times

By SCOTT SANDLIN  
Daily Times Staff

SHIPROCK — About 40 persons at Navajo Engineering Construction Authority (NECA) were out of a job today, apparently due to a failure of the Navajo Tribe to renegotiate a contract with the U.S. Department of Labor for training programs, a NECA official said.

George Arthur, director of the NECA training program, told 27 trainees and 12 staff members Thursday afternoon that due to a breakdown in negotiations between the tribe's labor office and the U.S. Labor Dept., the training program was not refunded.

The fiscal year for the tribe now ends Sept. 30.

Arthur said he also understood other programs on the reservation employing about 500 persons, including the Farm Training Program and the Navajo Agricultural Products Industries (NAPI), were "in the same boat." Officials at NAPI and Farm Training, however, said they had received no word about lack of refunding.

Arthur told trainees that the NECA budget was presented to the tribe in August, but the first inkling that funding might not come through was last week.

The involuntary unemployment may be temporary, however. One tribal official told Arthur that Comprehensive Employment Training Act (CETA) Manpower funds, under which the program operates, could be available Oct. 18.

Arthur said he was informed that the director of the Navajo Tribe's labor office, Leonard Arviso, had failed to follow proper channels in negotiations with the federal government and that he had presented a total budget request without a breakdown on how dollars would be used.

"For that reason and others," Arthur told trainees, "we were advised by an executive administrator for the tribe to shut down as of

5 p.m. today. Persons involved in such programs will just have to bid farewell until further negotiations are completed."

Arviso was reported in a meeting this morning and was unavailable for comment. A spokesman for the tribe's labor office, however, who refused to disclose his name or title, said that (the lack of refunding for training programs) was "not exactly true."

He said a public service employment program supplements agencies that need help where employes are concerned. After the training period, he said, persons are supposed to be hired by the particular enterprise involved.

Proposals for training programs are being reviewed by the U.S. Labor Dept., he said, and the tribal labor office is optimistic of the outcome. The unidentified spokesman declined to give any figures on the amount of programs on the reservation or the number of persons involved.

Arthur, however, said that "at one time, CETA funds were \$12 million — more than the tribe makes in royalties."

The labor office spokesman said matters were on a "status quo" basis now, and "people who have produced we will work with, those who have not we will not work with." He refused to identify those who allegedly "have not produced."

NECA is the only enterprise of the Navajo Tribe that receives no operational funds from the tribe, Arthur said. "NECA makes its own living, so there are no funds to fall back on."

The NECA training program, begun in 1973, has graduated about 600 persons trained in heavy equipment operations. The 12-week course has resulted in a job placement rate of 66 per cent overall, and 77 per cent currently, Arthur said. Most persons are employed by private companies, such as Peabody Coal Co., and earn an average income of \$8,112, Arthur said.

## Shiprock Gets Funds For Health

ALBUQUERQUE (AP) — The Indian Health Service bill signed into law by President Ford includes millions of dollars for New Mexico projects, Republican U.S. Senate candidate Harrison "Jack" Schmitt said today.

Among the appropriations are \$24 million for a hospital at Shiprock, \$16 million for health service personnel facilities at Shiprock, \$700,000 for a hospital at Bisti, \$12 million for a hospital at Crownpoint, \$4 million for health service personnel facilities at Crownpoint, \$250,000 for a hospital at Toadlena and \$150,000 for health service personnel facilities at Toadlena.

# Indian Medical School Studied

SHIPROCK — About \$40 million in health care funds under the Indian Health Care Improvement Act announced Friday will include a one-year feasibility study for the American Indian School of Medicine, according to Dr. Taylor McKenzie, executive dean of the proposed school.

McKenzie said a \$20 million appropriation for the school was struck from the bill as it made its rounds through committees. One representative had criticized AISOM as an inefficient way to train Indian medical personnel.

"We're still going ahead with planning," McKenzie said.

McKenzie and other members of the AISOM board have been ironing out details of the proposed facility over the past year. The school would enroll 80 per cent Indian students from throughout the U.S. at a facility proposed for Shiprock.

Third and fourth year students would receive training in contract hospitals in the Southwest.

McKenzie said the actual appropriation for AISOM was struck from the bill since it was feared that it might jeopardize passage of the entire bill.

Other appropriations under the act apparently will mean expansion of the Public Health Service Hospital in Shiprock, but Service Unit Director Dr. Luverne Husen said he had received no word from PHS officials regarding exact funding.

The hospital has drawn up plans for hospital expansion which include solar energy heating. One plan calls for a 150-bed expansion and another calls for a 250-bed expansion.

# Indian Educators Critical Of Council Appointments

ALBUQUERQUE (AP) — The National Indian Education Association ended its four-day meeting in Albuquerque by passing a resolution protesting the make-up of the National Advisory Council on Indian Education.

The executive director of the federal review council, Lincoln White, said he agreed with Clyde Bellecourt, director of the American Indian Movement, that "decision-makers are not fully aware of the diversity and population concentrations among our Native American and Alaskan population."

White, in answer to a question, also said it bothered him that President Ford appointed council members at the same time he was calling for Indian self-determination.

Ford's appointments were announced during the conference last week.

The resolution protested what it called "flagrant disregard" of adequate council representation of all tribes and geographical areas, and called for a review of the selection process.

It was sponsored by the South Dakota Indian Education Association.

# Goldwater Asked to Shift Vote

State Sen. Jack Morgan, R-San Juan, has made an appeal to U.S. Sen. Barry Goldwater, R-Ariz., to reconsider his position and support legislation regarding federal loan guarantees for synthetic fuel legislation if bills should be reintroduced in the next Congress.

The synfuels bill (HR 12112) was defeated by one vote recently and attempts to salvage it through a floor amendment in the Senate were unsuccessful.

"I have heretofore resisted the intrusion of the federal government into areas of business activity or other areas of responsibility that should be reserved to the states or

private sector," Morgan wrote Goldwater recently.

Morgan, however, wrote that he supports the synfuels guarantees because of costs associated with the projects such as WESCO's planned gasification plants in the Four Corners area. Delays in obtaining Federal Power Commission approval and environmental impact statements resulted in a cost escalation from an estimated \$400 million to one billion dollars per plant, he says.

"Financing through private sources was thereby frustrated, without some type of credible loan guarantee," Morgan's letter to Goldwater

said.

Morgan also says in the letter that "resentment is developing in energy-producing states toward energy-consuming states that do not... support measures which will have the effect of increasing the energy supply in the consuming state, such as California."

The House's rejection of the synfuel bill will compound problems areas regarding shipment of gas from New Mexico to California and will deprive California of 250 million cubic feet of gas per day, Morgan says.

The situation could "compound potentially severe prob-

lems which many California communities, as well as industries, will face if and as more severe curtailment restrictions are imposed on interstate national gas carriers."

Saying we are no closer to energy independence than before the Arab oil embargo, Morgan added that the dilemma faced by the energy-consuming American public is an ironic one.

"If the subject (of loan guarantees for synthetic fuel development) reasserts itself after the first of January (when Congress reconvenes), hopefully people will take another look and vote accordingly," he said.

# Gila Indians win U.S. cash award in WWII land use

By EARL ZARBIN

An award of \$1,575,465 to the Gila River Indian Community for the use of reservation land as a World War II campsite for Japanese internees was disclosed Thursday by the Indians' attorney.

Z. Simpson Cox of the Phoenix law firm of Cox and Cox said he was informed of the award by the U.S. Indian Claims Commission in Washington. The Indians had asked for \$6.7 million.

Cox said he doesn't believe the defendant in the case, the United States government, will appeal the award decision.

If it doesn't, this will be unlike the government's action in an award of \$5,451,229 made to the Gila River Indian Community in April. The government has appealed that judgment to the U.S. Court of Claims.

In that case, the Indian Claims Commission said the government improperly used \$2,930,338 of the Indians' money between 1937 and 1973 to finance operation and maintenance of the San Carlos Irrigation Project. The award included \$2,520,691 in interest on the wrongfully used money.

That case and the one decided Thursday are among nine suits brought by the Pima and Maricopa Indians to recover damages for the use and taking of land and water. The other suits are in various stages of litigation.

All the suits were filed in 1951.

The Indians will receive no money until it is appropriated by Congress.

The decision announced Thursday noted that the federal War Relocation Authority (WRA) decided to use part of the Gila River Indian Reservation during World War II to house individuals of Japanese ancestry from the West Coast states.

The WRA negotiated with the U.S. Interior Department for the use of the

Indian land and construction of two camps. Permission to build the camps was given before the Indians were told about it.

The Indian Claims Commission said the Indians were "presented with the project in the context that WRA 'had taken over' a portion of their reservation, that there was nothing the plaintiff could do about it, and that the superintendent (of the reservation) had obtained for the plaintiff Indians the best terms available."

The terms, which the Tribal Council narrowly approved in October 1942, included a provision that the government

## THE ARIZONA REPUBLIC

Friday, October 1, 1976  
(Section B) Page 1

would fully develop and prepare for irrigation 8,850 acres of desert land.

By June 1943, there were 12,000 Japanese in the two camps. At one point, the population rose to more than 14,000.

The government constructed 67 blocks, including housing, guard barracks, warehouses, administration buildings and appropriate utilities.

The Japanese began leaving the camps in the second half of 1945. The last of them departed in November of that year.

Before the federal government left, it destroyed everything it had constructed except a 7.25-mile road, fences and cattleguards.

Continued on Page B-2

Continued from Page B-1

In their suit, the Indians asked to be compensated because the government failed to develop and irrigate the land it said it would and failed to restore the campsites to their original condition.

The land lies west of Arizona Highway 337 and south of the New Casa Blanca Road. The reservation is on both sides of the Gila River south of Phoenix.

The government did not pay any rental for the 8,850 acres it said it would irrigate, the Indians having agreed that

the irrigation work and other improvements would be fair compensation.

By March 1944, the WRA had spent but \$460 to subjugate 30 acres for farming purposes. However, because the land was not leveled properly, it could not be irrigated.

That same month, the WRA sent a letter to the reservation superintendent informing him that it had abandoned the plan for irrigating the 8,850 acres, because "in our opinion the public relations would be greatly injured if we attempted to put more land under cultivation at the expense of other water users."



# HEW, Indian Fund Totals Don't Jibe, Says Doctor

ALBUQUERQUE (AP) — A study of the Health, Education and Welfare Department indicates Indians are not getting all the funds the agency says they are, an HEW official says.

Dr. George Blue Spruce, chairman of the Council on Indian Affairs under HEW, told the National Indian Education Association conference Tuesday a study — being redone for verification — found "gross inconsistencies."

A survey of HEW departments indicated the Health Resources Administration, which said it spent \$3 million in 1975 on Indian programs, actually spent \$1 million, Blue Spruce said. 4

The study also showed Supplemental Security Income gave Indians less than \$10 million, although it said they received \$40 million, and the Educational Opportunity Office gave post-secondary Indian students less than \$5 million although it said it gave \$10 million, he said.

In an earlier conference discussion, the executive director of the NIEA said the Bureau of Indian Affairs doesn't provide statistics so Indian educators can back up requests for funds.

Andrew P. Lawson said NIEA was awarded an Office of Indian Education grant to compile statistics by the end of the 1977-78 school year.

"We have random guesses on the dropout rates among Indian students. We have random guesses on achievement scores," Lawson said.

"The BIA could provide these statistics but doesn't simply because of its history of mismanagement," he said.

Lawson, a member of the Tsim-

shian tribe of Alaska, also said there are about 55,000 Indian students in federally operated schools with budgets totaling more than \$100 million.

"This is a direct subsidy to state governments," he said. "They don't have to pay to educate these children."

But, he said, most states believe that because Indian lands are not subject to property taxes, states should not contribute to Indian education. Property taxes are the most common source of school funding.

He also said Congress has been a friend to Indian education, but charged that advances "have been in spite of the Nixon and Ford administrations, not because of them."

Larry Snake, a member of the education committee under the National Tribal Chairman's Association, also warned against harmful involvement by the federal government.

"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," Snake said. "To do otherwise undermines and erodes the sovereign status of the federally recognized tribes."

A spokesman for the BIA Phoenix, Ariz., office said some BIA officials out of confusion over federal war on poverty programs allowed 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," said LaFollette Butler.

He said that practice bypassed the legitimate tribal governments.

"It is this practice of bypassing the tribal governments that weaken their ability to govern, said Butler, a Cherokee.

**TULSA WORLD**

TULSA, OKLA.

D. 117,736 SUN. 193,984

SEP 23 1976

## Indian Hospital In Claremore Short of Funds

CLAREMORE — Claremore Indian Hospital faces a medical and financial emergency where September funds for special treatment of patients have been exhausted.

"We are going begging now for outside help," Dr. Vernon Dyer, staff obstetrician, said. "We don't have the contract medical funds to pay Tulsa hospitals for treating our special cases and we have to rely on their charitable acceptance of them.

Glen Henson, Cherokee Nation representative on the hospital advisory board, said, "we could lose some patients here."

Dyer, a Choctaw-Pottawatomie Indian, said, complicated diagnostic, surgical and pregnancy cases frequently are referred to Tulsa hospitals.

He said outside medical contract funds for Indian patients were exhausted before last Saturday when he had to refer one of his own relatives to a Tulsa hospital, begging the hospital for help and getting a verbal agreement from a resident doctor the hospital would assume the costs as a charity case.

SEP 22 1976

SEP 25 1976

# Navajos seek slice of refund

INDIANS WINDOW ROCK — Navajos would like to participate in the \$3.9 million bakery refund settlement but may have trouble in doing so.

Between 15,000 and 17,000 Navajo families are eligible, and tribal officials plan a crash program to inform them about the case and help them fill out claim forms.

The court-approved method of informing consumers about the settlement was to send letters to those who filed 1975 state income tax returns or were on the state's welfare rolls.

The problem for Navajos, tribal officials say, is that Navajos who live and work on the reservation do not pay any state income tax so 90 per cent of the state's Navajos are missed.

Official say Navajos on welfare are for the most part uneducated and would not understand the claim forms.

Navajos have until Oct. 8 to submit claims.

Attorneys for the Navajo Tribe had asked the U.S. District Court in Phoenix for an extension earlier this month because the method used to notify Arizona consumers of the case was useless on the reservation.

The matter brought producers in Arizona who agreed to a settlement in a suit brought by grocery stores, restaurants and consumer groups charging the bread dealers with price fixing to keep bread prices low.

Several thousand claim forms have been turned over to tribal officials for distribution.

# 2 Found Murdered Near Reservation

A white man and an Indian man were killed in separate and apparently unrelated incidents Friday night in Menominee County.

One source said both were shot to death, but another report indicated that one was stabbed.

Many details of the slayings were being withheld pending investigations by the FBI and the Menominee County Sheriff's Department.

One victim, an Indian

named Willis J. Schanadore, was killed at 7:42 p.m. across from the sheriff's office in Neopit, sources said.

The other victim's body was found at 5 p.m. in the Keshena home of Neil Hawpetoss, a leader in the takeover of the Alexian Brothers' novitiate near Gresham in early 1975, authorities said. Hawpetoss has not been seen in the region for quite some time, the sources said.

The victim had been dead for about an hour when he was found, sources said.

James Tourtillot, chief deputy in the Sheriff's Department, said one of the victims was in his middle twenties and the other was about 46.

He said he could not reveal whether one of the incidents was connected with Monday night's armed robbery of the sheriff's office. Two of the four suspects had been captured. One escaped early Wednesday.

The other death was not related, Tourtillot maintained.

The Salt Lake Tribune  
SALT LAKE CITY, UTAH  
D. 108,270 SUN. 188,699

SEP 25 1976

# Church Takes Step For Navajo Unit

MINNEAPOLIS (AP) — An initial step has been taken by the Episcopal Church to create a special unit for Navajo Indians with their own ministers, customs and language in church functions and worship.

The church's bishops earlier had adopted a

one-year planning process to work out details under the direction of Bishop Edgar O. Charles of Salt Lake City, Utah. Working out of the organizational matters and forming an indigenous ministerial system are expected to take about a year.

It would involve a large area-parts of Utah and Arizona — overlapping the regular dioceses in those states.

Deputies to the church's governing convention voted to cede territory in those dioceses to the projected Navajo Area Mission, which eventually would have its own bishop.

An implementation is possible by the fall of 1977.

# Navajo, Pueblo named to national Indian council

By SANDY GRAHAM  
Tribune Staff Writer

A Pueblo Indian and Navajo from New Mexico are among the 10 new members named today in Albuquerque to the National Advisory Council on Indian Education (NACIE).

Joe Abeyta, of Santa Clara Pueblo and superintendent of the Albuquerque Indian School, was named to a one-year term on the board, while Paul R. Platero, a Navajo and associate director of the Native American Materials Development Center in Albuquerque, was picked for a two-year term.

The new NACIE members were announced at the fourth and final day of the National Indian Education Association (NIEA) meeting in Albuquerque, simultaneously with the White House announcement in Washington.

**CLYDE BELLECOURT**, director of the American Indian Movement (AIM), called NACIE "a strictly political thing" following a Wednesday workshop on alternative education.

He criticized President Ford for espousing self-determination at the same time he appoints new members to NACIE, which is responsible for reviewing and judging Indian education proposals for federal funding.

Bellecourt said NACIE membership does not fairly represent all Indian tribes, and that money tends to go to the parts of the country where NACIE membership is strongest.

And the federal dollars end up in public schools where Indians attend, not in Indian-controlled schools, Bellecourt said.

**LINCOLN WHITE**, NACIE executive director who announced the appointments today in Albuquerque, agreed with the AIM director that "decision-makers are not fully aware of the diversity and population concentrations among our

Native American and Alaskan population."

He added that rather than "dwell on grievances," those who feel representation is unfair should get decision-makers to appoint a better balance.

When asked if it bothered him that President Ford appointed NACIE members, yet called for self-determination for Indians, White said, "Yes, if full self-determination is to be exercised, yes."

**WHEN QUESTIONED** about Bellecourt's claim that federal money goes to public schools rather than Indian-controlled schools, White said, "That is the nature of the act (Title IV of the Indian Education Act)."

White also said NACIE has been "hamstrung" by insufficient funding. The act was not funded at the level intended by Congress, and is set now to expire in 1978. NACIE's budget suffered a 56.5 per cent cut, he said, perhaps because the council has consistently called for full Title IV funding.

**OTHER NEW** members named to NACIE today are: Linda Belarde, an Alaskan Tlingit, teacher at Zuni Alternative School, Zuni, N.M.; Wesley Bonito, Arizona Apache, tribal director of education; Calvin Isaac, Mississippi Choctaw, tribal administrator; Earl Oxendine, North Carolina Lumbee, principal of Upchurch Junior High School, Raeford, N.C.

Also, Donna Rhodes, Oklahoma Creek, president of the Indian Women Consultants Inc., Tulsa; James Soppier, Penobscot from Maine, development coordinator of the Passamaquoddy Tribe; Thomas Thompson, Montana Blackfoot, Teacher Corps, Eastern Montana College, Billings; and Minerva White, New York Mohawk, director of Native American Special Services, Canton.

Reappointed to the 15-member board were: Patricia McGee, David Risling, Ted George, Ellen Allen and Will Antell.

THE NIEA meeting, which attracted between 3,000 and 5,000 participants, closed today with a speech by Antell, past president of NIEA.

Bellecourt also told the Wednesday workshop that NIEA passes resolutions on Indian-controlled education but does nothing to implement them.

Bellecourt, also chairman of the parents' board of the Survival Schools, formerly AIM Survival Schools, announced that a meeting on alternative education will be held Oct. 27 to Nov. 2 in Minneapolis-St. Paul, Minn.

SEP 30 1976

Albuquerque Tribune

## Two-pronged fund effort

By SANDY GRAHAM  
Tribune Staff Writer

The next 18 months will be crucial for the planned American Indian School of Medicine, its academic dean told the National Indian Education Association (NIEA) meeting in Albuquerque today.

Officials of the medical school, which hopes to admit students in the fall of 1978, will mount a two-pronged effort in the next 18 months to win federal funding to open the school, said Dr. Jasper McPhail, the school's academic dean.

CONGRESS CUT funding late this summer for the school in the American Indian Health Improvement Act, Dr. McPhail said.

Now school officials will try winning passage of new federal legislation and applying for Indian education and health funds available from the U.S. Department of Health, Education and Welfare, he said.

"Within the next 18 months, we will have one or the other locked in," he predicted, adding the funding effort needs the support of Indian groups including the NIEA.

"I DO NOT believe there is a more exciting or more worthy project in America today than the American Indian School of Medicine," Dr. McPhail said.

The school hopes to train professional medical teams — nurses, dentists and allied health practitioners and doctors — to practice family medicine among their own people, Dr. McPhail said.

The Navajo Health Authority, heading the drive for the new school although students will be accepted from all tribes, chose Northern Arizona University at Flagstaff to be the home of the medical school.

Dr. McPhail said the Arizona university was picked because it has no medical school, has the largest enrollment of Indian students of any public school and is in a town with a large Indian community. It is close to about half the nation's Indians and has a good program in the sciences, he said.

Dr. McPhail also will spend the next 18 months working out agreements with Phoenix hospitals, prin-

cipally the Phoenix Indian Medical Center and the Maricopa County Hospital, to train the school's students.

The fourth year of medical students' training will be spent in clinics and health care facilities as close to the students' home towns as possible.

**UNLIKE MOST** medical schools which require \$50 million to \$150 million in

capital expenditure and development money before graduating any students, the Indian medical school will build on existing facilities, Dr. McPhail said.

The school seeks between \$4.5 million and \$5.5 million from federal sources for its educational budget.

"The taxpayers are getting more out of their money the way we've planned it than with any other school in

the country," Dr. McPhail said.

He said the country needs a medical school which gives preference to Indian students because Indian health professionals can best relate to the problems of their people.

He said that only 70 of the 140 Indians who made qualifying scores on last year's medical aptitude tests were admitted to a school.

## Misconduct charged in Navajo election suit

Northern Arizona Bureau

HOLBROOK — Navajo County Supervisor M.J. "Mike" O'Haco has challenged the outcome of the recent primary election, charging misconduct by election board members at the Teas Toh Precinct on the Navajo Reservation.

A hearing is scheduled to begin today in Navajo County Superior Court.

The incumbent Winslow supervisor was defeated by Winslow businessman Johnny L. Butler by only 17 votes in the Democratic primary.

O'Haco's lead during the ballot tabulations dwindled when the Teas Toh ballots came in, giving Butler 160 votes to O'Haco's 55.

In his Superior Court suit asking that the Teas Toh Ballots be thrown out, O'Haco says a translator and clerk accompanied many voters into the booths, "but misused their office."

"Instead of merely helping the voter understand the ballot, they actually told the voter whom to vote for," he charged.

The precinct, the suit notes, consists largely of Navajo Indians, some of whom are unable to read English.

In asking to be declared the District 2 winner, O'Haco, in his complaint, charges, "The said votes from Teas Toh Precinct are tainted and many are illegal—enough to change the outcome of the election."

The suit asks that the matter be resolved by the court prior to the general election.

SEP 2 8 1976

Arizona Republic

# Tribal Council Rules Proposal Protest Due

By **BILL DONOVAN**

**WINDOW ROCK, Ariz. (Dine Bureau)** — The Coalition for Navajo Liberation, a Farmington, N.M., Indian youth group, plans to hold a "massive demonstration" when the Navajo Tribal Council begins its fall session Oct. 17.

The demonstration's purpose, said Wilbert Tsosie, a coalition leader, is to protest a resolution, being considered by the council's advisory committee, that limits the number of persons who can attend council sessions.

Under the proposed regulations, the only persons who would have free access to the council chambers during council meetings are council members.

All other persons would have to get a permit either from the chairman's of-

fice or from a member of the council.

The proposed regulations stem from demonstrations at the last council session. The council was closed during the course of the session and no one was permitted inside without a pass.

During the session, about 40 demonstrators conducted a sit-in protesting the passage of a new coal agreement with El Paso Natural Gas. The sit-in prompted Navajo Tribal Chairman Peter MacDonald to call off the council session for that afternoon. Two days later, more than a dozen demonstrators were arrested because of a disturbance as the council adjourned.

**Likened to US Congress**

A tribal spokesman said the proposed regulations are modeled after proce-

dures used by the U.S. Congress in controlling public access to the chambers when the House or the Senate is in session.

The proposed regulations allow each member of the council up to three admission tickets to the council chambers which they can give to spectators or friends. These tickets would have to be shown to a police officer at the council door in order to gain entrance.

When a person leaves the council chambers, the ticket would be turned over to the police officer who will, in turn, give it back to the council member who issued it.

The proposed regulations also allow the Bureau of Indian Affairs up to 10 tickets for federal employees.

Any spectator or guest who disrupts the council session will be removed from the chambers, according to the proposed regulations. The regulations would severely limit access to buildings adjacent to the council chambers when the council is in session and would give tribal police authority to question persons entering the area and to restrict parking.

**Called 'Totalitariaism'**

Demonstrations, parades, processions or assemblies are allowed only if a

permit has been secured from the superintendent of the police force, according to the proposed regulations.

Tsosie contends that the purpose of this resolution is "to crush the spirit" of the coalition.

"The proposed document clearly established the fact that the MacDonald administration practices a very dangerous philosophy of totalitarianism," Tsosie said. "The Nazi regime under

(Turn to Page 6 Tribal)

**GALLUP INDEPENDENT**

**SEP 29 1976**



SEP 28 1976

# Consultant Warns Indians On Mine Pact

Special to The Sentinel

Mole Lake, Wis. — Chippewa Indians were warned Monday that they have little to gain and much to lose from a mining agreement proposed for their reservation by Exxon Corp.

According to Charles Lipton, a New York mining consultant, American Indians have negotiated worse deals with mining companies than any of the 22 nations he has served as a mining consultant.

"Agreements are still being made on Indian reservations that no government overseas would consider," Lipton told Mole Lake Chippewas during the first day of a two day mining seminar.

Lipton said that Exxon's proposal offers little in the way of profit, employment and Indian control of the 2,000 acre reservation.

The Chippewas should seek government help to determine, if possible, whether there is an ore deposit under their land and its size and quality, he said.

If this is not possible, he added, the Indians should only agree to allow exploration for ore, holding out on a leasing agreement until the extent of ore deposits are established.

The tribe is expected to take Lipton's advice to reject Exxon's offer at a closed meeting Tuesday.

Tribal chairman Charles McGeshick said the tribe expects to retain Lipton as its consultant.

The existence of Exxon's proposed mineral lease agreement and prospecting permits for the tiny reservation was not known outside of the tribe until Lipton brought it under sharp criticism.

Lipton, a professor of law at New York University, said the US Department of Interior and the Bureau of Indian Affairs (BIA) have failed to see that Indian rights are protected when tribes deal with mining companies.

As a result, many tribes, especially in the West, have accepted unfavorable terms in mining leases, Lipton feels.

"It doesn't seem to be fair and reasonable," Lipton told the group. "After all, it's your land."

Lipton said Indians are "... in effect, standing in the

middle of a dark room when asked to make a lease. The board of directors of the mining company is standing in a brilliantly lighted room."

The difficulty, Lipton said, is that mining companies are able to negotiate leases with property owners while knowing much more about the business than the land owner.

McGeshick said Lipton's international expertise is being sought to make certain the Indians work out a profitable pact with Exxon.

Exxon, which announced in May the discovery of a major zinc-copper ore deposit near the reservation, offered the tribe a \$20,250 donation for exploration and a sliding scale of royalties ranging from 5% to 13%.

Lipton said the entire offer gives the tribe very little in exchange for iron clad control of the reservation.

SEP 28 1976

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THE ARIZONA REPUBLIC  
PHOENIX, ARIZ.

# U.S. picks aide for Indian land deal

The Bureau of Land Management has appointed Arthur E. Tower as its representative on the team studying the environmental impact of the Navajo Tribe's application to purchase 250,000 acres of federal land in northern Arizona.

Tower will assist team members in finding information to prepare an Environmental Impact Statement, by mid-1977.

Under the Navajo-Hopi Settlement Act of 1974, Congress authorized the secretary of the Interior to sell the tribe up to 250,000 acres at fair market value in either Arizona or New Mexico. The tribe applied in August 1976 for acreage in the House Rock Valley-Paria Plateau area of the Arizona Strip.

Arizona BLM Director

as a forester, really specialist and area manager.

He also will coordinate reviews by BLM at various stages of the process.

as they relate to the land's resources and are given full consideration in the final EIS," he said.

INDIANS

SEP 27 1976

# Tribes seek laws banning release of secrets by BIA

PAGE ONE

By BILL DONOVAN

6297F  
WINDOW ROCK — Indian tribes throughout the country want Congress to prohibit the Bureau of Indian Affairs from making tribal secrets public under the Freedom of Information Act.

Congress, however, has been wary of approving any more exemptions to the act, and several Indian tribes have been forced to go to court to keep the BIA from disclosing information tribal leaders consider to be confidential.

Most of the controversy centers around mineral leases between the tribes and mineral companies, but tribes recently have gone to court to keep census records and water studies out of the hands of nontribal members.

The Colville Confederated tribes in Washington state filed suit earlier this year against the Interior Department in an attempt to keep a census roll away from the local legal aid organization.

Tribal leaders said the legal aid attorneys wanted the census roll because it has several clients who are trying to be included on the tribal roll. Tribal attorneys argued that the census roll was confidential and filed suit to prevent the Interior Department from releasing it.

A similar situation exists in northern New Mexico where several tribes have banded together to file suit to keep the Interior Department from providing copies of four water-resource studies to the state engineer of New Mexico.

The studies, conducted by the U.S. Geological Survey, are aimed at helping tribes litigate water rights with the state, tribal attorneys said. The tribes claim it would be unfair for the state engineer to have copies of these studies before the tribe's water rights are determined.

Tribes in the Southwest have told BIA officials that making public lease information would make it difficult for the tribe to negotiate in the future with other mineral companies.

Dale Itschner, field solicitor for the Navajo Reservation, said his office believes certain information in the leases is confidential and should not be released.

His office earlier this year rejected a request for one lease by a member of the Navajo Tribal Council who was unable to get a copy of the lease from the tribe.

The tribe allowed the councilman to look at the lease but not to make a copy of it. The councilman appealed Itschner's decision to Washington. Federal officers ordered that the councilman be given the lease since the tribe allowed him to review the lease and therefore it was not confidential.

"The Freedom of Information Act makes no distinction between what can be viewed only in an office and what can be copied so he got his copy," said Itschner.

The solicitor's office in Phoenix also has rejected a request for lease information. In this case, the company's lease with the tribe was due for rene-

gotiating and the BIA made an appraisal of the value of the land within the lease area, Bill Lavell said.

The company wanted a copy of this appraisal but his Freedom of Information Act request was rejected on the basis that the information was confidential and only for use by the tribe.

Sen. Pete Domenici, R-N.M., introduced a bill in Congress last spring which would have made information given to the BIA by Indian tribes exempt from the FOIA, but Interior officials decided in hearings this summer that it would be unwise to seek a special exemption then.

David Jones, an attorney within the solicitor's Indian rights division, said Interior officials believed Congress would be reluctant to approve any special interest exemptions now.

He added that another unsuccessful attempt was made earlier this year to add an amendment to the BIA appropriations bill which would have forbidden the BIA from using any funds to comply with the FOIA. This would have applied only for the current fiscal year.

Currently, the BIA is allowing some information about tribal leases to be made public, Jones said, and probably will have to continue as long as the FOIA provisions remain as they are now.

SEP 29 1976

## Maine tribes force delay in bond sale

AUGUSTA, Maine — A scheduled sale of 27 million in municipal bonds by the Maine Municipal Bond Bank was delayed yesterday, because of a pending suit by the Penobscot and Passamaquoddy Indians.

State Treasurer Rodney L. Scribner, chairman of the bond bank, said the delay will force a number of local governments to temporarily seek funds elsewhere.

The tribes have filed a suit claiming ownership of parcels of land throughout the state. Scribner said the bond problem stems from the question of whether the municipalities can tax the contended land if the Indians win their suit.

Governmental bodies affected by the delay in issuing bonds are School Administrative Districts 22, 43, 51 and 56; Southern Aroostook Consolidated School District; Northern Penobscot Vocational Region III and Southern Aroostook Vocational Region II.

Other agencies affected by the delay are the towns of Baileyville, Farmington, Gorham, Medway, Rangeley and Trenton; the cities of Biddeford and Westbrook; Caribou Hospital District and Hospital Administrative District 4.

SEP 30 1976

## U.S. asked to back Maine bonds in Indian suit

AUGUSTA, Maine (AP) — Gov. James B. Longley went to Washington yesterday to make a personal appeal for Congress to guarantee repayment of Maine bonds.

Sales of bonds and other security offerings totaling \$32.4 million were postponed this week because of a dispute with two Indian tribes over the ownership of two-thirds of the state's land.

Longley told a news conference that he and Bangor banker William C. Bullock Jr., head of a special task force on the problem, would meet this morning with the state's congressional delegation and would try to meet with Interior Department officials.

The Wampanoag Indians in Massachusetts filed suit in U.S. District Court in July to recover some 16,000 acres of land in Mashpee, and Sandwich, that they claim was taken away without congressional approval.

The tribe's suit has, in effect, brought the real estate

market in Mashpee to a halt. It clouds title to all land in the town, and banks are not issuing mortgage loans until the suit is resolved.

The Mashpee Board of Selectmen voted last week to hire Watergate attorney James St. Clair to represent it against the Indians, authorizing a \$50,000 fee.

Congress is moving toward adjournment this week, and Longley said he hoped action was still possible. He said he would ask Congress to guarantee that holders of bonds issued by

the state and its local units of government would be repaid, should the Indians be successful in their suit.

Longley said that if all else failed, a special session of the state legislature may be necessary to provide bond payment guarantees.

Legal questions surrounding lawsuits filed against the state by the Passamaquoddy and Penobscot Indians have already forced delay of a scheduled sale of \$27 million in bonds by the Maine Municipal Bond Bank for cities, towns, schools

and hospitals; a \$1 million bond issue in Millinocket and a \$3.4 million sale of notes in Elsworth. Elsworth officials had negotiated the sale of their securities last week, but were informed that the closing of the deal would be postponed while the problem was studied, City Manager Roger Moody said yesterday.

State Treasurer Rodney L. Scribner said that the problem could lead to difficulty in securing mortgages for homebuilding as well, if the ownership of the land was in question.

SEP 29 1976

# Court upholds Indians in Cape Cod land suit

The Wampanoag Indians won the first skirmish yesterday in a legal war to regain control of 16,000 acres of valuable Cape Cod property they claim is "tribal land" taken from them illegally.

Federal Judge Walter J. Skinner turned down a request for relief brought by a Mashpee contractor who said buyers of 25 expensive homes he built can't get mortgage money because of the suit filed Aug. 26 by the Wampanoag Indian Council.

According to Atty. Richard Cohen, counsel for Holly Enterprises, banks began to balk at lending when the Registry of Deeds of Barnstable County received notification of the suit on Aug. 31.

He argued that although the Indians "have raised a significant legal question and might very well win," Judge Skinner should order the notification to the Registry be removed.

Cohen told the court Holly Enterprises was not named in the Indian's suit and loses rights offered to property owners in residence who, if the Wampanoag's win, will pay rent.

"My clients are simply bleeding," he said.

Attys. Barry A. Margolin and Thomas N. Tureen for the Wampanoags, in a memorandum to Skinner, said the builder's suit was filed "in an attempt to defeat the claim of the

Mashpee Tribe to recover possession" of the land in Mashpee and Sandwich.

They termed Holly's claim "frivolous."

Judge Skinner agreed. The judge said he had no jurisdiction to lift the notification from the registry.

"Anyone going into the Registry of Deeds is entitled to know if there may be a lien on property," he said.

"It would have been horrendous if the Indians did not make notification of the suit."

Asked if he understood the staggering implications of a shut-off of mortgage money or had no sympathy for a builder "standing to lose everything," Judge Skinner replied he had sympathy and knew what was happening.

"I can have sympathy up to my eyeballs but I can only do what the law permits," he said dismissing Holly's petition.

In another development the Massachusetts House gave initial approval to legislation under which the state will guarantee a \$4.2 million Mashpee school bond issue.

The bill was filed by Gov. Dukakis. He said it stemmed from difficulties the Cape Cod community has experienced in the money market since the Wampanoag Indian Tribal Council filed a suit to recover lands in the town that were originally deeded to the tribe.

THE ARIZONA REPUBLIC  
PHOENIX, ARIZ.

D. 202,242 SUN. 391,213

SEP 28 1976

## Firm seeks tribe's OK for gasification plants despite loan setback

WINDOW ROCK — Officials for the Western Gasification Co. (WESCO) still plan to get tribal approval for construction of coal gasification plants on the Navajo Reservation.

WESCO's plans were questioned by tribal officials, because the U.S. House of Representatives last Thursday rejected by one vote a synthetic fuel loan-guarantee program which WESCO officials said was necessary to build a \$1-billion coal gasification plant near Burrrham, N.M.

In Phoenix last week, WESCO representatives old members of the tribe's general counsel firm that WESCO still wants tribal approval for construction of the plants.

The company would still have to get approval from the Department of the Interior, which could take several months to a couple of years.

George Vlassis, general counsel for the tribe, said Monday that WESCO officials were hoping that the proposal would come before the Tribal Council at its fall session, scheduled to begin Oct. 19. He said it is uncertain whether the WESCO-tribal negotiations will be finished by then.

The chances of WESCO being given the go-ahead this year, even if the tribe and the federal government approve looks dim after the House vote Thursday.

The "syn-fuel" bill would have approved \$3.5 billion in loan guarantees for coal gasification projects.

The bill lost not on the merits of the program itself, but on a rule which would have set guidelines for debate. The vote kills the bill for this session of Congress.

Backers of the program, however, hope that an amendment proposed by Sen. Jennings Randolph, D-W Va., makes it through Senate committees. It would allow the government to request loan guarantees for synthetic fuel plants on a project-to-project basis.



SEP 26 1976

Intermarriage erased tribe, defendants say

## Legal point: Are Wampanoags Indians?

By Samuel Allis  
Special to the Globe

MASHPEE—Two of the defendants named in the suit by the Mashpee Wampanoag Indians to recover some 16,000 acres of land in Mashpee and Sandwich have raised what may be a crucial point of litigation in the case: Are the Wampanoags still Indians?

Attorneys for the New Seabury Corp. and Greenwood Development Corp. filed an answer to the suit in US District Court late this week, alleging that through intermarriage with blacks and mulattos, the Indians evolved into a mixed race by the middle of the 18th century.

The mixed population, they contend, abrogates their status as a formal Indian tribe.

The Wampanoags are basing their suit on the Indian Non-Intercourse Act of 1790, which stated that no land could be taken from Indians without congressional approval. The Indians contend that no such approval was granted. If they cannot prove in US District Court their status as a formal Indian tribe, however, the suit, the defendants contend, would not fall under the provisions of the 1790 Act.

"I'm not going to respond at this time, except to say that that argument is prepos-

terous," said Russell Peters, leader of the Mashpee Wampanoag Indian Tribal Council. "I don't know where they got their definition of a tribe. They're grabbing at straws. I'm not surprised that they are coming up with a defense like that."

The tribe's suit effectively has brought the real estate market in Mashpee to a halt. The suit clouds title to all land in town, and Cape Cod banks are not issuing mortgage loans in the town until the suit is resolved. The town has hired Watergate lawyer James St. Clair to represent it against the Indians.

The Wampanoag suit first names 146 individual defendants from whom the Indians want to recover land. In a second phase, it names all property owners in Mashpee as class action defendants as well.

Wampanoag Atty. Barry Margolin said the Indians do not want to take away land from any of the class action defendants whose houses constitute their principal residences.

If Mashpee residents are uncomfortable about the Wampanoag suit, they should be happy they don't live in Maine. A similar suit involving the Passamaquoddy and the Penobscot Indians there, expected to be brought by the Federal government on behalf of the Indians later this year, would seek to reclaim over half of Maine — or some 12 million acres — from present owners.

Thomas Tureen, a Native American Rights Fund attorney in Maine, stressed that the suits in Mashpee and Maine are unique situations and will not trigger a flood of such suits by Indians across the country. These suits, Tureen explained, represent a "handful" of situations in which land was taken from the Indians in violation of the Indian Non-Intercourse Act. Most of the land transfers across the country, he said, were made in accordance with the act.

OCT 1 1976

**Who Owns the Land?**

# Indian Suits Tie Up Maine

AUGUSTA, Maine — (AP) — Gov. James B. Longley is seeking federal backing for state bonds that are tied up in a dispute over Indian claims to two-thirds of the land in Maine.

Because of a lawsuit filed by two Maine Indian tribes, local governments were prevented from borrowing more than \$30 million this week. The suit also could curb the sale of homes and property throughout the state because it throws into question the ownership of much of the land in the state.

Longley wants the federal government to guarantee that state bonds or securities issued by the state's municipalities, school districts and other government agencies will be repaid if the Indians are successful in their claims.

LONGLEY and Bangor banker William C. Bullock Jr., who heads a special task force on the problem,

flew to Washington on Wednesday and were to meet with Maine's congressional delegation.

The claims dispute started in 1972 when the Penobscot and Passamaquoddy Indian tribes filed a \$300-million suit in federal court charging that the state unjustly took away tribal lands encompassing two-thirds of the state's 33,215 square miles. The Indians have said that it is possible the suit could be expanded to seek the return of the land as well.

Longley says such suits have generally ended with cash settlements.

But, when bond lawyers learned of the possible claim to the property, they refused to certify pending bond issues. The bonds were to be backed up by the promise that the money would be repaid out of property tax revenues.

IF THERE IS a question as to In-

dian ownership of the land, the right of governments to tax the property is also in doubt.

State Treasurer Rodney L. Scribner said that the problem of who owns the land could affect the availability of mortgages for real estate transactions as well.

A similar problem has already occurred in Massachusetts, where the Wampanoag Indians filed suit in federal court last July to recover 16,000 acres of land in Mashpee, Mass., and Sandwich, Mass., that they claimed was improperly taken from them.

The tribe's suit in Massachusetts has had the effect of halting real estate transactions in the community of Mashpee on Cape Cod. It has clouded title to all land in the town, and banks are not issuing mortgage loans until that suit is resolved.

LONGLEY SAID that if he can not get the federal guarantee in the closing days of the congressional session he might have to call a special session of the Legislature to provide guarantees.

Because of unresolved questions about the Indian claims, the Maine Municipal Bond Bank had to postpone a scheduled \$27-million sale of bonds on Tuesday and the town of Millinocket had to delay a \$1-million bond offering on Monday.

Officials of the city of Ellsworth, said Wednesday that they negotiated the sale of \$3.4 million in notes last week for a construction project, but were informed that the closing of the deal has been postponed because of the litigation.

SEP 23 1976

# Indians stop fishing for conservation

By DON HANNULA <sup>Wk 277 F</sup>

While non-Indian gillnetters continued protest fishing last night, Indians decided on a conservation closure of their coho fishing in most of Puget Sound's marine areas.

Because of a poor return of coho to Puget Sound, the State Department of Fisheries had imposed an emergency closure of non-Indian commercial fishing this week. Indians, self-regulating under a federal-court decision except for conservation closures by the state, were allowed to continue fishing.

The Puget Sound Gillnetters Association, reacting as it had during the past two fall fishing seasons, said its members would violate the closure unless Indians also were shut down.

**THE ASSOCIATION** has contended that despite the federal-court decision, state law does not allow emergency closures for allocation between Indians and non-Indians — only closures for conservation.

A State Fisheries Department spokesman said about 20 to 30 non-Indian gillnetters headed out from Shilshole Bay last night, but very few put nets in the water.

Fisheries-enforcement officers said they took the boat-license numbers of six gillnetters with nets in the water but issued no citations on the spot. They said the information may be turned over to King and Kitsap County prosecutors.

In the past, because the state law

prohibits closures for allocation between Indians and non-Indians, state courts have thrown out the charges.

Attorneys for several Indian tribes have filed requests in federal court for restraining orders against state-court interference with federal-court rulings. A hearing is scheduled in Tacoma next Wednesday.

**AT A MEETING** in Tacoma yesterday, the Northwest Indian Fisheries Commission recommended an Indian coho closure in state-management areas 9, 10 and 11 (Lower Admiralty Inlet to the south end of Vashon Island) at 5 p.m. today.

William Smith, executive direc-

tor, said all tribes agreed to go along. He said the move was to protect native coho stocks and that Indian fishing would be confined to rivers and river-mouth terminal areas on hatchery stocks, which tend to separate from native fish in those areas.

Smith said it was difficult to convince Indians not to fish if non-Indians continue to violate the state's closure.

Allan Barry, executive director of the Puget Sound Gillnetters Association, said non-Indian gillnetters would not fish if waters were closed to all fishermen — not just non-Indians.

**HE SAID** protest fishing has been

"for principle, not for fish.

"There aren't any fish out there," he said. Two television crews were aboard the non-Indian boats last night, signifying the posturing as opposed to fishing.

"If it were a conservation issue and not an allocation issue, we would not be fishing," Barry said. "There is a total lack of leadership and honesty in the Fisheries Department. We can't believe a thing they say."

Barry said the association plans personal lawsuits against any enforcement agents giving citations to non-Indian gillnetters. He said the citations are contrary to state law and are illegal.

SEP 28 1976

## BIA non-Indians Reaction mixed to benefits bill veto

WARM SPRINGS — President Ford's veto of a bill which would have provided early retirement benefits for some non-Indian employees of the Bureau of Indian Affairs prompted both predictions of poorer bureau services to Indians to no change at all.

"I think in most cases they (those who would have been affected) will definitely look for other jobs," stated Clayton Earl, acting BIA agency superintendent here this week. "It kind of hurts morale."

Z.C. Tucker Jr., Portland area personnel officer for the bureau, however does not expect any exodus of employees or change in services. "Principally it's a morale issue. I hear a lot of talk, but I think essentially people are going about their jobs as before," he stated.

Both men are non-Indians who would not have been affected by provisions of the bill.

The bill had been prepared to provide retirement benefits to non-Indian employees of the bureau who were without opportunity for advancement because of the Indian preference policy were also limited by age and specialization to finding comparable jobs elsewhere. The benefits would have been available to those with 25 years service and two refusals for job transfer or pro-

motion because of Indian preference.

Indian preference is a bureau policy extended in the early 1970s and upheld by a 1974 Supreme Court decision which gives job preference in initial employment, transfer, and promotion to individuals of one-quarter or more Indian blood. Non-Indian employees point out they were hired under Civil Service rules which prohibit the selection of individuals for transfer or promotion on basis other than merit and ability.

"Indians do need to move into areas of responsibility, but not at the expense of others," stated Warren "Rudy" Clements, a Warm Springs tribal member and tribal municipal manager. Clements also observed that if the bill had been approved, it would have created some new openings for Indians, a benefit which was noted by backers of the legislation.

Although he previously had not been aware of the bill and its provisions, Clements did express concern that poor morale among BIA non-Indians could affect both their productivity and their relationships with Indians.

Among Bureau employees at Warm Springs, reactions vary.

"It looks like our whole roof caved

in. It is definitely a letdown," said one non-Indian. Another, when asked his reaction, stated, "You couldn't print it."

"I am very, very sad to see it vetoed," stated Adelina "Adi" Defender, an Indian whose personal goal is an agency (reservation) bureau superintendency. She believes some competition between Indians and non-Indians in the bureau is good, and that there are not enough Indians qualified to "execute policy."

"We need to have more education and experience in handling affairs," said Mrs. Defender.

But Tucker believes the vetoed bill, rather than encouraging improved performance because of better morale, "would have tapped people at the height of their productivity."

"Not all would have left," he noted, but it would have resulted in a loss to early retirement of "some skills we need right now."

Tucker said there are 1,000 to 1,200 individuals employed by the bureau in the area of Washington, Idaho and Oregon which is administered from Portland. About one-third are non-Indian.

At Warm Springs 37 Bureau of Indian Affairs employees are Indian, 33 are non-Indian.

SEP 24 1976

# Mebane Sued on Right Of Reservation Fishing

Sentinel Madison Bureau

**/ Madison, Wis.** — The Wisconsin attorney general is taking the United States attorney to court over the public's hunting and fishing rights on the Bad River Indian Reservation near Ashland.

Atty. Gen. Bronson C. La Follette Thursday filed a Federal Court action against David C. Mebane, US attorney for the Western District. Mebane had sought to test the rights of the general public to hunt and fish on the reservation by prosecuting five persons on trespassing charges.

La Follette's action would restrain Mebane and other federal officials from arresting, prosecuting or interfering with the rights of the public to hunt and fish within the boundaries of the Bad River Reservation.

The Bad River Tribe closed the navigable waters of the reservation to hunting, fishing and trapping by non-Indians last April. No cases had been prosecuted until last

week, when Mebane filed charges against the five.

La Follette's complaint says the charges against the five did not involve trespass upon any tribal or trust land. The five, said La Follette, were licensed by the state to fish on navigable waters located within the reservation.

The rights of navigation, fishing and hunting exist under the public trust doctrine on navigable lakes and streams within the reservation, both before and after its establishment in 1854, La Follette's complaint said.

The exception to that rule is access to bodies of water that could not be reached without trespassing on Bad River trust lands.

The arrest of the five exceeded federal authority, La Follette said.

"As beneficiary of the state's trust ownership of all wildlife, including fish and game, within state boundaries, the public has a legal right to take fish and game so long as it complies with regu-

lations established by the state and does not violate private property rights by trespassing on private land without permission," La Follette said.

The complaint seeks an injunction to stop federal authorities from arresting, prosecuting or interfering with hunters or fishermen.

Meanwhile, more than 700 persons attended a rally Tuesday night protesting a similar policy by the Lac Courte Oreilles Indians.

Persons involved in tourism in the Hayward area have contended that the requirement that nontribesmen fishing on the Lac Courte Oreilles reservation must have a tribal license has hurt business.

Spokesmen said that only one person was arrested for fishing without a proper license on the Lac Courte Oreilles reservation, and the charge later was dropped.

The rally at the Hayward High School gymnasium was sponsored by the Citizens League for Civil Rights.

SEP 14 1976

# Miccosukees find success, freedom

Chicago Tribune Press Service

**TAMIAMI TRAIL, Fla.**—As motorists speed along this narrow highway cutting through the Florida Everglades, they are greeted 40 miles west of Miami with a welter of Indian curio shops, alligator wrestling exhibits, and boat rides. It all smacks of third-rate tourist traps.

But the concessions belong to the Miccosukee tribe, one of the most interesting in America because—despite the commercial trappings — it has fiercely protected and insulated its traditional way of life.

It has been able to do this in large part because of the tribe's tall, craggy-faced leader of 30 years, Buffalo Tiger.

Tiger, 56, one of the first Miccosukees to learn English, has succeeded in combining ancient Indian traditions with modern management techniques, making the 350 Miccosukees one of the most independent tribes in the country.

Tiger's rise to power in the tribe is a lesson in how Indians traditionally pick their leaders.

"MY FATHER was a hunter who couldn't speak English and warned his children not to believe in and play with white people," he said.

"But when I was a young man, I wanted to improve myself; so I went off to Miami to learn English and became a house and sign painter."

Apparently this impressed the tribal elders, he said, because they called him back home and told him that, because he could speak English, he was to be-

come their spokesman.

"They told me to go listen to the white people when they had business with them, to say nothing, and come back and repeat exactly what the white people had said. They would make the decisions, and I would go back and report them to the white people."

**THIS WENT ON** for several years, Tiger said, because he was ignorant of political dealings, but the elders gradually began to respect his judgment.

"Finally, they called me in and told me I was wise enough to make negotiations and decisions on my own, and they asked me to become the leader."

The Miccosukee reservation is the only one in the country that has no Bureau of Indian Affairs officials administering the tribe. In 1971, the Miccosukees decided they could take care of themselves.

**NOW THE** tribe believes it can be completely self-sufficient in the next 50 years with ranching and tourist operations, but still retain its distinctive tribal culture.

"The Miccosukee doesn't want to give up their language, religion, and culture," Tiger said, "but we realize the Everglades is shrinking every day.

"We recognize that we need education, and we want some development here. But we want to do it our way, because we don't want another Miami Beach here."

*William Mullen*

SEP 26 1976

## Indian education coordinator

# He's not an ordinary

By HOWARD SWINDLE  
Staff Writer

There are at least three good reasons why it would behoove you to listen if Cletis Satepauhoodle wants to talk:

- He has a track record for knowing what he's talking about;
- He's 6-foot-5, weighs 262 pounds and worked his way through college by breaking halfbacks; and
- His last name — Satepauhoodle (pronounced Sate-pau-hoo-dle) — is Kiowan for "kill a bear."

Satepauhoodle is a 39-year-old full-blooded Kiowa who recently moved into a 14th-floor office in Main Tower as Indian education coordinator for the Department of Health, Education and Welfare in Dallas.

But Satepauhoodle, you see, isn't what you'd call your basic run-of-the-mill-stereotype bureaucrat.

Even if you overlook the straw hat with a feather that hangs on the coatrack outside his office, you'd notice the can setting beside his desk. That's for the tobacco juice he frequently aims in that direction.

Then there's the long black hair gathered in the back and flowing past his

shoulders, tan cowboy boots and flowered western shirt with pearl snap buttons. No tie.

The row of Kiowa prints along his wall looks uncharacteristically colorful compared with the austere walls of the outer office that are lined with official-looking plaques and government-issue pictures of the White House.

It is this bulk of a man, working from this office, who coordinates educational activities for 70 Indian tribes scattered through Oklahoma, New Mexico, Texas, Arkansas and Louisiana. The area accounts for about one-fourth of the nation's Indian population.

Satepauhoodle, however, didn't start out to work with Indian children. As he puts it, "I was non-Indian goal oriented to begin with." After a standout football career at Oklahoma's Southwestern State University, he "threw my line out in the wind" to find a coaching job.

The line ended in Zuni, N.M., where he initiated the reservation's first football program. After breaking even the first year, Satepauhoodle put together two 5-2 seasons before moving to Albuquerque's Del Norte High School.

From there it was to Denver's suburban Wheatridge High School, a perennial Colorado football power. It was here, strangely enough, that an all-white class brought Satepauhoodle back to his heritage.

# bureaucrat

"My ambition was to be a coach and to be No. 1," said Satepauhoodle, a father of three girls and married to a full-

blooded Caddo Indian.

"Wheatridge was a high school utopia for me. The kids got me interested in being an Indian," Satepauhoodle said. "They'd ask me questions about Indian culture — questions I honestly couldn't answer. I actually burned midnight oil to study Indian issues.

"They're the ones who really provoked me into looking at myself. I took my heritage for granted until they made me stop and think about it. It caused some real soul-searching. I had a change of heart and turned toward helping my fellow man, the Indian."

Satepauhoodle grinned at his recollection of the day he decided to change careers, then spit tobacco juice toward the can, hitting it this time. He refers to it as "the day the wild hair started growing."

After finding a program at Penn State University for minority native

Cont'd.



**HEW coordinator Cletis Satepauhoodle**

Americans seeking their doctorate degrees, the Satepauhoodle family "closed up shop and moved out, lock, stock and barrel and started over."

Satepauhoodle will become Dr. Satepauhoodle, with a doctorate in education, he says, "as soon as I get my act together and get it (his dissertation) approved."

The dissertation will center on the educational achievement of Indian children in grades three through six. "Up until the third or fourth grade, there's little difference in a child with regard to his color or background," Satepauhoodle said.

"But then peer pressure begins and that's when the Indian child notices he's different from the white child. And since many of them have little cultural upbringing, he finds that he can't get recognition." The result, he said, often is an Indian teen-ager with a chip on his shoulder.

One method of sidestepping the problem, Satepauhoodle believes, is to make Indian history available — "not just George (Washington), but some Indian tribal leaders, too."

"It's not for everyone. Some kids are influenced by parents who aren't Indian-oriented," the Indian administrator said. "Some have reached a level that they don't want their children learning Indian culture. But it ought to be made available in public schools for those who want it."

Satepauhoodle, who says he was "fortunate, lucky," feels a strong obligation to Indian children who haven't been as lucky. "We (Indians) have spent a long time waiting," he said. "Now, we've got to do the best we can. I just don't want to let anybody down."

"A tremendous amount of potential is being lost. All these people need is a push. Without it, they could still be sitting around down there at home."

SEP 24 1976

# Review commission comes to Portland on delicate Indian fishing mission

By BILL KELLER

of The Oregonian staff

WASHINGTON — A congressional committee studying federal policies toward American Indians will tread, gently it hopes, into the fishing rights controversy with a hearing Saturday in Portland.

It will be only the second time the American Indian Policy Review Commission has ventured out into the field to take testimony, and it comes at a somewhat awkward time both for parties to the current Indian fishing dispute and for the commission itself.

For one thing, the hearing (8 a.m. to noon in the Bonneville Power Administration auditorium) comes close enough to the elections that some important participants can't, or daren't, be there.

No representation is expected from Washington, the state which is to Indian fishing rights what Boston is to bus-ing. And Rep. Lloyd Meeds, D-Wash., vice-chairman of the commission, says he can't spare the time from his tough re-election campaign, in which, incidentally, he is under attack for being "soft on Indians."

For another thing, volatile negotiations between Indian fishermen and the State of Oregon have lately simmered down to a rolling boil. There is always the risk that a morning of public posturing will heat things up again.

So why hold a hearing?

The initial reason was to take some of the heat off Sen. Mark Hatfield's and Rep. Les AuCoin's bill restoring federal health, education and welfare benefits to the Siletz Indians on the Oregon coast.

During Senate hearings on the bill last March, Oregon wildlife officials said if the Siletz want back the federal benefits taken away from them in the 1950s, in exchange they should agree to give up any possible game rights that may materialize later on.

Hatfield responded that the policy review commission was the proper forum for proposals on fishing rights, not the Siletz bill, which he maintains is unrelated. The senator promised to request hearings in Oregon to demonstrate that the commission is seriously going about the work of studying fishing rights.

Sen. James Abourezk, D-S.D., chairman of the commission, said Saturday was his first opportunity to grant Hatfield's request.

The fishing controversy has already killed any chance of the Siletz bill passing Congress this year, and AuCoin says he is now studying the possibility of rewriting the bill to make it more tolerable to critics in the state when it is reintroduced next year.

There is another angle to the Saturday hearing, and that is what it will do, if anything, to restore the somewhat shaky image of the commission itself.

The commission has only four months until its final report and recommendations — billed as the most important overhaul of Indian laws in decades — are due, and it is already being viewed with some skepticism by Indians and non-Indians alike. Some Indians

fear the commission will sell out the first Americans on such issues as fishing rights, while some non-Indians fear it will give the whole country back to the Indians.

Normally the commission leaves public hearings in the field to its Indian-run task forces, which are supposed to lay the groundwork for the commission's own recommendations. Over the

past year, some of the task forces have come to be viewed by congressional members of the full commission as militantly pro-Indian.

One task force, studying tribes which have lost their federal benefits, came under fire from Hatfield when it allegedly cut off non-Indians who were trying to participate in a hearing in Salem last March.

More recently, as the task forces have been completing their reports, some of the commissioners have worried aloud about the angry tone and dramatic nature of the recommendations. Meeds, for instance, has declared some of the recommendations — such as giving the Black Hills of South Dakota back to the Indians — as "extremely unreasonable."

While the commission meets in Portland, the chairman of the task force studying the "federal Indian relationship" will be completing his report on hunting and fishing rights.

The chairman, Assinboine-Sioux activist Hank Adams, said his report will be sharply critical of government officials, especially in the state of Washington, for allegedly manipulating data to make Indians look like the villains in the fishing rights dispute, for deliber-



KELLER

Cont'd.

ately failing to enforce court decisions guaranteeing the Indians a share of Columbia River and Puget Sound fish, and for various other failings.

"The report will be primarily a documentation of the political and governmental irresponsibility in dealing with the issue," Adams said.

He said his recommendations will include a greater emphasis on protecting and enhancing the fisheries in the Columbia and Puget Sound, including federal investment in Indian hatcheries and encouragement of private, non-Indian fish enhancement programs; and federal controls over non-Indian buyers

of Indian fish, now supposedly policed by the states and tribes.

One other task force, assigned to study "federal, state and tribal justice," already has issued a report including a long section on hunting and fishing rights.

That task force also scores the states for inadequate enforcement of court orders, and recommends a joint resolution of Congress reaffirming Indian rights.

Don Wharton, a non-Indian who worked with the task force, said the idea of the joint resolution is "to disabuse folks of the notion that continued resistance and continued action outside the law will convince Congress to abrogate Indian rights."

That task force also recommended legislation assuring Indians payment of their attorney fees if they win a court case, and a requirement for Indian representation on such bodies as the National Marine Fisheries Service and the International Pacific Salmon Fisheries Commission, which regulate fisheries.

Wharton said the task force also strongly favored economic incentives for cooperative ventures to improve the fish resource.

To Adams and some other Indians, Saturday's hearing will be evidence that the full commission plans to give the task force reports short shrift.

"I think the most they're going to do with them is merely publish them," Adams said. "I think they will have virtually no influence on the final commission report, the product submitted to Congress itself."

Adams says he wanted his task force to hold fishing rights hearings in Olympia and Portland a year ago, but Meeds "blocked" the plan. Meeds says he warned Adams against "interfering in an on-going issue," but denies he prevented any hearings.

*Albuquerque Journal 9-30-76*

# Isleta Clinic Pointed Out By Montoya

By LARRY CALLOWAY

ISLETA PUEBLO (AP) — Sen. Joseph M. Montoya, D-N.M., continuing his arms-length debate over the value of seniority, has invited Republican challenger Harrison "Jack" Schmitt to visit the new Indian Health Service clinic at Isleta and see for himself.

The two-term senator dedicated the facility late Tuesday. It was built with a combination of \$250,000 in federal and local Indian funds and was equipped through a special \$200,000 appropriation cosponsored by Montoya.

"There's been a man going all over the state saying that seniority in the U.S. Senate doesn't count. I wish he'd come here to Isleta to find out how it does count," Montoya told about 50 Indians.

He also invited Schmitt to see new Indian hospitals at Laguna Pueblo and Santa Fe.

Schmitt, who has unsuccessfully invited Montoya to a formal debate, argues that the days of the powerful senior senators are passed.

Earlier Tuesday in Roswell, the senator defended the giant public works job bill against President Ford's indictments in the first debate with Jimmy Carter.

Montoya sponsored the bill in its initial \$6 billion version, which the President successfully vetoed. Later Congress overrode Ford's veto of a \$3.73 billion version which also bears Montoya's name.

According to Montoya's figures the act will provide \$21 million in federal grants to state and local government in New Mexico. This includes \$10 million for job-creating public works, \$5.4 billion for sewer projects and \$5.5 million in revenue-sharing type grants to city and county governments.

"The President refuses to see the wise approach in this kind of endeavor on the part of government. So as a result we're continuing to have more and more unemployment," he said.

# Official Says State Lost Money for Not Asking

By JIM LARGO

New Mexico's Dept. of Education lost \$40,000 in technical assistance money available from the federal government for bilingual education because the department did not apply for the money on account of legislative restraint, a federal official said Wednesday.

"I was very disillusioned that the state did not apply for something like \$40,000 they had coming because of a technicality in some law," said Dr. Rudy Cordova, director of planning division in the Office of Bilingual Education.

Dr. Cordova, a native New Mexican now living in Washington, D. C., was talking about Title VII money under the Elementary and Secondary Education Act. He said the money "was there for the asking," but the state did not apply for the funds.

He was a speaker at the workshop session on Title VII at the eighth annual convention sponsored by National Indian Education Assn. in the Albuquerque Convention Center. The convention ends today at 1:30 p.m.

"I checked on the proposals coming in. I did make a call to Leonard Delayo (state superintendent of schools) and to Sen. Joseph M. Montoya's (D-NM) office, who is watchdog for Title VII on the hill, to notify him of my concern.

"About that time, I received a letter from Leonard Delayo, explaining why they had not submitted a proposal." Dr. Cordova did not explain, but Delayo did through a telephone conversation.

Delayo said the legislature had set a budget for his department and would not allow him funding over the budget limits. He said Title VII money was not the only federal funds turned down. Other federal funds were involved also, he explained.

However, Jose A. Gandert Jr., director of the Southwest Bilingual Education Training Resource Center at the University of New Mexico, said the

state follows a policy disallowing many federal funds to come into the state.

He said state officials feel that when the federal funds dry-up, the state would have to support those projects.

Dr. Cordova said, "I felt badly because that is money basically available to the state by virtue of the allocation here, distributed according to law.

"A state is entitled to 5 per cent of the total amount of money funded in Title VII projects in that state," he said. The money goes to state Dept. of Education for technical assistance to Title VII projects in the state.

The available funding could increase to \$120,000 next year, said Cordova. "Now they can blow that again. I don't really know the legality of it, but I'm just concerned because money like this is hard to come by."

Dr. Cordova explained that New Mexico was not the only state that did not apply. "Out of the 37 states entitled to get the money, 31 applied. So the excess money that we had was distributed among other states."

Dr. Cordova went on to explain the agency's purpose and organization. He said Office of Bilingual Education (OBE) had \$115 million for demonstration projects, training, and materials centers across the nation.

Set up under the U. S. Office of Education, OBE worked with 44 different language groups last year, including most Indian tribes, he said. The agency's main purpose is to provide education in the language of children who do not speak English at an early age, he explained.

He mentioned that about 25 million people in the United States know and speak languages other than English. He said five million of them are children in schools and demanding bilingual education.

In order to be funded, a project director must hold public hearings and submit a proposal to OBE, said Cordova. The proposal, if accepted, must compete for funds with thousands of other proposals from across the nation.

## Museum Puts Indian Artifacts at 4.5 Million



The New York Times/Don Hogan Charles

Alexander F. Draper, director of inventory and administrator of the Museum of American Indians, Broadway and 155th Street, with a chart designed to organize inventory. On the wall is a ceremonial blanket of a northwest tribe.

By LENA WILLIAMS

Ring the bell on the door of the research department of the Museum of the American Indian and step into an Alice-in-Wonderland world of cowboys and Indians.

In rooms that seeP like huge doll-houses, thousands of artifacts from Indian cultures are neatly lined up on shelves that throw off a scent of moth-balls. Surrounding a visitor to one of these rooms are some 600 Kachina dolls from the Hopi tribes of the Southwest, 200 spears, 30 papoose carriers, a bear skin and a woven basket about the size of two pin heads.

On another floor, several museum employees are examining a table covered with granite stones, arrowheads and pottery, in a room where the shelves are filled with what appears to be a zillion stones.

"I think the figure of a zillion might be a little high," said Gina Laczko, one of 20 workers who are conducting an inventory of the museum's estimated total of 4.5 million artifacts. "We are still counting and labeling many of the artifacts, making it difficult at this time to assess how many and what we have here."

More than a year ago, State Attorney General Louis J. Lefkowitz charged some of the former trustees and the former director of the museum with giving away and selling artifacts from the museum's collection in a wasteful and surreptitious manner.

### Inventory Ordered

Mr. Lefkowitz ordered an inventory to be taken at the museum to determine which and how many of the artifacts if any, were missing.

To date, the museum has counted and classified one-third of the collection. But as of now, no one can tell for sure, if anything is missing.

The 43-foot totem pole outside the museum is still there. So is a 20-foot tepee

inside the main lobby of the research department. But who is to say that some of the beaded necklaces, leather moccasins, peace pipes, and hand-crafted clay sculptures are still safely tucked away in the files.

"We have a catalogue of about 250,000

cards identifying the millions of artifacts collected over several decades," Alexander F. Draper, the newly appointed director of the inventory and the museum's administrator, said yesterday. "The catalogue was keypunched and the printouts are being used to identify the artifacts."



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# Salmon, steelhead dwindle Columbia fishery issue diversifies

By **BOB OLMO**  
of The Oregonian staff

The Columbia River fishing "problem" is more than just an issue of Indian versus non-Indian fishermen.

There are as many facets to the controversy as there are tributaries to the Columbia, from Lake Windermere, B.C., 1,200 miles to the Pacific Ocean.

The problem that once seemed to involve only fishermen of different races, squabbling over their respective shares of the fish runs, now gets increasing attention from fisheries biologists, farmers, bureaucrats and charter boat operators, and all have something to say about the river and its uses.

The Indian fishing issue remains a major part of the controversy. Only last week, Bonneville Power Administration officials and Columbia River treaty Indians signed an agreement aimed at what was termed "the preservation and enhancement" of fish runs. Which agency will conduct the proposed preservation program was not announced.

There are other concerns, however.

For example, more and more people have been asking, why try to come up

with a clearcut plan to share the fish when runs continue to be depleted? And wouldn't it be smarter to build up the fish population so there will be enough fish to go around? And can this be done and how?

Fish mortality is high in the river's upper stretches. Adult and juvenile salmon and steelhead are injured and killed trying to get past numerous dams. At dams where mortality studies have been made, fish run mortality during high flow periods has been estimated at 8 per cent. The percentage jumps to 15 per cent during low river flows.

Increasing demand for irrigation water from tributaries brings the threat of low river flows — and, in the case of the Umatilla River for three miles above its confluence with the Columbia, no flow.

There, "Three-Mile Dam," built in 1917 by what was then called the Reclamation Service but owned today by a private irrigation district, is regulated to provide water for farming. This demand has destroyed fishing on the Umatilla.

Dredging by the U.S. Army Corps of Engineers also threatens fish and wild-

life. Millions of cubic yards of silt have been dumped on river sites, destroying fish and wildlife habitat.

Concern over such threats to the fish runs was expressed at a recent public hearing in Portland that was conducted by the American Indian Policy Review Commission. Soon after the hearing, Sen. Mark Hatfield, R-Ore., announced he would introduce legislation in January to set up a Northwest commission to look into regional fishery problems and recommend solutions to the federal government.

Robert Thompson, assistant director of the Oregon Fish and Wildlife Commission, talked about depletion of the river's fish runs.

At one time, Thompson said, about 40 million pounds of fish were caught annually in the river.

In 1975, he continued, total commercial landings of salmon and steelhead amounted to 8,250,000. Since 1957, he pointed out, there have been

*Cont'd.*



JAMES B. HAAS

some years when only six million pounds — or less — have been caught.

Thompson is no alarmist. He even described eight- and nine-million-pound annual catches as "good for recent history."

But his fears became apparent as he described how federal and state agencies are doing nothing to enhance the runs. Millions of state and federal dollars have been spent to keep fish runs up to par, he noted. But he added that he believes enhancement means doing more than just keeping the fishery alive.

James B. Haas, assistant head of the environmental management section of the Oregon Department of Fish and Wildlife, is an outspoken advocate of river restoration and preservation.

"Give us the means to produce more fish and we will get rid of the social problems we face," he declared.

Upper Columbia River runs continue to suffer despite investment over the years of more than \$250 million for fish ladders, hatcheries and spawning channels to reduce fish mortality.

(Dams on the Columbia and Snake rivers and their tributaries have cut in half the natural habitat available to Columbia Basin salmon and steelhead runs, according to an analysis released last September.)

Dam construction has slowed river flows to the extent that during low flow periods young fish take an additional month to return to the sea. Inhibiting fish that way is not good," Haas said.

"The longer young fish stay in reservoirs, away from salt water, the more dangers they face from predators," he pointed out. "The longer they remain in fresh water, the more apt they will be to lose their migratory urge and not return to sea to develop into adult fish."

Oregon has no policy on allocations of water from the Columbia for irrigation purposes. It does, however, have policies governing tributaries, Haas said. In Washington, the state Department of Ecology is trying to draft regulations governing allocations of water from the Columbia, he added.

Haas said he feels such policies are important in considering issues concerning the river's use and its resources.

"We have fully utilized the waters of the Columbia, the flow is fully committed," Haas said. "Any changes that will be made in water uses in the future will have to be strictly tradeoffs."

What Haas would like to see is creation of a water resources compact between Oregon, Washington and Idaho similar to the Columbia River (Fisheries) Compact. Such an agreement, he said, would help develop equitable sharing of water resources, with resulting improvement of fish runs.

Several actions aimed at bettering the river's fish resources are afoot.

The biggest is a \$50 million package to build eight hatcheries to replace salmon and steelhead lost at four Corps of Engineer projects on the lower Snake River, the major Columbia tributary and the one that produces the most bountiful upper-river runs.

Although Congress has allowed the expenditure, it has not allocated the money yet.

If the region gets the money, it will be the first time compensation has been made for mortalities caused by dams, according to Chuck Junge, Oregon Department of Fish and Wildlife researcher.

"In order to maintain the runs that we have," Junge said, "we have to keep on working at modifying dam operations so that we can cut down mortalities. And we need to supplement those mortalities we can't reduce through hatchery programs."

Another proposal before Congress asks for \$15 million for hatcheries to compensate for fish losses expected to result from construction of a second powerhouse at McNary Dam near Umatilla.

Alliances have come about as a result of the growing feeling that the time has come to concentrate on restoring and preserving the resource.

Last spring, the Columbia River Basin Fisheries Alliance was formed. It was the first time Indian and non-Indian river users joined forces to battle for "survival of the fish that remain in the river," according to Clifford Allen Sr., a Nez Perce who serves as chairman of the alliance.

One of the first jobs the alliance took on was conducting a study to determine how dredging is affecting river runs.

The U.S. Army Corps of Engineers supervises the major dredging work on the Columbia, conducting a continuous maintenance program on dredge sites.

But no matter how careful the corps is, problems arise.

A major problem results from disposal of "spoils," the millions of cubic yards of silt dredged from the river.

Haas said the corps cannot always meet state disposal recommendations.

"They sometimes just don't know what to do with the stuff," he observed.

The "stuff" has been dumped on some river areas that hurt fish and wildlife habitats.

Haas said the corps is continuing to seek ways of disposing of the "spoils." These include one proposal that calls for

barging it to the sea and dumping it there. But no one knows what that would do to the ocean.

If "spoils" are dumped in the ocean, probably one of the first to protest would be Don Christensen, a member of both the Oregon Guides and Packers Association and the Columbia River Basin Fisheries Alliance.

A charter boat operator since 1952, Christensen said he feels threatened by battles that continue over fish allocations on the Columbia.

Demands for fish on the river could limit amounts taken per person on charter fishing trips, Christensen said, adding that this could hurt business.

He hopes that by the end of this year there will be an organization of charter boat operators to provide the muscle to fight for their livelihood.

Jack Marincovich, president of the Columbia River Fishermen's Protective Union, which has a membership of 400, feels both Indian and non-Indian gillnetters have done more than their share in trying to resolve differences over allocations.

"The biggest problem is with people who fish for fun — for recreation. They always say they will cooperate with us who fish for a living, but at every session of the Legislature they introduce 15 to 20 bills that are aimed against us.

*Cont'd.*

I have confidence that the runs can be improved, but there have to be more stringent regulations governing those people who fish for fun," Marincovich said.

Chuck Voss, executive vice-president of Trout Unlimited and the Northwest Steelhead and Salmon Council of Washington, said he feels that the decision by Judge George C. Boldt in 1974, which entitled Indians to 50 per cent of all fish caught in "usual and accustomed" fishing areas, was a "violation of the principles of independent, unified, expert management of the resource."

He said Boldt's action did not take into consideration the factors of "waste, preservation of wild and native stocks or the maintenance of an orderly fishery for all user groups."

And then there are those who ask, "Why produce more fish in the Columbia when Canadian fishermen would catch 30 per cent of some runs returning to the river?"

One person asking that question is Fred Cleaver of the National Marine Fisheries Service.

Cleaver said he feels any preservation or enhancement program for the Columbia must wait until a U.S.-Canadian treaty stabilizes ocean fishing regulations and management regimes.

Indians say their method of fishing traditionally considered natural restoration and preservation.

"We were always concerned with enhancement until the time federal and state agencies came along and built dams and started polluting the river," said Harris Teo, chairman of the Yakima Nation's fish and wildlife committee.

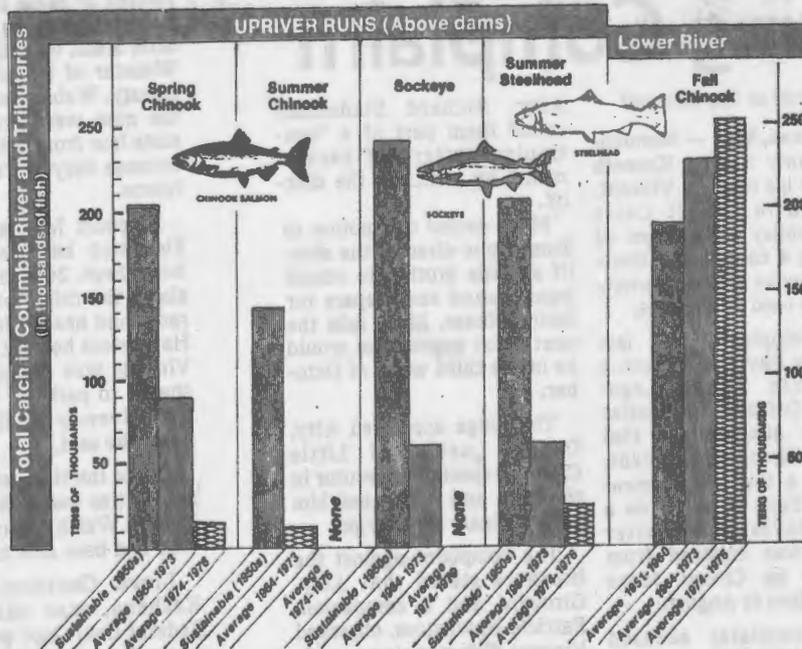
"We are committed to enhancement, to things that will produce more fish. User groups that get emotional about issues concerning the river are not productive."

How many Indians in the four river treaty tribes (Yakimas, Warm Springs, Nez Perce, Umatillas) fish the Columbia and tributaries that fall under the treaty?

Indians are reluctant to list the numbers of tribesmen who fish commercially and for subsistence. They are afraid, they say, that whatever figures are released will somehow be used against them when future legal matters arise in courts. They say that all members of the four tribes, in one way or another, benefit from the fishery resource. Enrolled membership in the four tribes, as of Oct. 1, was 12,295.

Sen. James Abourezk, D-S.D., in conducting the recent American Indian Policy Review Commission hearing, stressed a point when he began the session. His words drew the line that the session followed.

"One voice that will not speak here today is the voice of the river and its resource," he said. "I hope that those who testify will also speak for the river and its resource."



**DECLINING RUNS** — Compilation of data furnished by Chuck Junge, Oregon Department of Fish and Wildlife research specialist, shows fish runs that could have been maintained had dams not been built. Sustainable yields decline in upriver runs after dam construction. Fall Chinook runs on lower Columbia River haven't been affected but are increasing.

OCT 9 1976

## Menominee Charged in Escape Case

Special to The Journal

Neopit, Wis. — Paul LaTender, 26, of Neopit, one of three fugitives sought by the FBI in connection with an escape from the tribal jail in Keshena, was captured in Menominee County Friday and later arraigned before a US magistrate in Green Bay.

He was being held Saturday in Brown County Jail under a \$10,000 bond.

LaTender is one of two men suspected of assaulting a jailer, locking him up and releasing a third man from the jail Sept. 22. He was charged in a US grand jury indictment the next day.

Also indicted by the grand jury were Curtis Vele, also known as Brian Miller, 22, of Bowler, and Elmer Kakwitch Jr., 21, of Neopit. Both remained at large Saturday.

Vele was charged with taking 2 rifles and 14 flares Sept. 21 from the Neopit office of Menominee County Sheriff Kenneth Fish and of escaping a day later from the tribal jail, where he was being held after the robbery.

Kakwitch was charged along with LaTender with helping Vele escape and with assaulting the jailer.

MILWAUKEE SENTINEL

OCT 5 1976

## Deputies' Roles Bring Complaint

Special to The Sentinel

Shawano, Wis. — Menominee County Sheriff Kenneth Fish and his brother, Vincent, appeared in Circuit Court here Monday on charges of violating a court order limiting the duties of nine convicted felons used as deputies.

The complaint, filed last Friday by Phyllis Girouard, a Menominee Indian Legal Defense/Offense Committee attorney, alleges that Fish had his brother, Vincent, serve in a law enforcement capacity Sept. 24 while on a murder investigation after Vincent was enjoined from doing so by Circuit Judge Gordon Myse in August.

The complaint accused Vincent of participating in a roadblock. It also asked that the sheriff be cited for contempt of court.

In calling for dismissal of the charges, an angry Dist.

Atty. Richard Stadelman called them part of a "continuing pattern of harassment" by critics of the sheriff.

Myse denied the motion to dismiss and directed the sheriff and his brother to obtain legal counsel and prepare for their defense. Myse said the next court appearance would be in the third week of October.

The judge appointed Atty. Dennis Luebke of Little Chute as special prosecutor in the case and instructed him to investigate the charges.

The complaint against the brothers stated that Atty. Girouard and a companion, Patricia Hawpetoss, observed Vincent Fish manning a roadblock Sept. 24 near the home of Patricia's brother, Neil Hawpetoss of Keshena Falls, and that Vincent was wearing a badge.

Vincent was among nine deputies whose duties were limited by Myse to serving as radio dispatchers and jailers after a suit was filed by Louis Webster of Neopit, a former deputy. Webster charged that the nine were prohibited by state law from being deputies because they were convicted felons.

In court Monday, Vincent Fish said he was en route home Sept. 24 when he heard about the crime over his CB radio and headed for the Neil Hawpetoss home. Once there, Vincent was directed by the sheriff to park his car across the driveway leading to the home, he said.

Inside the Hawpetoss home authorities found the body of Lyle N. Welch, 24, of Bowler, who had been shot to death.

Lloyd Gauthier, 19, of Keshena, was charged in Federal Court last week with concealing knowledge about the shooting. He was accused of being in the house during the shooting but refusing to tell authorities about it.

OCT 6 1976

# Jury Releases Indictment of 3



KAKWITCH

LaTENDER

VELE

An impounded US grand jury indictment against three men sought in connection with a jail break and armed robbery of the Menominee County Sheriff's Department last month was released by federal authorities here Tuesday.

Federal authorities are seeking Curtis Vele, 22, also known as Brian Miller, Elmer J. Kakwitch Jr., 21, and Paul J. LaTender, 26, in connection with several counts issued in the grand jury indictments. The indictment was issued Sept. 23, but impounded pending the arrest of the men, federal authorities said.

Warrants have been issued for their arrests in connection with a series of incidents on the Menominee Reservation Sept. 21 and 22.

The indictment charges Vele with one count of stealing two rifles and 14 flares from the Menominee County Sheriff's Department in Neopit Sept. 21 and with one count of escaping custody of a Bureau of Indian Affairs officer. Vele was being held Sept. 22 in the Menominee Tribune Building in Keshena in connection with the alleged armed robbery of the guns when he escaped.

Third and fourth counts of the indictment charged Kakwitch and LaTender of aiding in Vele's escape and assaulting Carl Maskewit, the acting jailer.

Menominee County Sheriff's deputies in connection with violation of federal laws for convicted felons. The indictments were released after the two men were in custody Tuesday.

Colin G. Lawe, 34, and Gene Jacobs Jr., 46, were named in the indictments in connection with acquisition of firearms by a convicted felon. The indictments charged each man with making false statements about his status as a convicted felon when each purchased guns in the Menominee County area between 1973 and last August.

The indictment against Lawe charged he made the false statements when he purchased a revolver in 1975 and a shotgun in 1974 from a bait shop in Pulcifer, a revolver in 1974 and a rifle in 1973 from a Shawano sporting goods store and a rifle at a Gresham grocery store in 1974.

Lawe was convicted in Menominee County Circuit Court of attempted aggravated battery on Dec. 18, 1962.

Jacobs, who gave himself up Tuesday to Dan P. Duffy, US magistrate in Green Bay, was named in the other indictment for possessing firearms after being convicted in Shawano County Circuit Court in 1957 of a burglary and of voluntary manslaughter in 1960 in a Cook County (Illinois) Court.

Jacobs' indictment charges he made false statements when purchasing guns in June and August on the Menominee Reservation.



# Chicago Tribune

THE WORLD'S GREATEST NEWSPAPER

D. 7-0000

SEP 26 1976

## Mistreatment of Indians

WESTCHESTER—I want to express my admiration for William Mullen's description of the plight of the American Indian, and at the same time record my disgust concerning the sordid treatment of the red man.

We boast of liberty and freedom, but we deny it to the only true Americans, much of it in the name of progress and civilization.

Discrimination and exploitation against the Indians has been such that by comparison blacks and Latin Americans should feel welcomed. We try to force our brand of democracy upon the Indian, but deny him the type of freedom he and his forebears cherished. I doubt that there has been one major treaty that has not been violated by industrial interests, with the blessing of, and in collusion with, elected or appointed officials.

John B. Battistella

BOSTON MAIL  
BERKLEY AMERICAN  
1976

OCT 6 1976

## Ready to talk

BANGOR, Maine—A lawyer for two Indian tribes has placed the value of Indian land claims in Maine at \$25 billion and says he is still prepared to negotiate an out-of-court settlement, sources said. Maine Atty. Gen. Joseph E. Brennan later told reporters that the state does not believe there is any merit to claims by the Passamaquoddy and Penobscot Indians to 12 million acres of land in Maine and that he would not

negotiate those claims. Thomas Tur- een, representing the Indians, told U.S. District Court Judge Edward T. Gignoux, and other lawyers involved in the land dispute, that if there is an out-of-court settlement, the Indians "as a matter of grace would not seek to dispossess any landowner," according to sources who attended the closed meeting in Gignoux' chambers.

# MILWAUKEE SENTINEL

MILWAUKEE, WISCO.

D. 162,765

OCT 8 1976

## Signup Starts In Menominee Bylaws Vote

Special to The Sentinel

Keshena, Wis. — Menominee Indian tribe members intending to participate in the vote on a proposed constitution and bylaws for the tribe must register with the Federal/Tribal Election Board by Oct. 20, according to a notice issued by the three member board.

Registration forms are being mailed to eligible persons on the recently completed tribal rolls from the Election Board office at 831 Second Avenue South, Minneapolis, Minn. 55402. Those forms must then be returned to that office by Oct. 20.

Registered voters will then receive their ballots, which must be returned to the Minneapolis office by 1 p.m. Nov. 12.

Seattle  
Post-Intelligencer  
D. 182,577

OCT 3 1976

## NW Tribes Hail Health Care Act

W4297F

SPOKANE — President Ford's enactment of the National Indian Health Care Improvement Act was heralded as a victory by representatives of Northwest Affiliated Indian Tribes attending an annual conference here.

The measure, signed by Ford Friday, provides \$480 million for a three-year program to upgrade medical care for Indians on reservations and in urban clinics.

"We've been sweating this out for two years," said Chuck Trimble, executive director of the National Conference of American Indians.

"We worried about a veto. I think we had enough support in Congress to override. But

we were worried the bill wouldn't make it through before Congress recesses."

Representatives of about 45 tribes from Washington, Oregon, Idaho and Montana were in conference when news of Ford's approval arrived.

SEP 30 1976

# Tribal officers cite fishing violations

By DON HANNULA  
Times Staff Reporter

TACOMA — Indian tribal enforcement officers testified here yesterday that they have witnessed numerous non-Indian-gillnetter violations of a federal-court injunction.

The testimony was presented in a hearing on requests by attorneys for the Indians for temporary restraining orders aimed at halting state courts from interfering with federal-court rulings of Judge George H. Boldt.

United States Magistrate Robert Cooper, designated as master to hear matters in the Boldt Indian fishing-rights decision, continued the hearing until a still-unspecified time.

Cooper said, however, that whatever he does will only be in the form of a recommendation to Judge Boldt, now out of state and not scheduled to return until October 27.

The matter was part of the continuing legal dispute concerning implementation of Judge Boldt's February 12, 1974, decision that treaty Indians are entitled to the opportunity to catch half the harvestable salmon and steelhead returning to traditional off-reservation grounds.

On September 6, Judge Boldt enjoined non-Indian fishing in Puget Sound to allow Indians catchup time to get their share. He said violations could result in a penalty of reducing the non-Indian share by 20,000 salmon for each day of violation.

Whenever waters have been closed to non-Indians and open to Indians, citations issued to non-Indians by the State Fisheries Department have been thrown out of state courts. The state courts have taken the position that state law allows the Fisheries Department to impose closures only for conservation — not for allocation between Indians and non-Indians.

Non-Indian gillnetters, because of this, continued to fish after the Boldt injunction. However, that fishing has subsided because the state has imposed a closure against non-Indians and Indians alike as a conservation measure due to a poor coho-salmon return.

Attorneys for the State Fisheries Department argued yesterday that the question of further restraining orders is moot because of the total closure. Indian patrol officers testified yesterday that they estimated about 100 non-Indian gillnetters were fishing in Bellingham Bay September 18 and they documented 20 of those violations.

STAR TRIBUNE  
CASPER, WYOMING

Date 10/7

## Federal rules and regulations top water agenda

JACKSON — Federal laws and regulations affecting planning for Wyoming water will top the agenda.

The Wyoming Water Development Association will meet Monday and Tuesday,

Oct. 18-19 at the Ramada Snow King Inn in Jackson.

Sen. Cliff Hansen, R-Wyo., will be the luncheon keynote speaker the opening day of the meeting.

Specific speaker topics in-

clude "non-point and point return flows", Indian water right claims, Bureau of Reclamation projects in Wyoming and citizen responsibilities in Wyoming water resources.

"The annual convention

serves as an important forum for exchange of ideas and thoughts on Wyoming water, a resource which is vital to this state," said Donald J. Brosz, extension irrigation engineer at the University of Wyoming and WWDA secretary.

SEP 30 1976

# Sun-Heated Water Use Is Slated At Kayenta

Sunpower Systems Corp. of Tempe has begun installing solar collectors on the Navajo Indian Reservation at Kayenta.

William C. Matlock, president, said the Indian owner of a coin-operated laundry on the reservation will use solar energy to heat water for the laundry.

"IT'S THE only commercial laundry in Kayenta and, to my knowledge, is the only facility which uses solar energy on an Indian reservation," Matlock said.

Sunpower designed the solar system to heat 45 per cent of the water used by the laundry during December and 100 per cent in June.

Incorporated into the electronic controls of the system is an automatic freeze protector capable

of dumping snow off the collectors and keeping water from freezing in the pipes during the cold northern Arizona winters.

"THE SYSTEM will heat water during the day and store it in an underground 4,000-gallon storage tank," he added. "Water for use in the washers will be drawn from the storage facility."

Matlock, who recently unveiled his Solar Carousel — a solar unit which tracks the sun in both planes — plans to introduce his "Solarime Chiller" tonight to the Tempe Lions Club, where he will speak at 7 p.m.

MATLOCK says the Solarime Chiller will be the "answer to high-cost refrigeration in Arizona."

Sunpower has installed 11 solar units throughout

Arizona and is setting up others in Fountain Hills, Apache Wells, Glendale and Tucson. In addition, the firm recently proposed a 75-horsepower solar pumping installation to the Arizona Cotton Growers Association.

TULSA WORLD

TULSA, OKLA.

D. 114,227 SUN. 200,191

OCT 5 1976

## Tribal Program Funds Approved

The Oklahoma Tribal Assistance Program Inc. has been funded for fiscal 1977 with \$567,320. The money from the Comprehensive Employment and Training Act, Title III, U.S. Department of Labor, will be used in a work training program for Tulsa County Indian residents.

Goals were exceeded in several categories during the fiscal year which ended Sept. 30, Evelyn Stephens, program director, said.

Goals, followed by figures on achievements, included:

Residents served, 448 and 1,905; vocational training, 152 and 257; employment, 98 and 904; on-the-job training, 86 and 229; summer work program, 100 and 108.

Applications are being taken at the program's office at 2615 E. 21st St.

# Crow tribe will consider reservation coal mining

By JOEL M. PEASE  
Of The Gazette Staff

**CROW AGENCY** — Crow Indian tribal members will meet again Saturday in a 2 p.m. council session to consider opening negotiations with four major fuel companies that want to mine coal on and near the reservation.

Discussion will center on a resolution to establish a 12-member tribal negotiating committee and to set ground rules for the group aimed at protecting the reservation and providing for per-capita distribution of profits to the tribe.

DeWitt Dillon, who submitted the latest proposal, has said most Crows favor developing the coal mines, but only if done properly to prevent a "sellout."

But Tribal Chairman Pat Stands declared Dillon's resolution is unconstitutional because it gives the tribal vice chairman and vice secretary authority to negotiate for the tribe. Stands said this conflicts with the tribal constitution and by-laws.

He added that he may submit a substitute resolution, also calling for negotiations to begin, but providing more author-

ity to his own chairman post to seek legal and technical counsel for further talks.

Negotiations have been at a stalemate since 1974 when a moratorium was called on further negotiations with Shell Oil, AMAX, Peabody and Gulf, who are urging the Crows to allow development of the strip mines.

Stands said re-negotiation and settlement with the companies could result in advance royalties of about \$30 million to the tribe, and additional royalties of about \$81 million over a 10-year period.

Other tribal members, however, have urged the tribe to hold out as long as possible. In addition, some of the Crows are totally against any development and want to preserve the land from strip mining. A resolution at last month's council, aimed at opening talks, was tabled.

Also under consideration will be a proposal to audit spending in tribal affairs and other federal programs that benefit the tribe.

Other areas of discussion will include tribal contract programs, additions to tribal rolls, the tribal credit program, possible selection of tribal judges, establishment of a Crow health authority, and improvement of adult education.

## Indians Ready Utah Meeting

nation are expected. There will be more than 100 tribes, Indian organizations and federal and state agencies represented.

Lester M. Chapoose, Utah tribal chairman, said principal purpose of the event is to review congressional legislation and other issues affecting American Indians.

Theme of the five-day conclave is "Justice Through Tribal Sovereignty." The delegates will:

— Scrutinize recent recommendations by the congressional American Indian Policy Review Commission, including a proposal to abolish the Bureau of Indian Affairs and establish an independent "super" agency to administer all Indian affairs functions on federal land.

— Explore concern that the Ford administration will make detrimental changes in Indian policy before the end of the year. Also, examine Jimmy Carter's position on Indian affairs.

— Discuss the Indian Finance Act, Indian Education Act, Indian Health Care Improvement Act, Indian housing "and a half dozen additional current problems, particularly in the areas of land and water rights."

— Declare major policy decisions for debate and adoption on Indian treaties, tribal government, jurisdiction and federal administration.

The Utes have planned a public sale of Indian arts and crafts in the Salt Palace Assembly Hall Oct. 19-21 from 10 a.m. to 3 p.m., and have scheduled a NCAI Indian parade Oct. 20 at 6 p.m. Indians from throughout the nation in full traditional tribal costumes will march from South Temple and State Street south to 4th South, then west to West Temple and east to the Salt Palace.

More than 3,000 delegates are expected for the 33rd annual convention of the National Congress of American Indians in the Salt Palace Oct. 18-22. The Ute Tribe will host the event.

Indian government representatives from nearly every tribe in the

OCT 5 1976

OCT 4 1976

# Arizona Court Power Invalid Over Indians

"Arizona has no authority to extend the application of its laws to an Indian reservation," the Arizona Supreme Court said in an opinion Wednesday that extends the guarantee of sovereignty to reservations created by executive order.

Reservations created by treaty, such as the Navajo reservation, were guaranteed sovereignty by the treaties.

The ruling means that state courts and law-enforcement officers have no jurisdiction on the 19.4 million acres of Indian reservations. This comprises nearly 27 per cent of Arizona.

THE CASE involves a paternity suit brought by the state on behalf of a Tucson woman in Pima County Superior Court against a Papago Indian living in Sells, on the reservation.

The Supreme Court overturned an Appeals Court decision and ruled that a Pima County sheriff's deputy has no authority to serve a Superior court summons on the reservation.

The unanimous high court opinion, written by Justice Jack D. Hays, held that although the Papago reservation is not guaranteed sovereignty in the 1917 order that created it, exclusive sovereignty is implied.

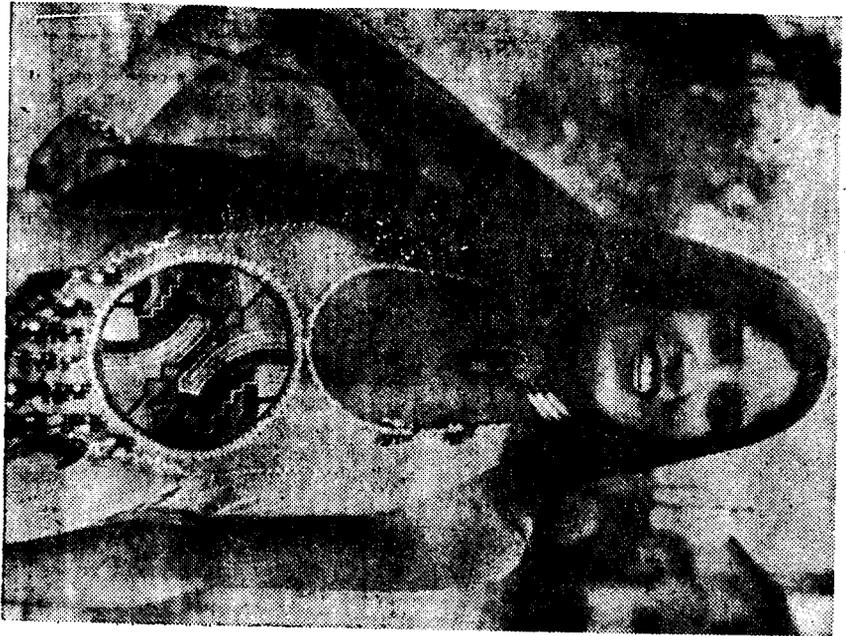
THE RESERVATION should be treated the same as those created by treaties with sovereignty guarantees, the court ruled.

The Arizona Legislature has failed to respond to the federal 1968 Civil Rights Act which requires the state to amend its Constitution and receive consent from the tribes before it can enforce state laws on the reservations, the high court said.

"It is clear that Arizona has not displayed a desire to assume either jurisdiction over Indian lands or its concomitant responsibilities," Hays wrote.

PAGE ONE

Sacheen Littlefeather: Time for "an Indian movie star."



## Followup

OSCAR NIGHT, 1973. Marlon Brando won for "The Godfather." But it was Sacheen Littlefeather who approached the stage to refuse his gold statuette and tell a national audience that Brando was protesting the treatment of American Indians.

The name Littlefeather—given her because she always wore a feather in her braids—left the news as quickly as it entered. That brief notoriety, she says today, only hurt her because people "distorted" her Oscar appearance as the political move of an activist.

"I fasted and prayed for two days beforehand," she said from her home in Marin County, Cal. "I went to mass, confession, communion, and then I went to the sweat lodge in native American rites.

"I thought I was doing this for the children. No Indian child can grow up with the image of Indians whooping and hollering and raping white women on the screen. We need an American Indian movie star . . ."

So Littlefeather persuades her friends in the Red Earth Theatre Company, an Indian troupe, to try out for parts in movies. She said she's costarring in a movie now being made—though she won't release its name—and has played Indian roles in the "Billy Jack" movies and in "Winterhawk" and "Firecloud." ["I choreograph my own fight scenes."]

Littlefeather acts, tours with Red Earth staging Indian legends, goes on speaking tours, teaches Indian dancing—and appeared at the Oscars—in the name of expanding Indian culture and helping her people get jobs. "Chinese, Latins, and blacks come first" in hiring, she said. "Our whole race has been ignored."

In all she does, Sacheen Littlefeather remembers her childhood as a White Mountain Apache. "I suffered a lot of prejudice growing up," she said. "I was not allowed to go to cafes, restaurants because I was an Indian. I've had people beat me up because I was an Indian."

BILLINGS GAZETTE  
BILLINGS, MONTANA  
Day 10/2

# Reservations not refuges for debtors, court rules

HELENA (AP) — Indian reservations are not sanctuaries from Montana's civil laws any more than they are sanctuaries from the state's criminal laws, the Montana Supreme Court ruled on Thursday.

"This appeal adds another chapter in the never-ending story of Indian jurisdiction," Chief Justice James T. Harrison wrote in the unanimous opinion.

The ruling overturned a decision by District Court Judge Charles Luedke, who had prevented Little Horn State Bank of Hardin from garnishing the wages and seizing other property of a couple who live on the Crow Indian Reservation to satisfy an unpaid loan.

Robert and Norma Stops failed to repay a loan from the bank, and the bank won a court judgment of \$3,541 against them in February, the Supreme Court recounted.

When the Big Horn County sheriff garnished the couple's wages, they secured an injunction preventing such action against their income or other property.

The Stops "urge us to hold that a court having jurisdiction to render a judgment does

not have the power to enforce that judgment because the property subject to such writ is located on the Crow Indian Reservation," the chief justice wrote.

"In effect, they ask that the reservation be treated on an even par with our sister states. Such a situation would not be feasible, since the Crow Tribe does not provide for the honoring of state court judgments, nor is the 'full faith and credit' clause applicable to the tribe."

The Supreme Court said that since the business transaction was made outside the reservation, and since the tribal court has no provision for enforcing state court judgments, the state court was the proper place for the legal action to be taken.

"Until the Crow Tribe has provided a means of such enforcement or acted in some manner within this area, we fail to see how tribal self-government is interfered with by assuring that reservation Indians pay for their debts incurred off the reservation," Harrison wrote.

"In this case the tribal members elected to leave the reservation and conduct their af-

airs within the jurisdiction of the state courts. When they do so they are submitting themselves to the laws of this state. They cannot violate those laws and then retreat to the sanctuary of the reservation for protection."

The Miami Herald  
MIAMI FLA.  
D. 351.21 - 341.100.08

OCT 2 1976

## Chamber of Commerce

**Steel Box May Hold** Now Has It

# Osceola's Remains

OCALA — (AP) — The Chamber of Commerce isn't sure, but it believes that a welded-shut steel box it has received contains the bones of the legendary Seminole Indian chieftain Osceola.

The box was presented to the chamber by officials of a Rainbow Springs tourist attraction. They say they got it from a Miamian who claimed he had stolen the chief's bones from Fort Moultrie, S.C.

Osceola died as a prisoner at Fort Moultrie in 1838. He was captured under a flag

of truce following a Christmas-time 1835 massacre of Maj. Francis L. Dade and his command of 110 men near Dunnellon, Fla.

ACCORDING TO legend, a doctor amputated the chief's head to keep as a souvenir.

The steel box containing the headless remains was delivered to Context Development Corp., owners of the tourist attraction, by former Miami City Commissioner Otis Shiver, according to company officials.

Shiver reportedly claimed he stole the bones and returned them to Florida five

Contd

years ago.

Context handed the box over to the Ocala-Marion County Chamber of Commerce this week. It had been resting in the Dunnellon State Bank.

William Fleming of the Dunnellon Bicentennial Committee said federal officials believe Osceola's bones are in the box "and once we get them in place, anyone who questions it is going to have to prove they aren't."

John McKeever, chamber director and Ocala attorney, said, "We do not want to

participate in a fraud, especially concerning a great Indian leader."

**HOWEVER, HE** said, "If those are human remains, levity is inappropriate and this should be treated with respect."

McKeever suggested that the chamber accept the box and send it to the Florida State Museum for an opinion on whether the contents are really Osceola's bones.

But Fleming says, "The burden of proof that the bones are not real is on those who disbelieve."



Chief Osceola  
... died in 1838.

THE ARIZONA REPUBLIC  
PHOENIX, ARIZ.

D 102,112 (PH) 301,213

OCT 7 1976

## U.S. probing bond election on reservation

By BILL DONOVAN

**ST. JOHNS** — The U.S. Justice Department has begun an investigation into a recent school-bond election here to determine if Apache County officials properly publicized the election on the Navajo Reservation.

A letter from the Justice Department also has advised county school officials not to proceed with the sale of bonds until the investigation has been completed.

The probe is being conducted by the Indian Civil Rights Division of the department's Office of Indian Rights. It was this division that acted as a watchdog in the reapportionment of Apache County's three supervisor

districts earlier this year.

Apache County voters approved the \$4.5 million bond issue in late August by 1,699 to 1,644. The vote on the reservation was heavily against the proposal, while the vote in the southern, predominantly Anglo section of the county was heavily in favor.

Reservation voters opposed the proposal because all of the money approved in the election was scheduled for high schools off the reservation.

Before the election, a political group in the northern part of the county began complaining to county officials that the county was making no attempt to publicize the

election on the reservation.

County officials argued, however, that written notices were published in the reservation newspaper, the Navajo Times, which they said fulfilled their legal requirements to inform Navajo voters.

Leaders of the political group, the Apache County Team Initiating Voter Equality (ACTIVE), contended the Navajo Times notices were printed in

English and Spanish, languages many Navajos can't read, and failed to mention that the funds would be used off the reservation.

Peterson Zah, director of DNA, the legal-aid organization on the reservation, said one area open to question is whether the county was required by law to make more attempts to inform the Navajo voter.

A federal election stat-

ute, he said, provides that in areas where the language of a significant amount of the population is unwritten, officials are required to supply "oral instructions, assistance or other information relating to registration and voting."

ACTIVE leaders had asked the county to publicize the election over the radio in Navajo but county officials refused. The group claimed that if Navajo voters had been sufficiently informed, the bond issue would never have been approved.

They cited statistics that indicated that two-thirds of the 13,000 registered voters in Apache County live on the reservation.

OCT 6 1976

## Indian project to test 'prawn industry'

### Californian starts project to raise crop in ponds

By David F. Salisbury  
Staff correspondent of  
The Christian Science Monitor

Davis, California  
/ Next spring, Indians on the Chemeuhevi Reservation in southeastern California will start raising prawns in a pilot project hoped to point the way to financial independence for many Indians, migrant workers, and others on welfare.

Kit Cullen of the California Office of Economic Opportunity says this could be the beginning of a new industry in the state which would allow many to "develop small businesses on their own land." It could make use of marginal land, should not demand much capital, and require mainly unskilled labor, enthusiasts say. (A prawn is a small, edible crustacean resembling a shrimp.)

"I was flying to Long Beach and saw a student with a bucket of prawns," Mrs. Cullen explains, describing how the project got started.

The student she met was working with Allen

W. Knight, an associate professor at the University of California at Davis. The professor is studying ways to raise a Malaysian variety of freshwater prawn - scientifically called *macrobrachium* - in ponds.

As she learned more about the research Dr. Knight is doing, the state official became excited about the possibilities of using it to give poor people a means of supporting themselves.

Last month, Mrs. Cullen was notified by the state Economic Development Administration that funds would be provided to build some ponds and teach Indians on the Chemeuhevi Reservation near Lake Havasu how to raise prawns. Officials hope to get started next April.

Hawaii has had a similar program for five years, says Dr. Knight. A state hatchery supplies young prawns to more than a dozen private "farms." Ponds there yield around 3,000 pounds of prawns per acre per year. Freshwater prawns sell for about \$5 a pound and are popular in Hawaii.

The United States imports 400 million shrimp and prawns yearly - almost entirely ocean varieties. There have been commercial efforts to raise salt-water prawns, but it has proved

impossible to get them to breed, says Dr. Knight.

"This is no problem with *macrobrachia*," adds the scientist. However, he confesses that the first 45 days in a young prawn's life are extremely touchy. His research focuses on identifying the factors which determine whether the prawn larvae grow properly. He also is studying the effects of varying water quality and diets on prawn growth.

"I hope we can talk the state into opening a hatchery," says Dr. Knight. "Once they get larger, they are easy to grow, and it might help get some people off welfare."

Aquacultural operations are often complicated by disease. However, the freshwater prawns have not evidenced any disease in the several years the scientist has been culturing them. "This is very unusual," he says.

These crustaceans eat virtually anything and convert it to protein very efficiently, so they are not as expensive to feed as many fish which are aquacultured. They also live in fairly compact communities - an average of three in two square feet of water - so it takes only five acres to provide a family with a potential of \$16,000 to \$37,000, Mrs. Cullen says.

## TRIBAL LAWS VIOLATED?

# Indians Protest Meeting

By Lori McVey

**TAHLEQUAH** — A Cherokee - Delaware group has charged a Sept. 6 grievance committee meeting which led to the cancellation of a general council meeting was not valid and actions taken were in violation of tribal laws.

Chris White, chairman of Concerned Cherokee - Delawares, Inc., said Friday he has protested the cancellation and asked the U.S. Secretary of the Interior to schedule a general council meeting to settle the issue and other inter-tribal conflicts.

"The grievance committee exonerated three tribal officers of charges made against them," White said. "Tribal laws only grant investigative powers to that committee — not powers of exoneration."

In addition, White alleged the Sept. 6 meeting was held at the Coppan home of Mary Watters, who cast sev-

eral votes although she had resigned from the grievance committee last June.

"The vote of Mrs. Watters was used illegally to make up a quorum in the Sept. 6 meeting of the grievance committee," White said. "On the basis of her vote and their actions, our general council meeting — called for Sept. 11 — was canceled."

The general council meeting was called for Sept. 11 by Morris Thompson, commissioner of Indian Affairs. Charges against Bruce Townsend, chairman of the business committee and tribal attorney; Mary Townsend Crow, tribal secretary and sister of Bruce Townsend, and Henry Secondine, business manager, were to be considered at the meeting.

A resolution requesting the recall of those three officials was originally passed by the grievance committee on June 28, White said.

A tribal vote was scheduled for July 13 to remove Bruce Townsend, Tulsa, from office as business committee chairman and to change tribal bylaws to prohibit family members with a closer relationship than first cousin to serve on the business committee, he said.

"Our tribal laws do not make provision for a referendum and that's why the September council meeting was called," White explained.

"Mr. Townsend has thwarted all attempts to call a general council meeting through manipulation of Delaware tribal laws and bylaws," White added.

White said his group has been attempting to "put the issues" before the Delaware people for more than five months.

One of the issues in the inter-tribal conflict is whether the business committee has the right to appoint a member of that committee

to serve the tribe in a salaried job.

Townsend appointed himself as tribal attorney while serving as business committee chairman, tribal officials said.

Family blood ties among business committee members are another issue in the conflict.

Exoneration of charges made against tribal officials has become a third issue in the conflict.

"Our appeal requesting the secretary of the interior to call a general council meeting has been accompanied by a request for a field investigation of Townsend's conduct as tribal attorney and business committee chairman," White said.

"We are still awaiting the results of complaints of professional impropriety and conflict of interest sent to the Oklahoma State Bar Association in July about Townsend," White said.

"The National Indian Youth Council in New Mexico is interested in our case and is assisting us with legal aid in the matter," White said. "We want to make all members of the tribe aware of exactly what is going on in our tribal business."

No lawsuits have been filed against Townsend or the other two tribal officials, but White indicated legal action may be tried if Washington officials cannot help the Delawares resolve the conflict before the 1978 tribal election of officers.

The Delaware tribe has approximately 8,000 adult members.

OKLAHOMA CITY, OKLA.  
OKLAHOMAN & TIMES  
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OCT 2 1976

OCT 5 1976

# Supreme Court hears debate on beer-buying ages

By VIRGIL GAITHER

Tribune Washington Bureau

WASHINGTON — A case challenging an Oklahoma law which permits females to purchase 3.2 beer at age 18 but forbids males to do so until they are 21 was heard by the U.S. Supreme Court today, and everyone concerned seemed to have a pretty good time.

The case, filed by an Oklahoma State University student and a beer vendor there, centers around whether the Oklahoma law denies equal protection under the Constitution to males. Most of the court's interest this morning centered around Oklahoma's objective in passing such a law and if 3.2 beer is non-intoxicating as defined by the state, what's the big deal anyway?

Justice Potter Stewart, on the other hand, seemed to be more interested in whether or not Oklahoma still prohibits the sale of alcohol to Indians. He asked that question of both Tulsa attorney Frederick Gilbert, representing the challengers, and Assistant Oklahoma Atty. Gen. James Gray, who represented the state.

THROUGH ITS sometimes humorous questions, the Court was informed the law was based on an 1890 act which set the majority age for females at 18 and for males at 21, but that this act was amended in 1972 to set the majority age of both sexes at 18 for just about everything except buying beer.

The court, however, received differing opinions as to why this exception was made.

Gilbert said it was due to the influence of religious organizations who wanted "to save the souls of men between 18 and 21 years of age from exposure to pool, beer and women."

Gray, on the other hand, said as Oklahoma does not record its legislative history, there is no way of knowing the intent of the state Legislature in making the exception, but that his office had concluded it was to improve traffic safety because more young males are arrested for traffic offenses involving alcohol than young females.

"EVEN THOUGH you can't get drunk (on 3.2 beer)?" Justice William J. Brennan asked.

Gray assured the court that a person can get intoxicated on 3.2 beer. Gilbert, however, disagreed.

"The 3.2 beer is so diluted that the normal man gets bloated before he gets drunk," Gilbert said.

"He can get drunk, but he must force it down."

If traffic safety is the objective of the law, Justice Thurgood Marshall wanted to know, "what about the males between 18 and 21 years old who don't drive but drink?"

Gray replied that the law doesn't prohibit parents from giving beer to their children.

"But aren't there non-drivers who drink but don't have parents to give them beer?" Marshall replied.

Also, Justice John Paul Stevens wanted to know, if the state law does not prohibit males 18 to 21 years of age from drinking beer, only from buying it, how could it prevent traffic accidents?

"DID THE OKLAHOMA Legislature overlook that an 18 to 21-year-old male's girl friend can buy the beer?" he asked.

Stevens added that the studies he had seen all indicate that males, because they are bigger, can consume more alcohol than females without getting intoxicated, and wouldn't that support a law allowing men to purchase beer at the earlier age?

Justice Lewis Powell asked, if traffic arrests were higher for young males than females, if there was a difference in their insurance rates.

Gray said both sexes are rated high in Oklahoma until they reach the age of 25 but said he did not know if males were rated higher.

Gilbert, in his rebuttal, contended that the traffic safety claim was false, that the state's statistics were based on arrests, not convictions, and that when the figures were adjusted there was only a one or two per cent difference between the number of young male and young female violations.

The real reason for the law, he said, was religious influence. "It's like it has always been in Oklahoma," he said. "The dries have their law, the wets have their liquor and the vendor can expect at election time to get raided by the local law."

The arguments in the case took about an hour. There was no indication of when a ruling can be expected.



OCT 8 1976

# Indian Woman Nearer \$170,000 Victory

By Jim Killackey

Her long fight with the Internal Revenue Service isn't over yet.

But 72-year-old Thelma Horton Clark of Oklahoma City has moved one step closer to collecting as much as \$170,000 resulting from the disputed taxation of a piece of land deeded to her before Oklahoma became a state.

Mrs. Clark, a Chickasaw Indian, has won a \$61,688 federal court

judgment for income taxes erroneously assessed and collected on a tax-exempt tract of land in Grady County.

U. S. Dist. Judge Luther Eubanks has ruled that the IRS erroneously collected the money on a 160-acre tract of land.

The woman is entitled to collect the \$61,688 erroneously paid, plus 6 per cent annual interest since 1947 — bringing the total award to around

\$170,000, according to her attorney.

Whether the sprightly woman will see any of that money is still a question mark, Mrs. Clark said Thursday.

She said the IRS is determined to appeal her case, as far as the U. S. Supreme Court if possible.

Mrs. Clark said the IRS is attempting to have a 1966 decision overturned which affirmed the tax-exempt status of Indian land.

The basis for the controversy between Mrs. Clark, a former cook at Bethany General Hospital, and the IRS began in 1906 when the Grady County land was deeded to her through her father.

Prior to statehood, the land rolls were opened for Indians after it was determined they should no longer live on reservations.

Both Mrs. Clark and her brother were deed-

ed 180-acre tracts.

Her land contained valuable minerals — a fact which was to formulate the dispute 41 years later.

In 1947, Mrs. Clark entered into a contract with two oil companies for oil and natural gas leases for which she was paid a \$186,000 cash bonus.

The bonus was deposited in the woman's land account, held in trust by the Bureau of Indian Affairs.

The bureau released a portion of the money in 1947 for payment of income taxes assessed against the land.

Mrs. Clark did not know then that in 1929, the land was given tax-exempt status by the government. The status covered land owned by members of the Five Civilized Tribes.

After hearing of the tax-exempt issue several years ago, Mrs. Clark consulted attorneys about the possibility of recovering the tax money.

She filed an appeal with the IRS three years ago.

The appeal was unsuccessful and in November of 1975, a tax refund suit was filed in federal court.

Mrs. Clark said there is no statute of limitations on a tax refund suit involving Indian land.

If she does receive the money, Mrs. Clark said she plans to "salt it away."

She said she would like to set up a trust fund for her two children and three grandchildren.

And under her title obligation, a substantial portion would be donated to her church, the Crestwood Baptist Church.

But, she noted, the IRS will have the last word: interest on any judgment — which might be more than \$100,000 — is subject to taxation.

Mrs. Clark said she lives frugally now; her husband passed away in 1952.

Some of the money she received from her land's mineral deposits was used to help build the First Baptist Church in Tishomingo.

# Ground Breaking Climaxes Potawatomi Homes Plan

OCT 12 1970

After five years of organizing, working and often being frustrated the Tribal Council and housing authority of the Prairie Band Potawatomi Indians were able to break ground last Thursday to signal the start of building 32 single-family homes near Mayetta to make available to tribal members.

Camilla Wishkeno, chairman of the Tribal Council, thanked the housing authority for its patience and efforts through the frustrated years and the reams of paper work toward Thursday's goal.

Ray Wahweotten, council vice chairman, gave an invocation in his native tongue for the ceremony.

The contractors for the project are B. B. Anderson, Topeka, in charge of development and planning, and Lawrence Construction Co., Lawrence.

The ground breaking took place on a 14 home cluster site and completion on the site is planned for this spring. The entire project will include 32 single-family homes in the Mayetta area.

Nine are to be four bedroom homes and 23 are to be three bedroom homes.

Tribal members will be eligible to purchase the homes in accordance with income. The one and a quarter million dollar project is funded through the federal department of housing and urban development.

Harold Harrington, Topeka chairman of the housing authority, said HUD had been cooperative through the past few years in holding the Potawatomi application for this project until organization and planning was advanced to this stage.

A second phase of the overall plan would add another 28 dwellings later. These would be low income and mutual help dwellings.

Miss Wishkeno said the visible part of the project had started last spring with a rural water stand-pipe and 16 miles of lines to the areas where homes are to be built.



The Prairie Band Potawatomi climaxed five years of sometimes frustrated efforts last week with this ground breaking ceremony at the site of a 14 home cluster housing project west of Mayetta. Members of the Tribal Council and its housing authority participated. They are, from left, Mary Jessepe of the council, Lawrence Hale and Harold Harrington of the housing authority, John Mitchell of the council, Vestina Durham, council secretary, Camilla Wishkeno, council chairman, Ray Wahweotten, council vice chairman, and Marlin Lundin of the housing authority. It is hoped the first construction will be complete in the spring.-Recorder Photo.

OCT 4 1976

# Halfway house helps Indian offenders adjust

Jim Bedeau says that as a Native American, he has been fighting for most of his 37 years against a system which does not understand him.

After having gone through a chemical dependency program for alcohol and the St. Cloud Reformatory and Stillwater State Prison for burglaries, he says: "I'm still fighting the system but I've grown more sophisticated in my fighting."

As a corrections counselor for the Anishinabe Longhouse, a halfway house for offenders at 1016 New-

ton Av. No., Bedeau has fought for the last two years to keep other adult male Native Americans from returning to the prisons.

The system resists change, Bedeau says, but people that work within it "are easy to deal with once you have their attention and sensitize them to what is going on."

The disproportionate number of Native Americans in the Minnesota prisons shows that something needed to be done, Bedeau said. Although Native Americans make up one percent of the state's pop-

ulation they are 10 percent of the prison population, he said.

In the Chippewa language Anishinabe means Indians, Bedeau said, and Longhouse was the wigwam-like structure where ceremonies were held and counseling was given by the elders.

The two-story, gray stucco and brick building on Newton Av. is a longhouse in the old tradition to the 12 men that have come there from the prisons. The four counselors, assistant director, and director serve as elders, giving the residents guidance and assistance

in their adjustment.

The Longhouse project "is the first time the Minnesota corrections system has given the Native Americans a chance to run their own program," said Tom Lawson, director of Community Services for the Department of Corrections. Lawson said the project may be the only one of its kind in the nation.

"It is a successful and well run project," Lawson said, "one that is offering good service to a client population that needs service."

Bedeau said only five of the 137 Native Americans who have been residents at the Longhouse, have been returned to the prisons for new crimes in the three years the program has operated the residential program.

The Longhouse project has been successful, Bedeau said, because the counselors understand the problems the men have in adjusting after their release from prison. He said all counselors, including Ken Bedeau, the assistant director, and John Poupart, the di-

rector, have been in prison.

"We reach the mind and the heart" of these men, Bedeau said. "We do this by making Native American culture the central part of the program."

"A feast is held every six weeks similar to an old tradition of getting together and talking everything over and sharing food," said Bill Norcross, another counselor of Longhouse.

"We have older Native Americans come in and tell them what it was like then and how it is now. The residents generally listen to older people. It is a part of our culture," he said.

"After a few sessions and after having a chance to look at the staff as examples of ex-offenders who have changed, Norcross said, they begin to see there is a way out without doing it with crime."

The residents develop a pride in being Native American, Norcross said.

The average age of a resident is 24 years, Bedeau said, and each has spent many years in the jails or prisons.

The \$165,000 budget from the Department of Corrections is used to maintain the residence, pay the rent, and food and medical care for the residents. Salaries for the staff of eight also come from that budget, Bedeau said.

Four of the men now at the longhouse are under treatment for chemical dependency with the Hennepin County Alcohol and Drug Program and the other eight men living in the house work in general labor. But, Bedeau said, there is a lot of free time, and "idleness becomes a problem because then there is time to get into trouble."

The Anishinabe Longhouse would like to raise approximately \$20,000 to fund cultural and social events. They would also buy sporting equipment and buy a van to transport residents to the nature outings and other events, said Harry Dooley, an employee who is in charge of the fund raising.

Elena O. De La Rosa is an intern at the Minneapolis Tribune.



# INDIAN NEWS CLIPS

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## The Salt Lake Tribune

Section A

Friday Morning, October 22, 1976

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### Give Indians Dominant Voice In Shaping Their Affairs

American Indians have retained their identity through four centuries of relentless efforts to destroy them as a people.

It may be just another false hope but there are signs that Indians are now moving toward full direction of their own affairs.

A major, but by no means the only, thrust in this direction is reflected in a resolution adopted by the annual convention of the National Congress of American Indians in Salt Lake City.

The resolution calls for removal of the Bureau of Indian Affairs (BIA) from the Department of Interior and establishment of a separate agency. The new agency presumably would retain those ties between the federal government and the various Indian tribal authorities which the Indians themselves deem proper and necessary. But it would be shorn of the BIA's paternalistic, demeaning and, to many Indians, sinister powers.

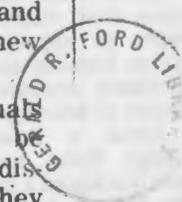
Considering the sordid record of the BIA during 152 years of implementing shameful, cruel and dishon-

est government policy, the Indians' demand cries out for a speedy and sympathetic response from the new Congress.

In fairness to many individuals who served the BIA, it should be recognized that the increasingly discredited concepts and programs they administered were widely supported by the white population and indeed were pursued in direct response to popular demand. But the concepts were mostly wrong and a new, realistic approach fashioned by the Indians themselves, is long overdue.

There is movement in this direction. But it is painfully slow. Organizations such as the National Congress of American Indians, are attempting to bring about desired change through established channels. Other Indian groups have resorted to violent tactics. Either way, the era of quiet acceptance of the white man's attitudes and dictates is past.

It is time to begin turning Indian affairs over to Indians. Whatever the result of such a drastic turnabout it can hardly be worse than what has gone before.



# Judge's Illness Delays Land Dispute Hearing

By Jim Moore

A new snag developed last week in the Navajo-Hopi land dispute. U.S. District Court Judge James Walsh of Tucson, who has been the only judicial official to hear all the testimony, had to enter the hospital to undergo open heart surgery.

According to Mark Santana, Judge Walsh's baliff and law clerk, the judge is recovering from the surgery "remarkably" well, but the feeling around the federal court is that all planned proceedings will be postponed for at least 90 days.

Santana said that at this time, court officials do not want to appoint a new judge because that would probably necessitate an entire re-hearing.

About a month ago, Judge Walsh had tentatively adopted a line drawn by William Simkin, a federal mediator who worked on the dispute last year, dividing the Joint Use Area. Judge Walsh had been slated to hear arguments from both sides on Oct. 9, prior to issuing a final ruling on the matter.

It now appears that the hearing and ruling will not come until sometime after the first of the year.

Under the terms of the line drawn by Simkin and tentatively approved by Judge Walsh, some 3,500 Navajos and about 30 Hopis would be forced to relocate. The terms proposed by Simkin also call for the formation of a "Navjo Island" at Jeddito. This is a densely populated Navajo area, but is completely surrounded by Hopi land.

Simkin proposed that these individuals be allowed to remain where they are, although their land would not be connected to the Navajo Reservation in any way. Tribal critics on both sides have disagreed with this proposal.

Peter MacDonald, Navajo tribal chairman, said recently, regarding Judge Walsh's possible decision, "Any line drawn that will displace Navajo Families from their ancestral homes is a bad decision."

MacDonald also stated the possibility of physical repercussions in saying, "When the issue does hit it might have consequences as grave as Kent State or the My Lai massacre. The issue has been underestimated nationally. During the hearings we sounded warnings about our true feelings in the situation, but people don't believe this. They think that Navajos will just pick up their blankets and sheepskins and move, but that won't happen."

Attempts were made to reach Chairman MacDonald to clarify exactly what

is implied by the above statement, but he was not available for comment prior to press time.

The Hopi Tribe does not seem quite as adamant about the relocation problem. Abbott Sekaquaptewa, chairman of the Hopi Tribe, has already stated, "If Hopi people are forced to relocate we will comply. The people have expressed their reluctance to do so, however, because they feel the entire JUA (Joint Use Area) is Hopi land."

Along with the Jeddito problem, two other, smaller, areas known as "corridors" have similar problems. They are Hard Rocks and a small area in the southwest corner of the Joint Use Area.

Hopi land dispute officials are against the establishment of any such "corridors" as recommended by Simkin. Sekaquaptewa has said that such areas would have too much potential for perpetuating the problems of pockets of population creating boundary enforcement problems.

Samuel Pete, vice chairman of the Navajo Tribe and chairman of the Navajo Land Dispute Commission, has also pointed out there will be "tremendous" problems with law enforcement because, at this time, there is no relocation site.

The Navajo Tribe has tentatively selected 250,000 acres of property in the House Rock Valley and Paria Plateau area, but the U.S. Secretary of Interior has ordered an Environmental Impact Study to be done on the land before any decision is made. This is a two year project in itself, and was only begun late last June.

It will be up to Judge Walsh to decide the type of law enforcement that will take place in the Joint Use

Area after the partition. At this time, the Bureau of Indian Affairs holds jurisdiction.

According to Pete, this condition should continue. He has said, "The consequences would be tragic if the Hopis were to receive law and order jurisdiction while Navajo families were still living there. They would make life miserable for the Navajos."

As expected, Sekaquaptewa sees it differently. He has said, "The Hopi Tribe should take immediate law and order jurisdiction when the land is partitioned."

Another of the major problems is that of the Peabody Coal lease area. According to reports, about 40,000 acres have been leased by Peabody Coal Company in June, 1966. At this time, the tribes share equally in the royalty payments from this lease.

In his recommendations, Simkin suggested that 6,070 acres of the Peabody lease go to the Hopi side and approximately 32,930 on the Navajo side.

According to Pete, the question is if the Navajo Tribe should be granted some concession since the Peabody lease lands are primarily on that side. Simkin has suggested that the Hopi Tribe pay the Navajo Tribe a specific sum throughout the lease period after the partition to compensate the Navajos for non-use of the lease area.

There are many other problems that need further consideration by the tribes and the courts. The questions of sacred shrines and mixed marriages are only two more.

But, for the time being, it appears that the 100 year old problem will have to lay dormant until Judge Walsh can regain his health and tackle and old question once again.

OCT 7 1976

Winslow Mail

## Navajo chairman says tribe votes could decide close races Nov. 2

Associated Press  
WINDOW ROCK — Tribal Chairman Peter MacDonald said Thursday the Navajo Nation could determine the outcome of close races in the Nov. 2 general election.

"The day has arrived when the Navajo people must make their influence felt at the ballot box," MacDonald said. "A

heavy vote is a priority item for New Mexico and Arizona."

He didn't identify specific races. Earlier this year, he endorsed incumbent Democrat Joseph M. Montoya over his Republican challenger, Harrison Jack Schmitt, a former astronaut and moon walker, in New Mexico's U.S. Senate election.

MacDonald said the 74-

member tribal council will be called into session Tuesday to discuss a get-out-the-vote campaign and to appropriate money for that activity.

MacDonald didn't say what amount of tribal funds he wants to spend on the vote turnout effort.

He said about 80 per cent of the Navajos vote in tribal elections but only 40 per cent vote in state and federal elections.

The tribal government conducted a voter registration drive last August and September. The success of that push was not immediately known.

MacDonald said the tribal council's fall session, originally scheduled to start next Tuesday, will start after the general election.

## Contractor Sues Navajo Tribe

ALBUQUERQUE (AP) — A federal court suit filed by a Santa Fe engineering firm seeks more than \$6 million from the Navajo Tribe and the state Highway Department for alleged breach of contract and interference.

The complaint filed Tuesday in U.S. District Court by Zia Engineering Co. alleges the tribe, through its chairman Peter MacDonald, entered a contract with Zia in 1971 for highway improvements on the Navajo reservation.

The suit says MacDonald advised the firm in 1975 that the pact was "null and void and terminated."

Zia's action against the Highway Department alleges the state agency knew of the contract, but approached the tribe and offered to perform identical services. Highway Department officials persuaded the tribe to allow the state to do the work, the suit alleges.

Zia seeks \$75,473 for work allegedly done for the tribe and \$2.5 million from the tribe and MacDonald for breach of contract. Recovery sought against the Highway Department includes \$2.5 million in punitive damages and \$500,000 for the alleged interference.

OCT 14 1976

## Former Tribe Employee Fined, Given Probation

Ross Roll, a former employee of a Navajo-owned firm that builds housing on the reservation, has been given probation for misusing tribal materials worth less than \$100.

The former supervisor for the Greater Navajo Construction Co. was also fined \$500 and ordered to make restitution yesterday by U.S. District Court Judge William Copple.

Roll, 58, pleaded guilty

to a misdemeanor charge of using federal funds to order bathroom vanities for a Window Rock housing project and later converting the materials to his own use.

The U.S. attorney's office, under a plea bargaining arrangement, agreed to dismiss felony counts charging him with theft of \$1,217 in tribal funds.

Roll is a former resident of Farmington, N.M.

In an unrelated case, Regina Henderson, 34, of Window Rock, pleaded guilty to embezzling under \$100 while she was working for the Navajo Tribal Welfare Department in 1975. She could receive up to a year in prison and a \$1,000 fine when Judge Copple sentences her on Nov. 8.

## Miss Indian America

# Indians' queen versatile with varied talents

By PATRICIA GINS  
Tribune Accent Writer

As Kristine Rayola Harvey stepped into the elevator on a recent visit to Albuquerque, a young man exclaimed "I'll bet you're Indian."

It may not have been the word's most original line, especially since Kristine was dressed in the traditional Apache buckskin dress along with a banner proclaiming her Miss Indian America, but it achieved his aim.

Kristine laughed and started talking to him. By the time the elevator had reached his floor, the young man was completely charmed, as are most of those who come into contact with this gracious young woman in her travels as the 1976 Miss Indian America.

"MANY NON Indians think the Miss Indian America contest is a beauty pageant," she said. "They look on me as a doll who doesn't say anything. I'm not that. I'm a mouthpiece for the Indian people. I represent my tribe and all tribes in the U.S.."

Kristine, a member of the White Mountain Apache tribe, is from White River, Ariz. She is the first Apache to hold the coveted title. She won it in August at All American Indian Days and will reign for one year.

To win, Kristine had to convince five different panels of judges that she was sincere in her desire to serve the Indian people. In addition, she had to demonstrate personality, poise, both traditional and modern talents, an ability to speak and knowledge of Indian history.

SHE SANG some Apache songs and delivered a speech in her tribe's language for her traditional talent. Her modern routine was a jazz dance.

A unique blend of traditional and modern herself, Kristine is a worthy

representative of her people. Until she was 13, she lived with her family of nine in White River. Her parents, though practitioners of traditional Indian beliefs, encouraged their children to find their own way.

Kristine joined the Church of Jesus Christ of Latter Day Saints and enrolled in their student placement program.

UNDER THIS arrangement, Indian children live with foster families and attend schools off the reservation. While going to school, Kristine lived in Utah and California.

"My foster parents encouraged me to speak my tribal language and to keep up with Apache culture," Kristine said. "They taught me to have a good positive attitude.

"It was a lot of adjusting and taught me to understand a lot. It gave me a balanced personality. Now I find it easy to move back and forth between both worlds.

"I'M CONCERNED with the unity of all people, tribes and nations. The whole world is a family. When you go to Heaven, there are no signs that say one way for Indians another for white men."

Kristine's concern for people has lead her into counseling on alcoholism, drug abuse and teenage marriages. Now, at 23, she's temporarily on leave from Brigham Young University where she's studying dentistry. Eventually, she hopes to perfect her skill and move back to the reservation.

"I want to give them my best," she said, "be an asset to my people. My interest doesn't stop after this year, I'll always serve my people."

THERE'S ALSO a fun-loving side to

this versatile Miss Indian America. Kristine likes to ride horses, read, write and climb mountains. She swims, is skilled in a variety of arts and crafts, including intricate beadwork, runs regularly and does calisthenics. She's both a former bull-rider and fashion model.

This year she'll spend a lot of time visiting schools, pow wows, fairs, conferences and homes. A travel coordinator at pageant headquarters in Sheridan, Wyo., makes most of her plans, but Kristine can request time to visit places of particular interest to her.

Just recently she was able to go to her own tribal fair, the White Mountain Apache Tribal Fair and Rodeo, a visit she labeled a "special occasion."

AFTER TWO months as the title holder, Kristine has learned that the life of a queen is not all glamor. She finds the lack of sleep, constant packing and hotel living the hardest, but is quick to note there are benefits.

"Meeting people of all kinds and seeing the different parts of the country are wonderful," she said. "I really do get to see a lot. People are proud of where they live and like to show me around."

Kristine feels her future will hold a dual role as career woman and wife and mother. Until then, she wants to do her best fulfilling her current job.

"I'M A tool in the Great Spirit's hands," she said, "to see that His people are looked after, his children are represented in the best way possible.

"I understand both sides and can work toward attaining brotherhood as a spokesman for my people."

OCT 3 1976

# Acoma: Mesa-top pueblo rich in Indian history

By Ruth W. Armstrong

**ALBUQUERQUE, N.M.**—Indians' Pueblo Acoma Sky City is a village on a sheer rock mesa that rises 357 feet above the surrounding plateau of already more than 7,000 feet elevation. You look down in all directions at a landscape of weirdly shaped, colorful volcanic formations, sandstone buttes and mesas, and blue mountain ranges around the horizon. Acoma has a history that matches its spectacular location, 55 miles west of Albuquerque.

When the Spaniards came to explore New Mexico between 1540 and 1598, they were treated courteously by the Pueblo Indians, but when they came to colonize, in 1598, it was a different matter, at least at Acoma.

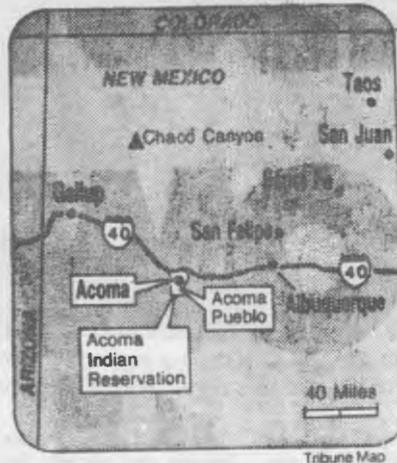
The bloodiest battle in New Mexico history took place at Acoma in January, 1599, just eight months after the conquistadores had claimed the land for the king of Spain.

The Acomans had enticed a scouting party of Spaniards up to the mesa-top pueblo, then killed them. Gov. Juan de Onate knew he had to establish the authority of Spain or the new colony never would survive. He led a punitive expedition against Acoma, and after a fierce battle conquered Sky City, the place all Indians believed was unconquerable.

Both sides paid heavily, but the Spaniards had proved their point. However, they left Acoma completely alone for the next 30 years.

IN 1629 one lone Franciscan missionary again conquered Acoma, with courage and love. Father Juan Ramirez left the capital, Santa Fe, alone and on foot, determined to found a mission at Acoma. Officials begged him to take a soldier escort, but he would take nothing but his crucifix. When he passed from view over the first hill, he was considered a martyr.

After many days of walking across mesas and valleys, he reached the rock and began stoically to climb the stone-notched trail to the top. The Indians had



watched him approach and began hurling stones over the edge. Arrows pierced his robe, but not his flesh. When he was about three-fourths of the way up, he stopped to rest beneath an overhang, concealed from the Indians. In the excitement a little Indian girl was shoved over the edge of the cliff. She rolled down the steep side, and came to rest on a ledge not far from Father Ramirez. He climbed over to her, put her over his shoulder, and continued his climb. The Indians believed this to be a miracle, so they welcomed him.

For 20 years he worked at Acoma, teaching the Indians to read and write Spanish, how to raise the fruits and vegetables he had sent to him from Spain, how to build better structures, glaze pottery, and many other useful skills. Under his ministry the Acomans changed from the fiercest to the gentlest of tribes, and one of the most culturally advanced.

UNDER HIS DIRECTION they built the massive mission church that stands today. Every timber had to be carried from a distant mountain to the top of the rock mesa. Water and mud were carried up on the backs of the willing Indians. In the rebellion of 1680 the church was partly destroyed, but in 1700 it was re-

stored and has been used continuously as a place of worship. When you go in it today you are overwhelmed with a sense of history, knowing those 10-foot-thick walls were laboriously built in the 1620s and have sheltered faithful converts ever since.

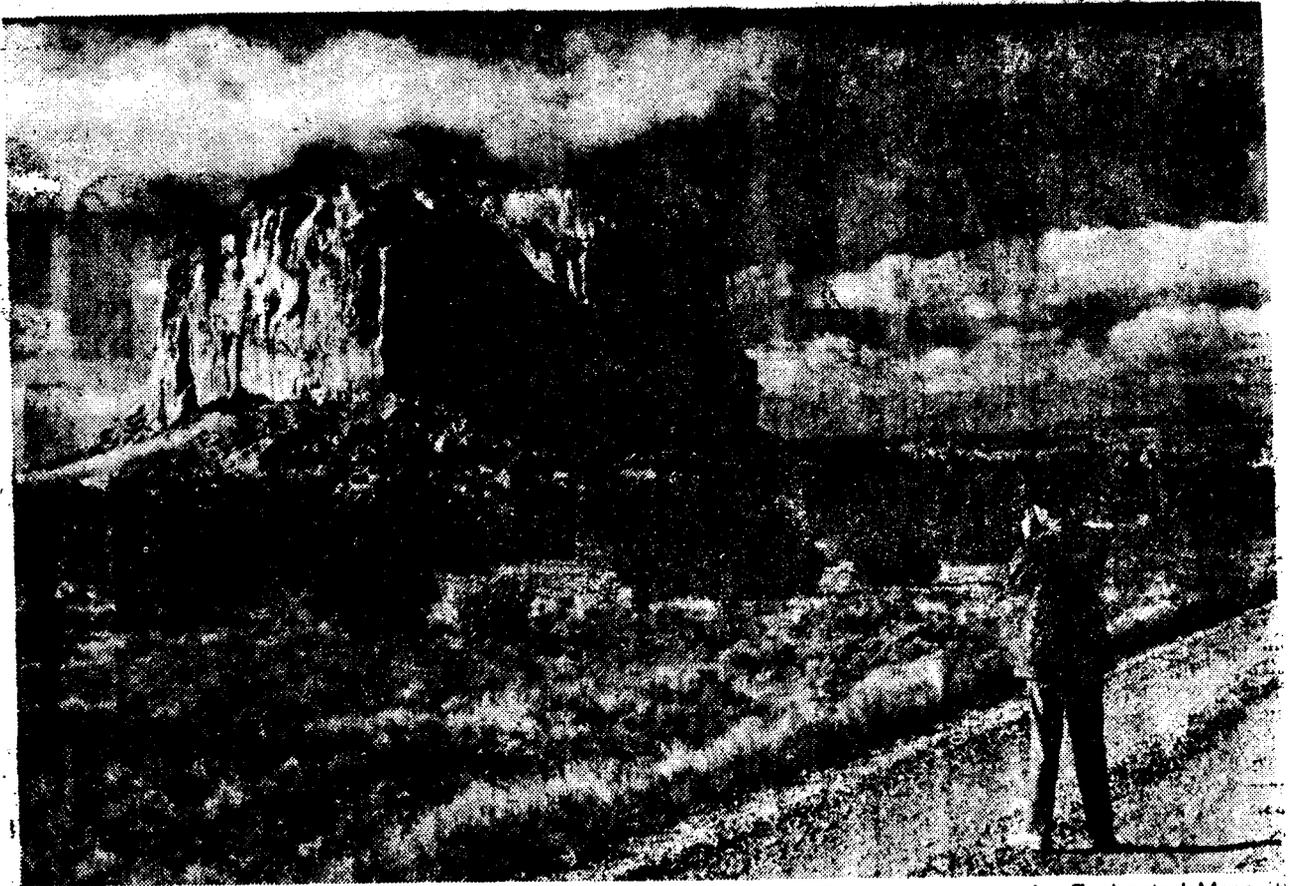
Legend says the present site of Sky City is not the original one. Three miles before you get to Acoma you will see a large mesa on the left. This is Enchanted Mesa.

LONG AGO the ancestors came from Shipapu. On their way they paused to build and live in several villages. When the warlike Apaches and Navajos entered the country, the peaceful Acomans scaled the perpendicular walls of the highest mesa, and there lived in safety.

One day the Sun Priest ordered all the people to work in the fields below, except three old women and one boy to look after them. On the second night a terrible thunder and rain storm swept over the mesa, collapsing some of the houses in the village. The boy went for help and while he was gone a bolt of lightning struck the cliff and split off the part of the cliff where the trail went up, trapping the three old women.

The Acomans rebuilt their village on top of another mesa, where it remains today. The Acoma name for Enchanted Mesa is Katzimo which means "haunted" or "accursed."

All the Acomans go up to Sky City for their special feast days and ceremonials, but during the rest of the year they live in the villages of McCartys and Acomita on the plateau below Sky City. Each year about nine men are elected war captains who, with their families, live on top of the mesa to keep the church and village in repair and to handle the tourist business.



A visitor takes a picture of Enchanted Mesa, the legendary home of the Acomas. It is three miles from the present site of Sky City. The Acoma name for Enchanted Mesa is Katzimo, which means "haunted" or "accursed."

**A STEEP, ROCKY road has replaced the hand-and-toeholds of old.** You can drive to the top, park, and walk around on your own, or have a guided tour. All guests must register, and the fee is \$1.50 a person. There also is a charge for photography, depending on the size of your camera. (Photography is usually forbidden during ceremonials.) Guides are young Acoma women whose shy manner adds charm to the visit, but it isn't easy to get them to tell you much history. You'll do better getting that from a history book.

Even though they charge visitors, there is little commercialism. There are seldom more than a few visitors at a

time, and the obvious antiquity of the houses and church, the absence of modern signs or conveniences, and the great quiet that rests on this huge island in the sky do not spell commercialism.

Acoma pottery is some of the best. The most common is white with fine-line geometric designs in black, similar to pottery found in the ancient classical sites such as Chaco Canyon and Mesa Verde. Lucy M. Lewis and several of her daughters, granddaughters, and great-granddaughters are the best known Acoma potters. There are others, of course, and many sell their wares at Sky City.

**THE TRIBE hopes to build a visitor**

center at the base of the cliff before long, complete with films, slides, and gift shop. But until then, the little center on top does nicely. The tribe also operates a picnic grounds at Acomita Lake, where fishing is permitted.

The largest celebration at Acoma is Sept. 2 when the Indians dance in honor of their patron saint, San Estevan, for whom the church is named. Other celebrations usually occur June 29 and July 25 and 26, and visitors are permitted to attend.

Acoma is 55 miles west of Albuquerque, on Int. Hwy. 40, then 13 miles south on a good gravel road.

# Arizona county divided over rule by Indians

ST. JOHNS, Ariz. (AP) — Apache County officials are divided about the effects of a U.S. Supreme Court decision stating, in effect, that the board of supervisors could be dominated by persons who are not state or local taxpayers.

The high court upheld a three-judge federal court decision that Navajo Reservation Indians are entitled to equal representation on the board.

The ruling is the final action in the court-ordered reapportionment that placed two of the county's three supervisor districts in areas dominated by Indian voters.

APACHE COUNTY Atty. Jay Hansen said he is concerned that an Indian-dominated board of supervisors will collect taxes from non-Indian county residents and spend the money elsewhere.

"As a result, Apache County taxpayers may revolt and form a separate county," Hansen said.

Of the county's 15,000 eligible voters, 75 per cent are Indian.

COUNTY MANAGER C.L. Hawes said he doesn't think the county will split.

"I personally think the new Indian supervisors will not attempt to make too many radical changes," he said.

Most of the elected officials in Apache County are non-Indian, he noted, although the race for county sheriff involves a contest between Alfred Yazzie, a Navajo, and C. Arthur Lee, the incumbent and an Anglo.

Hawes did note that an attempt was made to split the county several years ago, but was stalled in the legislature.

APACHE COUNTY'S problem was not caused by the Navajo Tribe, Hawes said. "It was caused by the federal government and the courts. It is definitely not an Indian vs. white conflict. It has come about because the federal government favors Indian rights, but does not think they should have also have responsibility for paying taxes like everyone else," he said.

The only taxable property on the reservation is equipment belonging to utilities that operate there. The major utilities, including Arizona Public Service Co., the Four Corners Pipeline, El Paso Natural Gas Co. and the Santa Fe Railroad contribute

50 per cent of Apache County's revenues.

Off-reservation taxpayers, mainly in St. John's, Springerville and Eagar, contribute 43 per cent.

# Supreme Court Upholds Indian Rights Ruling

The U.S. Supreme Court this week upheld a ruling by a three-judge panel saying that reservation Indians, in this instance Navajo Indians residing in Apache County, are citizens of the United States and of the State of Arizona and have the right to vote and to hold office like any other citizen.

The one man, one vote concept had been questioned by residents in the southern part of the county saying that since the Indians pay no taxes nor do they fall under the jurisdiction of state and county laws, they did not have the right.

In making the decision, the courts have laid the ground work for the Navajos to hold a majority of the board of supervisors posts as of Jan. 1.

At this time, two Navajos will take positions on the board. This action comes in the wake of forced reapportionment that took place last spring after the three-judge panel ruled in favor of the Indian claim that the former districts did not meet federal requirements.

Mitch Platt, a St. Johns attorney, is the man who actually filed the case with the high court early last summer and he still contends that the action is contrary to the fundamental principle of democratic government that those who run the government must be subject to the government.

In his suit, he also contended that court decisions since 1871 establish the Indians as generally subject to federal law rather than the divided control of federal and state governments.

According to one report, Jay Hansen, Apache County attorney, is concerned that an Indian majority board of supervisors will collect taxes from non-Indian county residents and spend the money elsewhere.

Hansen has been quoted as saying, "As a result, Apache County taxpayers may revolt and form a separate county."

C.L. (Buzz) Haws, Apache County manager, does not think the split will ever take place. Haws feels that the problem has not actually been caused by the Indians, but by the state and federal government in the manner in which they have administered the law.

He has been quoted as saying, "It has come about because the federal government favors Indian rights, but does not think they should also have the responsibility for paying taxes like everyone else."

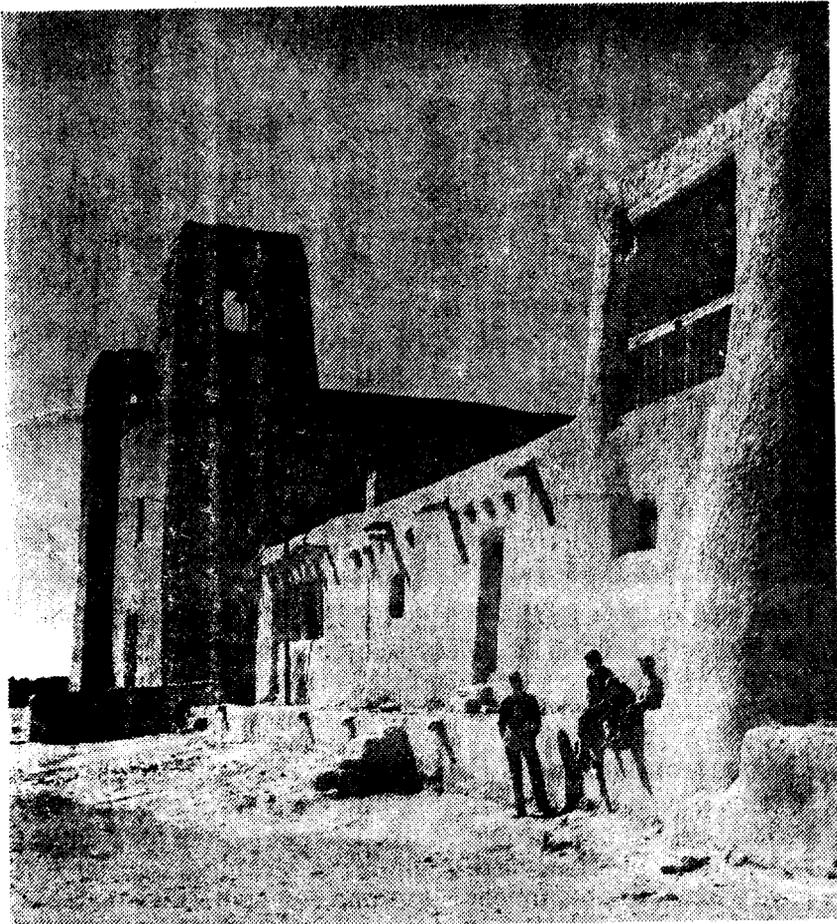
It has also been noted that an attempt was made several years ago to split Apache County into two counties. The movement was stalled and finally halted in the legislature, but since that time, the procedure has become much simpler.

OCT 14 1976

Albuquerque Tribune

OCT 14 1976

Winslow Mail



San Estevan Mission and 200 homes remain at Sky City on top of Acoma Mesa, N.M., just as they were at the time the Pilgrims landed at Plymouth Rock.

Chicago Tribune

OCT 3 1976

### 'Indians and AIM'

CHICAGO — Your Sept. 21 editorial entitled "Indians and AIM" represents a typical "white" reaction to the gains that native Americans have made as a result of the leadership of members of the American Indian Movement. When the racism of this country is confronted as it has been by members of the American Indian Movement, it is characteristic of such institutions as The Tribune to find solace in such things as a report by the Senate Internal Security Subcommittee.

Unmentioned in your editorial is the highly respected community work that the American Indian Movement does in various cities around the country. Unmentioned also is the fact that most of the report upon which you rely was prepared with the cooperation of Mr. Doug Durham, a former policeman who was assigned to infiltrate the American Indian Movement with the express purpose of disruption and provocation.

You say, "We need more help from the Indians themselves." Would the legitimate rights of native Americans even be a subject for the editorial page of The Tribune without the efforts, peaceful and violent, of those native Americans who have sacrificed their lives and liberty to challenge America's racist treatment of the original inhabitants of this land?

Indeed, what kind of "help" is The Tribune talking about? Assisting the Bureau of Indian Affairs to exploit what little land is left on "reservations" for native Americans? Help in silencing those native American leaders who will not let white America forget its racist and shameful past, present, and [if The Tribune editorial is any indication] future?

Perhaps the most appalling feature of your editorial, however, was its presence on the same page with your editorial upholding the right of journalists, on the basis of moral conviction, to violate the law. Is it so hard to see the parallel? No greater proof of your hypocrisy and racism is needed.

I suggest that your editorial writers go out to a reservation, spend a month living in the conditions that persist there, and see if your attitude about the American Indian Movement will not change.

Jonathan Moore

OCT 3 1976

### Pease Heads Indian Pageant Board

SHERIDAN, Wyo. — (AP) — Bill Pease of Crow Agency, Mont., has been elected new president of the board of directors of All American Indian Days and the Miss Indian America Pageant.

The board chose Aug. 5-7 as tentative dates for the 1977 All American Indian Days and Miss Indian America Pageant in this northern Wyoming city.

# Mesquakie Indians Collect \$6.6 Million

**TAMA, Iowa (AP)** — After 30 years of legal pow-wows, the Mesquakie Indians have collected \$6.6 million for Uncle Sam as settlement of a century-old debt for 17 million acres of land.

The tribe that lives in Tama's pine-forested hills got the money for land it once owned in Iowa, Missouri, Illinois and Kansas. The U.S. government acquired it in 10 treaties between 1804 and 1867.

"The government is very slow when it comes to Indians," Frank Pushetonequa, the tribal planner, said in an interview. President Ford signed a bill appropriating the money last year, after the tribe won a court suit.

**THE TRIBE** decided to

divide 80 per cent of the money — \$5,267,738 — among its 902 members now and put the rest into a trust held by the federal government. If the Mesquakie want some of that \$1,316,395 or its interest, they must say how they intend to use it.

"People think we're getting so much money, but they don't realize how small the individual payments are," said Pushetonequa.

Per capita payments were \$5,840. The tribe's 329 minors get their shares when they reach age 18.

"**THAT KIND** of money is nothing today," said a Mesquakie housewife, who spent most of her \$5,840 on bills.

Merchants in this central Iowa town reported increased sales to the Indians after the windfall arrived last month, especially of household appliances, television sets and clothing.

Several Mesquakie bought cars and trucks, new and used, "and they're still coming in," said auto dealer Ruth Kasal. "A lot have invested their money and will borrow to buy the vehicles."

The Mesquakie, whose nation is known as the Sac and Fox of the Mississippi in Iowa, don't feel the government gave them the money as a goodwill gesture or apology.

"**WE SUED** them for it and we beat them," Pushetonequa said. "We've had to battle them for everything we have."

The suit was filed in 1948 but didn't even get to court until 1956. The long battle was fought for the Indians primarily by Lawrence Mills, a Chicago attorney.

"The blankety-blank government found all kinds of excuses," Mills said. "They don't like to see the Indians get what's coming to them."

He said the payment did not come close to the land's current value.

**MILLS** successfully handled similar claims for two other Sac and Fox tribes. Payments to all three tribes totaled more than \$23 million, and Mills was entitled to a 10 per cent fee.

But the attorney said he would collect much less than \$2.3 million, once insurance and taxes were paid.

"It's not been a profitable case. Some other lawyers figured that over the 30 years it took to win this case that I could get about \$1.50 an hour," he said.

# Unknowns planning Indian racetrack

Albuquerque Tribune

By JERRY MCKINNEY  
Tribune Assistant City Editor

An Oklahoma City lawyer said today he and two of his employes were "dummy incorporators" of a firm that is building a horse race track on Sandia Pueblo.

W. Rodney DeVilliers, who formerly practiced law in Albuquerque, refused to say who the real incorporators of the firm are but did say, "The race track is owned by the Sandia Pueblo."

DeVilliers said construction on the track — which will cost an estimated \$5 million — has begun.

"IT'S JUST NORTH of Coronado Airport, immediately east of I-25 and immediately north of Tramway, right across the road from that Bien Mur outfit," he said.

The office of the Oklahoma secre-

tary of state lists three incorporators for Sandia Sports Center Inc., which DeVilliers has said will develop the track.

A spokesman said the other two are John Pugh and Lorraine M. Thummel.

The firm was incorporated Jan. 20, 1975, the spokesman said, and listed \$1,000 "in stated capital." It also indicated it planned to issue 20,000 shares of stock at \$1 a share and listed its office address as 1212 Liberty Tower in Oklahoma City.

WHEN ASKED about the incorporation papers, DeVilliers said, "Those are just dummy incorporators from the law office."

He said he couldn't disclose the names of the actual incorporators because he understands the legality of the track is being questioned and any information he gave might "violate the attorney-client relationship."

Although DeVilliers would not comment on the actual track ownership, he did say, "Sandia Sports Center doesn't own anything out there."

He also said he "thoroughly agrees with the Indian position" that the pueblo has the right to build and operate the track without permission from the state.

ATTY. GEN. Toney Anaya and George Maloof, chairman of the State Racing Commission, disagree.

"There's no need for another racetrack in New Mexico," Maloof has said. He and Anaya both said any new racetrack would have to have a state license before it could operate.

Anaya is trying to set up a meeting with Lamar Parrish, an Albuquerque attorney who represents Sandia Pueblo, to discuss the matter.

He said one of his assistants was

approached by Parrish to set up the meeting because he "didn't want me to think they were going behind my back."

ANAYA SAID his position is that any racetrack needs state permission to operate in New Mexico regardless of whether it is on Indian land.

The question of whether the state has jurisdiction on Indian land is being contested in court by the Mescalero Apaches in southern New Mexico. They contend they do not need a state license to sell liquor at their Inn of the Mountain Gods.

Plans to build the track surprised those close to the horse race industry. They say no horsemen or others involved in horse racing in the state have been approached by anyone in connection with racing at the pueblo track.

OCT 13 1976

## Navajo land added

OCT 14 1976

Albuquerque Tribune

By The Associated Press

More than two million acres of Navajo Indian land in New Mexico is being added to the Little Colorado Plateau Resource Conservation and Development Project, federal officials report.

The Department of Agriculture said the addition of the New Mexico portion of the Navajo Reservation — some 2.4 million acres —

brings total land covered by the project to 18.5 million acres.

The project is designed "to assist the local people in improving the water-based recreation and fish and wildlife resources of the area and also the economic and social welfare of the people," the department said.

The assistance is to involve land-use planning and

management and rural housing, water and sewage treatment facilities.

A spokesman said the Navajo land is used primarily for livestock grazing and logging and includes areas

with "high potential for water-based recreation and fish and wildlife developments."

OCT 9 1976



**GIFT FOR THE PRESIDENT**—Members of the Tia-Piah society of Indians present a friendship scroll to President Ford Friday at the Lawton airport.

Ford spent the night in Lawton before going to Dallas to attend the OU-Texas football game. (AP Wirephoto)

OCT 7 1976

**BEN AVERY**

## An appeal to Apache

—THIS IS an open letter to the White Mountain Apaches, to their Tribal Council and to Arizona citizens, particularly hunters and fishermen who have enjoyed the tribal hospitality for many years.

The conflict that has grown in the past few years between the Arizona Game and Fish Department, Arizona sportsmen and the White Mountain Recreation Enterprise chief, Phil Stago, is regretted, I believe, by all of us except Stago and his supporters.

To me, most unfortunate is the attitude of Stago because this young man, of half Apache ancestry, has a brilliant mind that could provide great leadership for the tribe. This leadership is badly needed because the real important long term resource of the White Mountain Apaches is not their land or their wildlife.

Most important are the people, particularly the young people. In the years ahead they cannot all forever find the economic support for homes and families based on the land and wildlife of the reservation. They are getting better educations every year — Stago is an example of this fact — and it is jobs they will need, businesses they must have, professions they must find, both on and off the reservation.

Down the road, they, and all Arizona Indians, must become a part of Arizona's mainstream. Many will intermarry with anglos over the years. I am part Cherokee and take pride in my ancestors. There are many millions more Americans today of mixed Indian blood than of pure blood in any tribe, and this, too, is part of the heritage of our country.

I have no quarrel with Stago's objective — if that is his objective — of managing the wildlife and recreation resources of the Fort Apache Reservation to return the greatest benefit to the tribe. But I do think he is following the wrong path if it is his desire to sell a limited number of trophy permits each year to rich nonresident trophy hunters for Indian-guided hunts, and to raise all fees so high only the wealthy can afford to come on the reservation.

It may be that the courts will hold that Stago can protect his clients from compliance with state law.

However, there is another law that means a lot to most trophy hunters. It is the requirement of the National Rifle Association and the Boone and Crockett Club, which jointly sponsor the North American trophy records, that a trophy must be taken in compliance with state laws and the rules of fair chase.

Trophy hunters will not only be unhappy at facing arrest by state officers when they leave the reservation but they also will face the embarrassment of having their trophies rejected by the NRA and Boone and Crockett.

It would be just as easy — probably easier in fact — to bid for the business of the rich trophy hunter within the framework of state law, because no one else would pay the high fees. And trophy hunters are not discouraged by having to take part in drawings for permits, as witness the most important hunt of all, Arizona's annual desert bighorn sheep hunt.

I understand Stago has suspended or fired his two top-grade game rangers, accusing them of providing information that led to the arrest of a nonresident hunter a couple of weeks ago as he left the San Carlos Reservation. For his information, these men are falsely accused in my opinion. Also for his information, I have a number of friends on the reservation, and some have telephoned complaining of Stago's recent policies.

I believe I have worked in behalf of the White Mountain Apaches longer than Stago. Along with such sportsmen as Judge Clifford C. Faires of Globe; Jim Diffin of Florence; and Tom McCullough of Flagstaff, I actively encouraged the late Sen. Carl Hayden to get the money for the original Williams Creek Hatchery. Then, at the suggestion of Jack Hemphill, fisheries biologist who urged expansion of the hatchery, I and other Arizona sportsmen got Senator Hayden to get the money for the present plant, and when the great senator was too ill to give the dedication address, he asked me to give it for him.

Through this column I encouraged the formation of the White Mountain Recreation Enterprise by Si Davis, supported its tremendous and wise growth under Jim Sparks, and would like to continue that support.

But it must be as a part of and in cooperation with Arizona.

# Shiprock Loses Assembly Plant

OCT 4 1976

Farmington Daily Times

BY SCOTT SANDLIN  
Daily Times Staff

SHIPROCK — The decision of General Dynamics corporation officials this week not to locate an electronics assembly plant in Shiprock was met with a critical reaction here, but the effect will not be great, officials said.

Bureau of Indian Affairs Shiprock Agency Superintendent Ed McCabe said the GD decision "will have no effect since there's been no activity there for a year. It would have helped the Ship-

rock economy since there area lot of skilled women available for employment."

General Dynamics was negotiating with the tribe's Office of Program Development (OPD) to locate a plant in the former Fairchild Semiconductor plant, vacated last year following a takeover by the American Indian Movement.

The General Dynamics plant was the third proposed industrial or business interest in the last year to go down the drain during negotiations. A

shirt factory and a shopping center also had been planned for Shiprock.

"With an industrial park here, Window Rock should be plugging the facility," McCabe said, "but it appears that they're not."

Harris Arthur of Shiprock Research Center said the General Dynamics' decision is "an example of poor leadership in Window Rock (Ariz.) and confirms the fact that the (Peter) MacDonald administration is carrying on a vindictive policy towards Shiprock.

"It's an example of a lack of involvement—local people weren't involved in the General Dynamics negotiations. Who knows better than local people what we need?"

He said politics should be set aside in favor of jobs, even at minimum wage.

Arthur said he spoke as an individual citizen and not representing the research center.

McCabe said, however, that Southern Utah Industries, which negotiated for the shirt factory, still is interested in some sort of woolen products

factory in connection with the tribe's wool warehouse in Shiprock.

"It's just in the thinking aloud stage now," he said.

Fed Mart, a grocery-dry goods chain with one store in Window Rock, has indicated an interest in locating a store in Shiprock as well, he said.

"There are all kinds of proposals (for industrial growth) that nobody is following up on," McCabe said. "The tribe's ten-year plan is just collecting dust now."

The Boston Globe

OCT 1 1976

# AuCoin propose

By **BILL KELLER**  
of The Oregonian staff

*Wuzant*

WASHINGTON — Oregon Rep. Les AuCoin said Thursday he has decided to offer the next Congress a new version of the Siletz Indian restoration bill, dropping provisions that have entangled the bill in the controversy over hunting and fishing rights.

AuCoin said his revised bill still will restore the coastal tribe's eligibility for federal health, education and welfare benefits, but will not allow the tribe to establish a federally protected reserva-

tion.

The First District Democrat reservation could come later, "as smoke has cleared" in the battle over Indian fishing rights.

AuCoin and the bill's Senator, Oregon Sen. Mark Hatfield, several legal experts have said the bill introduced this year would create any hunting or fishing provisions but some state game officials say the establishment of a reservation automatically may imply the right to hunt and fish without state regulation.

The Siletz tribe owns only a

## Siletz w

dicted, the fishing rights furor might create "great difficulty" in getting any Siletz bill through the House.

Hatfield said Thursday he does not feel such a change in the bill is necessary for it to proceed smoothly through the Senate.

"I'd certainly be interested in looking over Les' proposal," Hatfield said. "But I feel strongly that it has been amply demonstrated the bill does not affect hunting and fishing rights."

Hatfield said a recent hearing by the American Indian Policy Review Commission in Portland "cleared the deck"

for Senate passage.

"I have not been as far as the Senate off from my mind," he said. "I introduced it," the

Critics of the former Oregon Senator John McCall said in exchange for benefits the tribe would go any game laws to be made later.

The two provisions such a provision

# Indians eye jurisdiction

Delegates to the 33rd convention of the National Congress of American Indians (NCAI) today considered a resolution which would give tribes jurisdiction over all people, property and activities within the boundaries of their reservations.

The nine-point resolution has been devised by a committee of the Indian Policy Review Commission to counter what the Indians feel are ambiguities in jurisdiction where tribal, state, local and federal law are all enforceable.

The resolution asks for legislation to provide for tribes setting up their own laws with authority to levy penalties and fines. At the same time, it asks that Indian country be excluded from application of the Assimilative Crimes Act of the U.S. Code. The act provides that if an act is considered a crime by any jurisdiction which concurrently presides over a territory, it must be considered a crime by other jurisdictions within the same area.

The resolution considered today also seeks legislation which would preclude levying of taxes on tribal or individual property, including but not limited to leasehold interest taxes, severance, extraction and others.

Funds to finance the legislation also are advocated. This would include money for the tribes to secure legal counsel when necessary in disputes with other jurisdictions.

The resolution also would ask the federal government to require that educational institutions which receive federal funds provide education in the nature and scope of jurisdictional powers of the tribes.

The jurisdiction resolution is one of several that will be acted upon by delegates before the conference closes Friday.

Tuesday afternoon, Rep. Allan T. Howe told the convention that he senses a reemergence of a very old spirit of determination and courage among the Indian people.

Howe said the federal government needs to analyze more fully its responsibility as trustee for Indian affairs and that Indians need to expand their own responsibility under self-determination legislation.

Improvement of the quality of life of Indians can be accomplished through building good conditions for economic progress on reservations, the Second District Congressman said. By becoming more solvent, Indians can stay in their own homes and preserve the lifestyle and heritage that is fundamental to their culture.

The convention also was addressed Tuesday by representatives of presidential candidates Gerald Ford and Jimmy Carter.

David Bird, representing Carter, and Bob Patterson of the White House staff, both told the Indians that they could expect to see their lot improved.

Morris Thompson, Commissioner of U.S. Indian Affairs, said he would like to see experiments in which Indians could be granted full jurisdiction within their reservations to see if it is feasible to grant the same status to all reservations.

Thompson said that within the past eight years, Indians have had more voice in the Bureau of Indian Affairs and that all but one of the top seven positions in the agency now are held by Indians.

A powwow beginning at 7:30 tonight will be the social highlight of the conference, which has drawn Indians from more than 100 American tribes.

# Indians want a superagency

Indians would like to abolish the U.S. Bureau of Indian Affairs — traditionally run by whites — and establish a superagency through which they could administer Indian affairs on federal land.

The concept was discussed today by Charles E. Trimble, executive director of the National Congress of American Indians (NCAI), at a press conference before the opening of the 33rd annual convention being held through Friday at the Salt Palace.

Trimble said Indians will fight to maintain jurisdiction within reservation boundaries. He said NCAI feels the non-Indian recently found lawbreaking in the Uintah and Ouray Reservation should be tried in Ute courts.

Later, Lester Chappoose, Ute Indian and convention chairman, said Indians will continue to upgrade law enforcement on reservations to protect those who choose to live within tribal boundaries.

Although the group is nonpartisan, Indians have been long-time Democrats, Trimble said. He commended President Richard M. Nixon, however, for encouraging more autonomy in tribal affairs but worried that President Gerald Ford will make detrimental changes in Indian policy before the end of the year.

Sen. Frank E. Moss, D-Utah, praised a new era in which Indian affairs would be determined by their own acts and decisions. He told of deprivation and great poverty and misery suffered by Paiutes in Utah and told of a new act before Congress to help them. Moss said, "You do have friends in Congress, and I'm proud to be among them."

Land and water rights, education, health care and housing are current problems of Indians and proposals for change will be made during the convention.

At least 2,000 Indians are expected to attend the meetings.

OCT 10 1976

# Baby nameless for want of Cherokee typewriter

By MORRIS KAPLAN  
(C) N.Y. Times News Service

NEW YORK — Baby Perkins has no first name, officially, because the Health Department's Bureau of Vital Records refuses to register it.

Born on Aug. 6, 1975, in Bellevue Hospital, the boy is a son of an Indian couple who contend that their civil rights have been violated by the bureau's rejection of the Cherokee name, written in Cherokee alphabet.

To department personnel, it is as indecipherable as Japanese or Chinese. But the boy's parents, Vernon and Maria Perkins pronounce it phonetically as Ah Wee Ah Ni Da.

THIS RECEIVED an unsatisfactory rating from Irving Witlin, general counsel to the Health Department. He supported the bureau's advice that the parents Anglicize the name because it has no typewriter to tap out the Cherokee alphabet.

"We have a problem in processing birth certificates for public health information, statistics and so forth," Witlin explained. "If we ac-

cepted this, it would set a precedent and it would be contrary to proper operations policy to go in this direction. The certificates have to be done on the typewriter. Section 3.23 of the city's Health Code specifies that such writing "shall be in the English language."

The Perkinses, who appeared at the bureau recently, disagreed with the decision. As they waited in the crowded room, they produced the following message they had received from the department:

"BOTH PARENTS should be completely satisfied with the name reported and both must sign their names on the reverse side of this form. Once the name has been entered it cannot be changed except by court order."

Perkins reacted quickly, saying: "We will go to court." Advising him was Carol Van Norman, coordinator of community services at the American Indian Community House. Perkins, 33, who was born in Fayetteville, N.C., usually attends the monthly Cherokee meeting at the McBurney YMCA.

"THIS NAME I wanted to put on the birth certificate," he said, "because Indians are losing their heritage and culture. The only way is to give your children Indian names, to keep the language alive. I want the name written in Cherokee. I am proud of the alphabet."

Perkin's ancestry is a tribal mixture of Cherokee and Waccamaw. Married in 1973 to Maria, a Thiano Indian born in Puerto Rico, he works as a "free-lance" carpenter.

Their other children are Rebecca, 13, and Marc, 11. Neither was given Indian names. Acknowledging that he had belated recognition of his heritage, Perkins explained: "I had to think about it."

6 E WEDNESDAY,  
OCTOBER 20, 1976

## Alaska natives alerted

Although 520 Alaska natives in Utah, Nevada, Wyoming and Idaho are sharing in the benefits of the Alaska Native Claims Settlement Act, about 230 more are still not enrolled.

Raymond Paddock, a Tlingit Indian from southeast Alaska and president of the Tlingit and Haida Central Council, said Indians, Eskimos and Aleuts have only until Jan. 2, 1977, to apply for enrollment.

Congress granted a 40-million-acre, \$1 billion settlement to Alaska natives in 1971 to cover land claims.

"Neither they (unenrolled persons) nor their children will ever share in what is really our inheritance unless they get their applications in very soon," Paddock said.

To be eligible, a person must be at least one-quarter Alaska Indian, Eskimo or Aleut and an American citizen who was living on Dec. 18, 1971. Applications are available at the nearest Bureau of Indian Affairs office, such as the one at the Federal Building, 135 S. State, or by writing to Pouch 7-1971, Anchorage, Alaska 99510.

Paddock spoke at the National Congress of American Indians, meeting in the Salt Palace.

# Comment



DESERET NEWS, SALT LAKE CITY, UTAH

MONDAY, OCTOBER 18, 1967

A 5

*We stand for the Constitution of the United States with its three departments of government, each fully independent in its own field.*

## Progress for the Indian: an urgent U.S. objective

Utah and Salt Lake City this week welcome 3,000 or more of the "First Americans" here to attend the annual meeting of the National Congress of American Indians at the Salt Palace.

These proud people will talk about ways to improve their opportunity for education, housing, health, land and water rights and, perhaps above all, their accelerating march toward tribal sovereignty and self-direction.

As they meet here, it is a propitious time to reassess our changing attitudes toward them. When Europeans first arrived in North America the welcoming Indians were looked upon as noble Redmen. They became ignoble, in the opinion of Europeans, when they stood in the way of westward expansion. When the Indian chose to fight for the land he loved, he was disparaged and despised.

The Indian stereotype became a semi-nude, befeathered warrior on a tired horse.

Too many Americans still marvel at the beauty of Indian jewelry or weaving without a thought for the artisans who produce such work.

At a time when the nation has been forced to take thought of the dangerous abuse of our environment, many people forget that for centuries Indians maintained a culture in harmony with varied ecological conditions. In their passion for material goods, Americans often fail

to appreciate the Indian's deep reverence for the natural world.

We also forget that Indians are loving, caring mothers and fathers with concerns and hopes common to all mankind. And we forget that a century of government paternalism has made them our nation's most deprived minority.

The average Indian family income is about one-third the national average. Their average educational level is little more than five years of school; their life expectancy is less than 50 years, and 70 percent of reservation housing is sub-standard.

But the future holds more promise. At least it certainly ought to. In Utah and elsewhere an increasing number of First Americans are attending school and college. Both national leaders and citizens are becoming increasingly conscious that Indian culture and heritage is too precious to lose. A new attitude which recognizes Indians as full citizens and partners, which they are, is developing. Indian organizations such as the NCAI, are becoming more effective and are being heard with more and more respect.

Attitudes have changed, and must continue to change until Indians achieve full success in their quest for social justice. Utahns hope their gathering here will result in significant progress toward that goal.

# Salmon 'Fishing War' Erupts Again With Puget Sound Seaborne Riot

PORT GAMBLE, Wash. (AP) — The Puget Sound "fish war" over salmon fishing rights has flared again in a seaborne riot pitting dozens of fishing boats against tear-gas throwing fisheries agents on state patrol boats.

A Coast Guard cutter and helicopter were called out to help protect the outmanned fisheries officers on six patrol boats.

At least one fishing boat was set ablaze in the sea-churning conflict that continued into the early morning hours Thursday. No injuries were reported and fisheries officials said they will not press charges immediately.

"It was a pretty hairy situation," said Bruce Gruett, assistant director of field services for the state Department of Fisheries. "They were making high-speed passes at our boats, trying to get us to collide with each other. There were some wild men out there."

## Catch Half

At the heart of the dispute is a two-year-old ruling by U.S. District Court Judge George Boldt. Boldt said that treaties signed with Indians in the late 1800s gave the tribes the right to try to catch half of each harvestable salmon run.

That ruling upset the fisheries balance, giving Indians far more fish than they normally catch and reducing the catch of other fishermen, already hard-pressed.

The situation was complicated recently when the state closed certain fishing grounds to preserve dwindling salmon stocks returning to spawn. Non-Indian fishermen have said they believe the closures are actually an effort by the state to make sure that Indians reach their harvest quota while non-Indians suffer.

There have been a half dozen illegal fishing incidents as a consequence, and violence has flared on several occasions.

Gruett said the trouble began again late Wednesday when officers tried to arrest a fisherman for fishing illegally at the mouth of Hood Canal, west of Seattle.

Gruett said the boat was among 40 to 50 vessels fishing for coho salmon despite the state order closing the fishery.

As agents on the patrol boats tried to make the arrest, swarms of other boats surrounded the state agents, officials said.

The fishing boats made high speed passes, churning the waters in a way that nearly sank one patrol boat during a similar incident last week.

## Close Pass

Gruett said that after one especially close pass, an officer was hit by a flying object. He responded by firing tear gas.

Tear gas cannisters were used on several occasions. Fisherman David Frazer of Port Townsend, skipper of the Brendan Dee II, said his vessel was set afire by one cannister. The flames were extinguished before much damage could be done, he said.

Gruett said he saw a fire on one boat, but did not know whether it was the Brendan Dee II. The fire he saw was put out, he said.

The Coast Guard said it pulled its boat and helicopter from the scene after it appeared the fisheries officers were safe.

The Coast Guard began regularly backing up state officers last week when the fisheries department said it lacked the capacity to deal with widespread disobedience.

"If you've got a really lawless element or an unpopular law, for a while there's going to be a high degree of noncompliance. But we're not giving up," said Gruett.

OCT 8 1976

# State Fights Tribal Hunting Ban

Special to The Sentinel

INDIANS

Madison, Wis. — The state of Wisconsin has asked that the federal government be prevented from prosecuting hunters and fishermen on navigable waters of the Bad River Reservation.

Federal Judge James E. Doyle said he would try to rule Tuesday on whether to grant a preliminary injunction requested here Thursday.

The Bad River Band of Lake Superior's Chippewas closed its reservation earlier this year to outsiders for hunting, fishing, trapping and harvesting wild rice.

The state said it had been thwarted in its duties to

make navigable waters available to the greatest number of people.

The tribe and the federal government claimed their closing of the reservation was permissible under federal law and treaties.

In requesting the preliminary injunction, state attorneys argued that the state had proprietary interest in managing the waterways and that Wisconsin citizens were being injured by being denied the right to hunt and fish.

Sportsmen may be irreparably harmed unless the injunction is granted, John Niemisto, an assistant attorney general, argued.

"The state has said they

can hunt and fish. Someone else said they can't. The state's response is that that presents a controversy.

"The state is asking the court to maintain the status quo by granting the injunction or people will lose an opportunity they can't recover," Niemisto said.

US Atty. Steven Morgan argued that the initiation of the lawsuit by the state was responsible for upsetting the status quo.

"The closing occurred in April, 1976," Morgan said, adding that an injunction would "take away the effect of a criminal statute.

"The state claims to be trustee of the waters, yet

they don't allege that the federal prosecutions harm the state," Morgan said.

He noted that "while 30 people have written to the attorney general alleging their rights were deterred, approximately 550 members of the Bad River Band were involved in closing the reservation."

Morgan argued that the state failed to show \$10,000 damage was involved in the controversy.

"Some of the people who signed affidavits would probably put \$10,000 value on their fishing," countered Mary Bowman, an assistant attorney general.

"Who can put a value on that?" she asked.

The Madison Journal

# Indian Women Are Family Backbone

By Vandra Huber  
Tribune Staff Writer

Women are the backbone of the Indian family and way of life according to Nellie Marie Lopez, a Papago Indian from Chui Chu, Ariz.

"Too often the white man stereotypes Indian women of the past as being a slave to the warriors. That isn't historically true, nor is it true now.

## Shared Responsibilities

"Responsibilities were shared. While the woman prepared food, kept the lodge clean and orderly, the male would do the hunting and fishing," the 20-year-old Miss National Congress of American Indians said Thursday.

Miss Lopez was crowned Miss NCAI during the organization's 33rd annual convention at the Salt Palace.

While the family still comes first, Miss Lopez noted that today, the Indian woman has educational opportunities. She can receive vocational training, go to college and have her own career. But family should come first.

Margaret Pinkham, 18, who was crowned third runner up to Miss NCAI stressed that

involved in more than home and education. She's becoming a spokeswoman in tribal government.

"We've held Indian women meetings. And there is the North American Indian Women's Assn. composed of women working in their tribes and communities," she explained.

Miss Lopez noted that divorce in her tribe has not been as serious a problem as in the white man's life or some other Indian tribes. "We adhere to the old custom that your father selects a man for you, and you should share the rest of your life with him," she said.

She added that there has been an onslaught of young marriages which may affect the future.

## Divorce A Problem

Miss Pinkham said divorce and family break-up has been a serious problem in her tribe. "Part of the problem was that the counselors were non-whites who didn't understand the Indian way of life. Now our people are counseling themselves and we're beginning to see a decline in marriage breakup and social problems."



Nellie Marie Lopez  
Wins Indian Title

# BIA-Guaranteed Insurance Firm Loan Will Help Mojaves Farm

Special to The Gallup Independent  
© 1976 The New York Times

A 20-year, \$2.3 million loan from the Prudential Insurance Company of America has brightened the prospects for converting 2,080 acres of mesquite-filled land on the Fort Mojave Indian Reservation in Needles, Calif., into an Indian-owned-commercial farming operation.

The Prudential loan, 90 per cent of which is guaranteed by the Bureau of Indian Affairs, is a recently completed example of the insurance company's so-called "social conscious financing."

Under this program the company's customary standards are relaxed to permit participation in what are deemed worthy "social-action" projects.

Modest part of Prudential's overall \$38 billion investment portfolio, the \$2.3 million loan represents a large breakthrough on the economic front for the Fort Mojave Indians.

"We've gone many miles looking for funding," Chief Llewellyn Barrackman

remarked recently in a telephone conversation from the Fort Mojave tribal office.

Chief Barrackman and others on the reservation have been trying for the last three years to obtain financial backing to convert some of the idle land into productive usage. Instead of leasing the land to someone else to farm, tribal leaders have sought to establish an agricultural business of their own.

#### From Needles to Newark

"We have wanted to make it a showcase, something other Indian tribes could learn from," said the Chief, "but always there's been the red tape, the delays."

The red tape may persist but long-term funding has been found. Recently bulldozers and other equipment were drawn up ready to start reclamation work a project that will develop unproductive desert land into a general-purpose irrigated farm.

The trail from the tribal office in Needles to the Prudential headquarters in Newark and the Bureau of Indian Af-

fairs in Washington has been long and rocky. Chief Barrackman and George Bremer, general manager of Prudential's southern California real-estate investment office in Newport Beach, both credit Stuart G. Sall, who heads a professional farm management concern, with paving the way.

Sall, whose San Francisco-based firm is called Inecon Agricoorporation, recalled last week that he had approached some 27 different potential lenders on the Mojave project and, with Chief Barrackman, had made at least eight trips

to the Bureau of Reclamation and the Bureau of Indian Affairs.

Sall's work in California and Arizona farm development and management was known to and respected by Prudential's California real-estate investment offices. When he approached Mr. Bremer about long term financing last year, he had already worked out with Chief Barrackman a procedural basis for getting the tribe into the agricultural business.

The tribe set up Tribal Farms Inc. as a wholly owned subsidiary, which in turn arranged a farming lease for the 2,080 acres and signed a 20 year contract to develop and operate the farm with Inecon Agricoorporation.

Bremer and a Prudential finance committee determined that tribal Farms application for the loan met criteria for the company's so called "social conscious financing." It was also finally determined that the project qualified under the loan guaranty program of the Indian Financing Act of 1974, which established the 90 per cent Federal guarantee.

All the parties involved are enthusiastic about the prospects. Bremer said flatly: "It is the best looking deal of this sort we've made."

"I think we're opening a door for other Indian tribes," added Chief Barrackman, whose tribal members will be trained and employed in the operation of the farm.

"We hope to have the first crops - probably alfalfa - in the ground within 45 days - something green other than the mesquite," commented Sall.

# Indian regalia takes spotlight tonight

By Twila Van Leer  
Deseret News staff writer

The regalia that distinguishes Indian tribes from one another is little in evidence at the Salt Palace meetings of the National Congress of American Indians this week.

With some exceptions, the conference delegates are dressed much the same as any group of Americans attending such meetings. There are some touches of jewelry, color and style, however, that distinguish the conference.

(Tonight, the tribal dress will take the spotlight as the conference-goers put on full native costume for a parade. The route will take them from South Temple and State Street south to Fourth South; west to West Temple and north to the Salt Palace. Parade time is 6 p.m.)

Although the conference delegates represent more than 100 tribes scattered from Alaska to Arizona and from California to the east coast, some of the problems being considered are common to all. For others,

there are local issues which have implications for Indians everywhere.

John Bailey, Michigan commissioner of Indian Affairs, said that his main interest in the conference is with the report of the Policy Review Commission which is making an intensive study of Indian policy in order to make legislative recommendations.

"I am anxious to see their direction regarding the Bureau of Indian Affairs," he said. "Bad as it is, the BIA is all that stands

between us and the majority world. I would like to see elected officials representing us, or an appointee without strong political ties. This is one of the most important conferences in 10 years."

Housing and programs for the elderly are the prime concerns of James Edling of the Quinault Tribe, Washington. He was setting up a booth displaying jewelry and other Indian art, and as he worked he also spoke of fishing and water rights, a thorny problem in his area.

See INDIAN on B-3



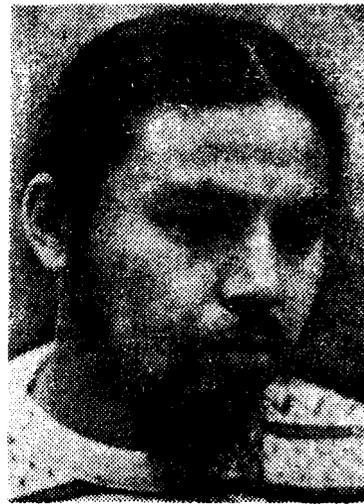
John Bailey



Ruth Root



Moses Dick



James Edling



Fred Carlos

"We'd like to get direct funding from the federal government, rather than having funds channeled through the state," he said.

Fred Carlos of the Pima Tribe, Scottsdale, Ariz., came to the conference to get an idea of the problems being faced by other tribes.

"I find they're pretty much the same," he said. "In central Arizona, we're fighting for our rights to water from the Salt and Verde rivers. They're building the Central Arizona Project on the rivers and trying to divest us of our rights. As a matter of fact, under the original treaties, we have never got our full share of the water. We're making progress, though. We've got some good lawyers who are making our voice heard."

The Yakima Nation, which has historically held fishing rights on America's west coast areas in Washington, is fighting the take-over by state agencies of their hatcheries.

"We both have our regulations, and we prefer to run our hatcheries by our own," said Moses Dick. "We have tax problems, too."

The struggle to equitably share in

America's resources as population increases and greater demands for resources development become apparent seemed central to the comments of many of those visiting Salt Lake for the meetings.

Also manifest is the determination of the Indians to retain their identity and culture in a world that is closing in on them.

Some of the visitors to the Salt Palace had other things on their minds, however. Mrs. Ruth Root of the Colorado Ute Tribe from Towaoc, Colo., was interested only in selling pottery at a booth which displayed striking specimens of the ancient art form.

"We have new methods of making it now, though," she explained. The end product lacks none of the beauty of the painstakingly hand-made pottery of her ancestors.

For one little Indian, the conference is purely for fun. Mark Ron Taho, 3, scooted in and out of the booth being prepared by his parents, Mr. and Mrs. Mark Taho, representatives of the Navajo and Hopi tribes in Tuba City, Ariz.

For the youngster, the Kachina dolls made by his grandfather for sale at the convention are a vital link with an illustrious past and a brighter future.



Mark Ron Taho, 3, is at Indian conference purely for fun.



OCT 10 1976

# Indian Awareness Week featured

A spectrum of Indian life and life styles, arts and crafts will be shared with the public during Native American Awareness Week, Oct. 10-16, in Oklahoma City.

The week proclaimed by Gov. David Boren and Mayor Patience Latting will begin with interdenominational services from 7:30 p.m. to 10:30 Sunday on the south steps of the State Capitol.

Tribal language singing groups representing the Kiowa, Creek, Seminole and Choctaw tribes, the Osceola Four and Witt Memorial Indian Methodist Church of Tulsa will participate in the Sunday evening services.

Other participants will include sign language experts Demaris Haney, Terri Anquoe and Evala Russell and the Rev. Jimmy Anderson, master of ceremonies.

On Monday the focus shifts downtown with events scheduled throughout the week at The Arts Place and Kerr Plaza.

Kelley Haney and Vinita White will be coordinators of a program on traditional and contemporary Indian music on Monday. Presenting music events Monday at Arts Place will be the Bacone Indian Club, 11 a.m.; John West and Roy Rogers of Jones Acade-



Kay Bond, left; Dede Swindler, center, and Ann Bond say "God Bless America" in sign language. They will participate in Native American Awareness Week, Oct. 10-16, in Oklahoma City. (Staff photo by Don Tullous)

my, noon; Woodrow Haney, flute, 1 p.m.; Emerson and Shirley Falls, gospel songs, 2 p.m.; Doc Tate Nevaquoyah, flute, 3 p.m., and Angela Huffman, pianist, 4 p.m. There will be an Indian fashion show and flute performance by Tom Ware at noon at Kerr Plaza.

Coordinator of education career day, Tuesday, is

Sherry Hancock. Events Tuesday at Arts Place include Tim Red Bird, Indian balladeer, noon, and a presentation by Indian law students and a film on tribal government, from 12:30 to 4 p.m. There will also be booths from industries and information on post high school training, education and jobs Tuesday at Arts Place.

Art will be the subject of the program Wednesday with Kelley Haney and Brenda Meyers as coordinators. Art events at Arts Place include a lecture-show by Bert Seabourn, 11 a.m.; an exhibit of Indian fashions and fabric designs, noon; a program by Indian artists Virginia Stroud, Carol Soatiki and Sharon Harjo, 1 p.m.; a

film on Indian art, 2 p.m.; a lecture-show by Kelley Haney, 3 p.m., and an Indian fashion show, 4 p.m.

Tribal government will provide the theme Thursday for a recognition of tribal chiefs and chairmen by Gov. Boren from 9:30 to 10:30 a.m. at the State Capitol Blue Room. The Oklahoma Federation of Indian Women members will act as hostesses. A luncheon will be at noon at the State Capitol.

Another theme Thursday will be Indian Medicine, with activities planned downtown at Arts Place and Kerr Plaza, coordinated by Wynema Brown.

Activities Thursday at Arts Place will include showings of the film "Billy" by the Association of American Indian Physicians at 11 a.m., 1 p.m. and 3 p.m.; a lecture on traditional Indian medicine by Marcellus Williams, noon, and a performance by a Concho school children's group at 2 p.m.

The Concho group will perform at noon Thursday at Kerr Plaza.

Dance will provide the theme Friday, coordinated by Sammy White. Arts Place will offer contemporary dances by Danielle Glenn, 11 a.m. and 3 p.m.; traditional dances by White, noon; traditional dances of the Five Civilized Tribes, 1 p.m., and poetry and music by John West and Lance Henson, 4 p.m.

Traditional dances of Plains Indians will be presented at 2 p.m. Friday at Kerr Plaza.

Arts and crafts will be on display daily, at The Arts Place, sponsored by the Oklahoma Federation of Indian Women. Native American Awareness Week is sponsored by the Oklahoma Indian Affairs Commission.

## THE ARIZONA REPUBLIC

PHOENIX, ARIZ.

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OCT 7 1976

# Northeast plan on growth OK'd by Scottsdale

62075  
SCOTTSDALE — The City Council has approved a comprehensive development plan for Scottsdale's 25-square-mile northeast area.

The plan projects an eventual population of nearly 59,000 in the now largely undeveloped area from Pima Road to Fountain Hills and from the Salt River Indian Reservation to the Central Arizona Project and McDowell Mountains.

In September the council delayed action on the plan because of concern about whether water would be available to support the projected population.

However, water experts last week told the council there is sufficient groundwater in north Scottsdale to support growth there for 100 years. On these assurances, the council adopted the northeast area plan Tuesday night.

The part of the city north of the Arizona Canal, including the northeast area, had a population of about 8,700 in 1975. The projected population for this section, based on adoption of the northeast area plan, is 55,700 by the year 2000 and 112,700 by 2075.

Planners have pointed out that Scottsdale expects to receive CAP water by 1985, and that this water would be available to the northeast area. The city has requested enough CAP water for a population of 135,000 north of the Arizona Canal.

The northeast area is presently zoned for one home per acre. It includes scattered low-density development, but most of it is virgin desert and mountains.

The comprehensive plan for the area provides for some high-density residential areas, resorts, commercial centers and public cultural facilities.

Under the plan, more than half of the area's 16,190 acres will be zoned residential. Densities of more than four residential units per acre will be permitted on 1,170 acres, and as many as 22 units per acre will be allowed on nearly one-fourth of this acreage.

In other matters, the council:

— Adopted a resolution authorizing the city to request up to \$50,000 in disaster relief funds from the state for flood damage to public facilities last month.

— Approved city participation in the operational cost of the east-side animal control facility to be built by the county at Eighth Street and Price Road in Mesa. Scottsdale will pay 6.6 per cent of the facility's annual operational cost. The facility will serve Tempe, Mesa, Chandler and Scottsdale.

— Recommended denial of a request for a beer and wine license for the Camelview Plaza Cinema, 7001 Highland.

OCT 7 1976

# Navajo Reservation Is Different World

**NOTE:** An Associated Press reporter traveled 1,200 miles during a week's tour of Navajoland. Her story follows.

By ANN IMSE

**MONUMENT VALLEY, Utah (AP)** — 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 three of the United States: 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.

Many houses of Navajoland are not much better than Susie Black's hogan. Only 18 per cent 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 old age by the rugged roads. Only four per cent of the reservation's roads are paved, mostly by federal government.

There is nothing tangible to prevent the Navajos from crossing the reservation border to try to make their way into 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 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.

There 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 super-

vised four sand paintings and four ceremonial dances.

One of the sings is designed to cure Navajos of afflictions brought on by contact with non-Navajos.

Progress is moving into Navajoland, bringing such attendant problems as pollution and alcoholism. The ceremonial sings will probably survive, for like Polish weddings, everyone enjoys them.

But there is much more to being Navajo. And while these people want to live in the more comfortable, modern world, they do not want to become aggressive enough to go out and grab it.

# Arrest of Indian hunters may open treaty question

By FLYNN J. ELL  
Of The Gazette Staff

The arrest of four Crow Indians Sunday for alleged game violations may have opened a can of worms called the Fort Laramie Treaty of 1858.

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 vio-

lation of treaty rights."

McCurdy said the Crows will contest the arrests in court.

The four men, Johnny Doyle, Butch Woosun, Harold and Brynce 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."

# TRIBAL ELECTION CODE, Page 16

*BRAUN PATTERSON*

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VOL. 1, NO. 11

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NOVEMBER 1976

## 'Backlash' sweeps Indian America—NCAI

BY RICHARD LA COURSE

SALT LAKE—Talk of a serious "backlash" or political recoiling against tribal interests dominated the week-long 33rd annual convention of the National

Congress of American Indians (NCAI) here Oct. 18-22, and is still producing effects within NCAI and elsewhere.

About 2,000 tribal delegates from 118 tribes, congressional

staff members, congressmen, key federal Indian affairs administrators and observers felt the theme dominate the convention.

Ten separate convention assemblies were devoted to reports of the national Indian situation, the state of NCAI, upcoming changes in the U.S. Congress, and drafting and adopting of major policy position statements in five critical areas in the face of the building backlash.

Northern Ute Chairman Lester Chapoose signaled the concern of the assembly with his opening statement: "Tribal sovereignty is our most powerful tool to secure our place in history. We must make plans, not dreams." He warned that most non-Indians envision reservations as "a refuge from justice, not a place of justice."

Utah Gov. Calvin Rampton declared the week American Indian Week in tribute to the NCAI convention.

Keynote speaker Al Trimble, Oglala Sioux President, warned: "Until all Indians are free, none are free."

NCAI President Mel Tonasket defined the backlash period emerging as a "strangulation coming about from the pressures of Redneck organizations." He pinpointed new rural white farmers and ranchers groups forming in the Northwest and Midwest which are lobbying against Indian legislation and

(Continued on Page 5)

thens the constitution by rewording its old language.

On the ballot also are seven candidates for for positions on the Board of Trustees and five candidates for four positions on the General Council.

The existing language in the constitution allows the board only "to promulgate and enforce ordinances governing the conduct of all persons and activities within the boundaries of the reservation..." The new amendment would enable the Board to extend its jurisdiction over non-Indians within the boundaries of the reservation.

Board Chairman Leslie Minthorn presented the proposed language to the Board Nov. 1. It was accepted unanimously under constitutional powers the Board enjoys.

The Board also adopted unanimously a companion resolution authorizing the Board Chairman "to appoint a committee whose duty shall be to study the present constitution, confer with all relevant individuals, committees and departments, study other

(Continued on Page 17)

### Constitutional vote on Nov. 26 ballot

BY JOHN BARKELY

MISSION—A referendum on the Umatilla tribal ballot Nov. 26 was authorized Nov. 1 to determine whether tribal voters will approve an amendment to the Tribal Constitution authorizing the Board of Trustees "to promulgate and enforce ordinances governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation."

The proposed amendment which goes before voters the day after Thanksgiving streng-

### VETERAN OBSERVANCE

MISSION—George St. Dennis American Legion Post 140 is observing Veterans' Day with a three-day activity Nov. 12-14 at the Community Center. Activities begin with a noon memorial service for Veteran Duaine Conner and potluck lunch Nov. 12, with dinner at 6:30 p.m. and dancing at 9:00 p.m.

Saturday at 6:30 p.m. old movies and pictures will be shown at a potluck dinner, followed by a PeeWee Dance Contest until midnight. On Sunday an Indian religious service will be held at noon followed by an evening dinner to honor all war veterans.

### Reifel heads BIA



BIA'S INTERIM COMMISSIONER BEN REIFEL, ROSEBUD SIOUX

WASHINGTON—Ben Reifel, 70, Rosebud Sioux and former South Dakota congressman, was recommended for a "recess appointment" as Commissioner of Indian Affairs Nov. 11 by Interior Secretary Thomas Kleppe.

Reifel topped six other leading candidates in winning Kleppe's appointment. He is a former BIA superintendent, tribal relations officer and Area Director of the Aberdeen, S.D. Office.

Reifel, a Republican, succeeds Morris Thompson, an Alaska Athabaskan who resigned the post Nov. 2. Reifel will be the sixth Indian Commissioner of Indian descent in the 152-year history of the Bureau of Indian Affairs (BIA).

Reifel's tenure at the BIA will continue most likely until March or April, when President-elect Jimmy Carter will be in office and nominating Democrats to top posts. The position of commissioner is a presidential appointment.

Reifel's appointment came just one week after the presidential elections. During that week, six others were also in contention for the position. They were:

Atty. Ralph Keen, an Oklahoma Cherokee and BIA Acting Director of the Office of Trust Responsibilities; Ray Butler, Blackfeet and BIA Director of Social Services; LaFol-

(Continued on Page 5)

### Tribal timber going on sale

MISSION—Sealed bids are now coming in to the Bureau of Indian Affairs (BIA) Forestry Office for two separate timber sales during the month of November.

The first sale will take place at 10:30 a.m. at the Community Center in Mission Nov. 12. The second will occur Nov. 24 at the same location and time.

The Nov. 12 sale puts on the market a total volume of 2,700,000 board feet of Ponderosa pine, Douglas fir, lodgepole pine and other species from the Emigrant Springs Logging Unit stretching over 600 timbered acres in the south reservation.

The Nov. 24 sale puts on the market approximately 2,800,000 board feet of lodgepole pine on about 530 acres of timbered land 20 miles east of Pilot Rock in the vicinity of Indian Lake. In this sales unit, one stand lies a mile north of the town of Meacham, reaching east to the old treaty boundary set in the Walla Walla Treaty of 1855.

The process of marketing tribal timber includes

the public notice for receiving sealed bids within a set period of time. Minimum prices are set for each of the timber sales.

Deposits are required to accompany the sealed bids. Highest bidder in each sale becomes the eventual cutter and marketer.

Prospective bidders have the opportunity to arrange for a "show-me" tour of the two separate timber stands in order to make their own estimates of timber volumes and values.

Bidders also will be given rights-of-way to cross trust lands but must negotiate separately to cross deeded lands. They are authorized to construct temporary roads, install temporary culverts and bridges and the like.

Logging methods are prescribed by the BIA in each area. Cleanup of areas—called "slash disposal" in forestry jargon—is required as well. Final completion dates for timber cutting are set in advance of the letting of any bids.



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# New fish commission taking shape with BPA



TRIBAL LEADERS SIGN BPA-TRIBAL FISHERY AGREEMENT WITH BPA CHIEF DON HODEL IN WARM SPRINGS  
From left, Watson Totus, Yakima; Leslie Minthorn, Umatilla; Richard Halfmoon, Nez Perce; Zane Jackson, Warm Springs

PENDLETON—(Staff)—A new memorandum of agreement pertaining to the restoration of fish in the Columbia River will be signed some time in November by several separate parties from the states of Oregon, Washington and Idaho.

This new memorandum of agreement, when signed, will supersede the memorandum of agreement signed by the Nez Perce, Umatilla, Warm Springs and Yakima Tribes and the Bonneville Power Administration (BPA) last Oct. 13 at Kah-Nee-Ta Resort on the Warm Springs Reservation.

(For text of the original Oct. 13 agreement see Page 13. Photo of original signing above.)

Separate governmental entities which sign the new pact will be the four inland treaty fishing rights tribes, the director of the Pacific Northwest Regional Commission, administrator of the BPA and governors of the states of Oregon, Washington and Idaho.

Purpose of the new agreement is to forge a "partnership" among the tribes, BPA, the PNRC and the states to undertake coordinated programs aimed at helping to restore the anadromous fishery of the Columbia River.

Also in the making—and originating from the original Oct. 13 agreement—are plans for formation of a Columbia River Intertribal Fish Commission.

## ORIGINS

The origins of this unprecedented flurry of co-

## Troops asked in Northwest for fishermen

SALT LAKE CITY—The National Congress of American Indians (NCAI) Oct. 22 adopted by unanimous vote a resolution requesting that the U.S. send in federal marshals and troops to Idaho, Washington and Oregon "to protect Indian treaty and inherent fishing rights from violent interference by non-Indian persons acting with the silent approval of the state of Washington."

The resolution was adopted by the national Indian assembly as the so-called "Fish War" rose to a boil along Puget Sound.

The resolution, introduced by Quinault Chairman Joseph de la Cruz, declared that the three states had been delegated authority to enforce treaty fishing rights but had been "unable and unwilling" to prevent "violent interference" with those rights.

operation among long-opposing parties were the remarks of Ore. Gov. Bob Straub in Astoria on Sept. 3.

Straub blasted the BPA, saying: "The dams generate electricity and kill fish [on the Columbia]. The federal government should pay for those losses from dollars earned by selling electricity. The simplest and surest way to accomplish that is to write those costs into the budget of the BPA." Straub, acknowledging that BPA will earn \$300 million this year from electricity generated by Columbia dams, added: "We should not have to plead with Congress, hat in hand, to insure adequate and certain funding to repair the damages to our fish resources caused by those dams."

Depletion of fish, faltering conservation measures and restricted fishing seasons have all heated up the political climate for governors of the three states, as well as for Indian tribes.

BPA was listening. BPA Administrator Don Hodel and staff initiated meetings with tribes as units of government recognized by courts as co-equal with state governments, and began negotiations behind the first memorandum.

That was signed Oct. 13 amid hard opposition and criticism from state officials. Thus sprung the concept of the new memorandum.

Parties involved in the second round of negotiations were BPA, Bureau of Indian Affairs (BIA) Portland Area Office, Interior Deputy Solicitor George Dysart, the Pacific Northwest Regional Commission at—according to some reports—officials of various state attorney general offices.

The upcoming signing of the second memorandum may take place in Walla Walla, Wash., where the four affected tribes signed the original historic treaties in June of 1855.

## FISH COMMISSION

Planning for the proposed Columbia River Intertribal Fish Commission, meanwhile, are moving apace. Since Oct. 13 and four tribes established first an ad hoc steering committee, then a full steering committee to examine the concept and to put flesh on the idea.

Part of these proposed plans include:

—Completion of a constitution and by-laws for the intertribal commission;

—Completion of operational documents specifying the scope of work of the proposed commission, its budget, staff and accountability to the four member tribes.

Future of the commission concept will not be known until the upcoming signing of the second memorandum of understanding.

# news digest

## GI bill changes ahead

WASHINGTON—The nation's third GI Bill, which has provided educational assistance for 6.6 million veterans and active duty members with military service since Feb. 1, 1955, will not be available for persons entering the military services after this Dec. 31.

The Veterans Education and Employment Assistance Act of 1976 signed into law by President Ford Oct. 15 set the termination date for GI eligibility. It also set Dec. 31, 1989 as the closing date for all training for those already eligible under this program. Offsetting the end of GI Bill eligibility, the new law created a voluntary contributory educational assistance program for persons entering service after this Dec. 31. Participants in this new program may contribute \$50 to \$75 monthly from their salaries, up to a maximum of \$2,700. The contributions will be matched by the Veterans Administration (VA) at the rate of \$2 for every \$1 made by the service member. So ends an era.

## Supreme Court upholds Boldt

WASHINGTON—The Supreme Court Nov. 1 upheld special Indian treaty rights to fish in the Pacific Northwest by refusing to consider a Seattle commercial fisherman's challenge to a federal court order upholding these rights.

Seattle fisherman Loren Bergh had filed suit against U.S. District Court Judge George H. Boldt to prevent Boldt from ordering the state of Washington to adopt regulations protecting the Indian fishing right in line with the Boldt decision of Feb. 12, 1974. Bergh had called court support for treaty fishing rights and subsequent allocation of a percentage of potential fish catches "unconstitutional discrimination."

Bergh's appeal earlier had been turned down by the 9th U.S. Circuit Court of Appeals in San Francisco, and the Supreme Court's action was in line with Boldt and the appeals court.

## AIPRC completing review

WASHINGTON—For four days—Nov. 19-22—The American Indian Policy Review Commission will conduct a formal review of the recommendations of its 11 separate task forces which will be proposed to the 95th Congress. The AIPRC meeting will be held in Room 2175 of the Rayburn Building on Capitol Hill. Hours on each of the four days are from 10:00 a.m. to 5:00 p.m.

Since early October the 11 task force reports and recommendations have been circulated to all Indian tribes in the country. Numerous tribal delegations will attend the upcoming review. Recommendations will be presented to the AIPRC commissioners in specific categories rather than on a task force-by-task force basis, according to staff specialist Ernestine Ducheneaux.

(The Umatilla Board of Trustees, meanwhile, on Nov. 1 requested of AIPRC that following the upcoming review session, that the subsequent recommendations be forwarded to the tribe "for review and comment prior to their formal presentation to Congress." AIPRC legislative recommendations to the new 95th Congress will become the basis of future federal Indian policy.)

## Idaho wants 'Fair share'

WASHINGTON—Idaho Atty. Gen. Wayne L. Kidwell asked the Supreme Court Nov. 8 to protect Idaho's "fair share" of salmon and steelhead on the Columbia River by requiring admission of Idaho in the Oregon-Washington Columbia River Fish Compact.

Idaho is also asking the Supreme Court to determine what "share" of the fish belong to Idaho—where about half of the fish are spawned. The court is expected to take many months to determine whether to intervene in the dispute. (Immediate reaction of inland treaty fishing tribes—Yakima, Umatilla, Warm Springs and Nez Perce—was not immediately available.)

Said Kidwell in oral arguments: "We have attempted diplomacy. Now we have nowhere else to go."

MANAGER FRANK BROWN  
353 S. Main  
Pendleton



# FRANK'S NEWS

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PORTLAND OREGONIAN  
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CONFEDERATED UMATILLA JOURNAL  
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YAKIMA NATION REVIEW  
FROM WHERE THE SUN NOW STANDS  
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AKWESASNE NOTES



## 1976 TRIBAL ELECTIONS Amendment

In the voters' referendum on this proposed constitutional amendment to the Constitution and By-Laws adopted by the Confederated Tribes in 1949, the particulars are:

**PURPOSE:** This amendment would strengthen the Constitution and provide the Board of Trustees with the authority to regulate, by ordinance, a broader range of activities on the Umatilla Reservation which affect tribal rights, powers and resources.

*A "YES" vote would amend Article VI, Section 1(d) of the Constitution and By-Laws of the Confederated Tribes of the Umatilla Reservation, which now provides that the Board of Trustees has the power*

"To promulgate and enforce ordinances of the tribes....."

To read in the future:

"To promulgate and enforce ordinances governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation....."

## Board of Trustees

SEVEN PERSONS have been certified by the Elections Committee as candidates for member positions on the Board of Trustees. Terms are for a period of two years. Responsibilities of members and officers of the Board of Trustees are defined precisely in the Tribal Constitution and By-Laws. Four current members on the Board are in mid-term of two-year terms. Four member positions are open. Following election of new board members, the Board of Trustees meets in open session to elect Chairman, Vice Chairman, Secretary and Treasurer for the coming year.

**LESLIE MINTHORN:** Incumbent Board Chairman, he has been a Board member for the past four years and chairman for the past two years. He is also a board member of the Umatilla Reservation Housing Authority and member of the Law and Order Committee along with his daily duties as Board Chairman. A resident of McKay Creek area and graduate of Pilot Rock High School, he served with the U.S. Army Paratroopers and studied industrial electronics at Carr Junior College in Portland. He rose to position of electronics test engineer with a firm, then returned to McKay Creek area in 1972, and was shortly elected to Board.

**SAM KASH KASH:** Incumbent Board member. A retired rancher, he currently serves on Tribal Budget Committee, Fish Committee, Board of Health and Farm Enterprise. He attended Haskell Institute in Lawrence, Kan. Past Board Chairman and General Council Chairman, General Council Interpreter and reservation police officer. He has held tribal offices since 1936. Other past affiliations include membership on the Indian Affairs Council, Pendleton Recreation Committee, and Umatilla Juvenile Advisory Council. Resident of Mission.

**ELWOOD PATAWA:** Incumbent Treasurer of Board. Currently executive director of Tribal Health Department and coordinator for community health representatives. A resident of Mission.

he graduated from Pendleton High School and attended Yakima Valley Community College. He has attended numerous health affairs specialty sessions.

**RODNEY T. COWAPOO:** Board candidate and past Board member. Traditional Whipman for Confederated Tribes. Present environmental aide with Landfill Enterprise and past board member of Umatilla Reservation Housing Authority. A resident of Mission, he was a noted baseball and basketball athlete prior to graduating from Pendleton High School and afterwards.

**KENNETH BILL:** Board candidate and past Board member. He serves on Tribal Fish Committee where he was active in formation of Columbia River Basin Fisheries Alliance this spring, and member of Budget Committee and Tribal Board of Health. A Mission resident, he graduated from Chemawa Indian School in Salem.

**RAPHAEL BILL:** A Board candidate and youngest candidate on ballot. A resident of Tutuilla, he has studied and completed training on heavy equipment at Indian Lake and in cement masonry apprenticeship in Corvallis this past spring.

**RAYMOND T. BURKE:** Board candidate. Past General Council Chairman, he currently serves on the Tribal Law and Order Committee and Credit Committee. He is a resident of the McKay Creek area.

## General Council

FIVE INDIVIDUALS have been certified by the Elections Committee as candidates for four open positions on the General Council. Positions on the ballot are Chairman, Vice Chairman, Interpreter and Secretary. The responsibilities of these positions are defined clearly in the Tribal Constitution and By-Laws. All terms are for one year.

**KATHLEEN GORDON:** Unchallenged candidate for Chairman, General Council. Incumbent Vice Chairman this year. She has served in the past as General Council Secretary. A social services clerk at the Umatilla Agency, she has held this position for five and a half years. She was born on the Umatilla Reservation and has lived here for 35 years.

**RONALD J. POND:** Only announced candidate for Vice Chairman, General Council. Present Chairman of Nixyaawian Celebration Committee and member of Law and Order Committee and Umatilla Tribal Education Board. He worked this fall with the tribal curriculum development project and is currently studying as teacher intern at Oregon State University (OSU) in Corvallis. A recognized artist and traditionalist, he coordinated 12-member tribal delegation to Bicentennial Festival of American Folklife in Washington, D.C. this August.

**ELIZA COWAPOO BILL:** Incumbent Interpreter. Only ballot candidate for General Council Interpreter. Widow of late Whipman Phillip Bill and resident of Tutuilla, she has long been active in tribal affairs and has served for a long period of time as tribal representative in ceremonies across the West and Midwest.

**ROSEMARY NARCISSE:** Incumbent General Council Secretary. Candidate for Secretary. She is assistant manager of the Mini Halfway House in Mission and is currently developing a 30-day intensive treatment program. Mission resident. Past Landfill Enterprise staffer.

**MITZI KIPP RODRIGUEZ:** Candidate for General Council Secretary. She is currently clerk-typist in medical records at Mission's Yellowhawk Clinic. Past Secretary for one year for the Early Childhood Development Center Board of Directors, she is this year a board member of that group. She is overseer of a girls' Bluebirds group. She has devoted much time to younger people.

## 'Indirect cost rate' negotiated for tribe

BY PEGGY JOHNSON  
Tribal Comptroller

**MISSION**—Over the past few months the Confederated Tribes have been engaged in the preparation of an "indirect cost proposal" and negotiation of an "indirect cost rate with the Interior Dept. Office of Audit and Investigation in Portland and Sacramento, Cal.

The result of this effort came in mid-October in the form of a signed agreement between the tribe and that office, approving an indirect cost rate of 26.3 percent for the period from October 1976 to June 1977.

What is the "indirect cost system"? It is simply a method used to recover costs incurred by the tribe for the administration of federal grants and contracts based on total direct expenses. Indirect rates are usually approved for a one-year period and are generally subject to audit and re-negotiation each year.

The indirect cost rate makes easier the allocation, billing and recovery of indirect costs.

What are "indirect costs"? They are costs incurred for a common purpose benefitting more than one tribal program, and which are not easily separable.

For example, tribal accounting office and core administrative tribal staff are part of the "indirect cost employee pool." The receptionist who answers the phones and the payroll clerk preparing the payroll are performing functions for many programs, not just one. Their salaries are not easily chargeable in part to all programs benefitting from the services they provide. Other such cost items in an "indirect cost pool" include necessary travel, telephones, rent, duplication machine costs, repair of office equipment and the like.

The process involved in arriving at the 26.3 percent indirect cost rate included the submission of the tribal "indirect cost proposal" to the Office of Audit and Investigation.

This proposal consisted of an allocation plan for general services to the tribe. Costs were analyzed and categorized as to their "allowability" and whether they were a direct cost to a grant program or an indirect cost.

The procedures used in arriving at the proposals prevented the same cost from being charged both as a direct and indirect cost, and assured that similar costs for a department were given consistent treatment, regardless of the funding source for that department.

A local accounting firm, the Pendleton branch of Yergen and Meyer, prepared the schedules for the Confederated Tribes.

The indirect cost system is not a new thing. Its concept has been around a long time. For Indian tribes, however, indirect cost is a fairly recent concept. At the present time the Umatillas number among the less than half of Northwest tribes to have a negotiated and approved indirect cost rate, although this number of tribes is growing.

Those dollars received from indirect cost will aid the tribe in maintaining work staff and supportive services in the administration of tribal government—for both the General Council and Board of Trustees—and will then also assist in the overall provision of services to the tribal people through tribal governmental departments and operations.

## Oregon concedes on tax

**SALEM**—(Staff)—The state of Oregon cannot require personal income tax from enrolled members of the Umatilla Reservation when those individuals live on the reservation and derive their income from sources within the boundaries of the reservation, according to a legal opinion by Ted E. Barbera, assistant attorney general in the tax division of Oregon's Department of Justice.

Barbera's opinion was delivered Sept. 20 to Gary Friesen of the Oregon Department of Revenue. (It was not made available to Umatilla tribal officials or their attorney until the first week of November.)

"Recent developments in the law require reconsideration of my previous opinion on this subject," wrote Barbera. Barbera in a four-page memorandum explored Public Law 280, passed in 1953, under which Oregon had claimed in had civil and criminal jurisdiction over the Umatilla Reservation, and subsequent taxing powers.

He also reviewed Supreme Court decisions affecting state taxation of reservation members in Arizona and Minnesota. One, the McClanahan case of 1973, ruled that Arizona could not tax the income of a reservation resident who gained his income on the reservation.

The other, the Bryan case of 1975, ruled that the state of Minnesota was given no authority to tax Indians or Indian property on reservations.

Concluded Barbera: "I am of the opinion that Public Law 280 does not authorize Oregon to impose its personal income tax upon the income of an enrolled member of the Umatilla Indian Tribe,

(Continued on Page 9)

# INSIDE TRIBAL GOVERNMENT

A MONTHLY WRAPAROUND

A conditional use permit issued to Farrell Sampson was approved by the Board of Trustees Nov. 1 for a quarry and rock crusher site. The site is located one half mile south on old Highway 30 from the St. Andrew's road. The permit allows Sampson to utilize the quarry for one year. If his operation is proven safe and meets environmental inspections the permit may be continued. Sampson pledged to serve the reservation, county and individuals. He added that he will give the Confederated Tribes "first option" to buy from him.

\* \* \*

A total of nine arrests for illegal hunting by non-Indians on the reservation have been made by BIA Game Warden William Lorentino. The arrests occurred on Light Ridge and in the Johnson Creek area on the opening day of elk season. Two of the persons arrested were from Portland, and the remaining seven were local hunters. Fines for illegal hunting are \$250. No other arrests were made during the balance of the elk season.

\* \* \*

A report to the Board of Trustees Nov. 1 on the business of the newly opened Mission Market on the reservation shows that turnover is good, with sales progressing. Manager Allen Heim is satisfied with his employee staff for doing a good job and showing steady advancement in their training.

The Arts and Crafts Shop is building a good inventory and selling its new stocks rapidly. Gasoline is moving extremely rapidly. The laundromat is "slow." Seating alongside the larger dryers and washers is recommended.

Heim recommends a "high volume-high profit" item to keep percentages up. Heim recommends the sale of beer and wine. Heim estimates that sale of these items will increase business by 30 percent.

A robbery of turquoise rings, bracelet and necklace from the Arts and Crafts Shop occurred Oct. 24. Items were valued from \$700 to \$1,000. The jewelry is being held by the Umatilla County Sheriff's Dept. pending the legal outcome of a suspect charged in the case.

\* \* \*

The Indian Lake Recreation Area development project is nearly in its final shape under work by the Park Construction Co. Access roads and picnic area roads are nearly completed. The base course is down, and approval from the Economic Development Administration (EDA) to lay the keystone rock is expected soon.

All water pipelines have been laid, but will not become operational until electricity is provided.

A sand beach of 300 lineal feet is to be placed on the north side of the lake. The BIA will manage and utilize the visible rock piles near the lake for an access road contract of 1.7 miles.

\* \* \*

Completion of the attractive new BIA agency structure by the McCormack Construction Co. of Pendleton has been nearly halted by reason of a strike by the Plumbers and Steamfitters Union Local 598. The strike began June 1 in southeast Washington and northeastern Oregon, and no end is in sight yet.

Original completion date was Oct. 9. The construction contract imposes penalties for overdue completion—if the company is at fault. But McCormack could not anticipate the strike. Says Mgr. Harlan Peterson: "As long as this strike continues, and as long as there is no malicious effort on our part not to do the work, we're not liable." He expects it all to be done "by the first of the year."

Still undone: windows, plumbing for toilet and fountain fixtures, touch-up plaster and paint work, and carpeting. Trees outside the new structure are being trimmed to protect it.

## HOPSON FAILS IN HOUSE BID

JUNEAU, Alaska—Eben Hopson, Eskimo mayor of Alaska's vast North Slope Borough, lost his Nov. 2 bid for the state's single seat to the U.S. House of Representatives.

Hopson lost to Republican incumbent Rep. Don Young. Hopson since 1972 has been mayor of the richest municipality in the world. His campaign has halted temporarily while he was treated for throat cancer in Seattle, and that delay harmed his chances for election, say insiders.

Hopson is believed to be the only Indian or Native within the 50 states to seek congressional office this year.

## General Council

### Why hatred?

WHY IS IT that people hate? Would it not be just as easy to love? Why do Indians hate non-Indians and mixed-bloods? Why do non-Indians hate Indians?



We all know the root of this age-old problem stems from the first arrival of the non-Indian on this continent. It seems we cannot be big enough or intelligent enough to let bygones be bygones and take leave of our petty prejudices to advance and make this world a better place in which to live.

We condemn the white man day after day, while enjoying the modern conveniences which they have invented. We are guilty of nearly losing sight of the old Indian ways because we are so busy enjoying modern-day living.

WE HAVE BEEN FORCED into being what we are—be that red apples, non-Indians, half-Indians or bicultural Indians. But we should not lose sight of the fact that this is the world we must survive in for the time being, and we should make the best of it. We pass this way only once—no matter what race we are.

Regardless of the fact that some of us are or might be mixed-bloods, half-breeds or whatever, our hearts are pumping the very same blood that flows through the veins of one another. Maybe not everybody on this reservation is related, but according to my grandmother and some of the elderly people I viwit with, about 90 percent of us are all interrelated one way or another—whether we'd like to admit it or not.

IT SADDENS MY HEART when I hear an Indian man run down non-Indians when he is married to a non-Indian woman and has children who are mixed-bloods. It is the same with Indian women married to non-Indian men.

They are the most radical. I think to myself: "Do we hate our own children, our own grandchildren, our own in-laws?" The last group would be understandable, but our own flesh and blood?

LET'S STOP AND THINK before we condemn anyone because of his or her degree of blood. They could be our own children or grandchildren. The most important thing is what is in our hearts—if we have any. Tim-Nah-Pah!

—KATHLEEN GORDON  
Vice Chairman  
General Council

## SUPERINTENDENT SEARCH BEGINS AGAIN

The position of Agency Superintendent is now being readvertised, and Board of Trustees interviews with top-rated applicants will be taking place soon. Dale Lingle is Acting Supt. He has carried those responsibilities since the departure of Jose M. Carpio in June. Candidate Emmett Lynch ran into difficulties in his try for the post. An effort to secure Carpio's return utilizing a petition to that effect with about 300 signatures was not successful with the Portland Area Office.

Expected to be among those interviewed soon are four Indian BIA employees who received "highly qualified" ratings in June. These are: David Wynecoop, Spokane, administrative manager at Spokane Agency, Wellpinit, Wash.; Merritt Youngdeer, Eastern Cherokee, asst. supt at Yakima Agency, Toppenish, Wash.; William Topash, Tulalip, administrative manager at Fort Hall Agency, Fort Hall, Ida.; and Gordon Cannon, Kiowa-Sioux, realty officer at Colville Agency, Nespelem, Wash.

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## THE CAYUSE INDIANS Imperial Tribemen of Old Oregon

By Robert H. Ruby and John A. Brown

FOREWORD BY CLIFFORD M. DEURY



"Ruby and Brown have told the Cayuse story with clarity, frankness and sympathetic understanding."—SEATTLE TIMES

"A very good guide on a little-documented subject."—AMERICAN HISTORICAL REVIEW

"Very good."—AMERICAN BOOK COLLECTOR

"It has its faults, but it's the best single book so far for casual reading and study of the Cayuse and early days."—CONFEDERATED UMATILLA JOURNAL

### NEW TITLE

Editor Donald Worcester, FORKED TONGUES AND BROKEN TREATIES (Caxton Press, 1976), \$9.95

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# NCAI

(Continued from Page 1)

who for the first time are beginning to pressure the Bureau of Indian Affairs (BIA), the Interior and Justice Depts., and the White House itself.

Tonasket said the last decade of court decisions upholding key tribal rights—particularly rights to fish in “usual and accustomed places” outside reservation borders—are prompting the “Redneck groups” to throw lawsuits against tribes.

“The challenge from today on for tribal governments people on Capitol Hill will be keeping the floodgates shut on negative legislation.”

Concluded Tonasket: “I wouldn’t worry in my heart if I knew we would stand together as brothers and sisters. Only time will make me see that way.” NCAI, meanwhile, established a Litigation Committee to monitor all court suits and appeals ongoing which affect numbers of tribes.

NCAI Executive Director Charles Trimble, Oglala Sioux, called the past three years “a wind-down from the heavy and progressive activities of the Nixon period.” Of some high federal officials he noted: “What we consider treachery they consider cleverness.”

Trimble said the purpose of the mandate the convention would set for the daily NCAI staff would order the staff to

“address all issues and get committees to work with plans for direct actions.”

Trimble said no one could yet determine whether the American Indian Policy Review Commission (AIPRC), which sends its recommendations to Congress next spring, “will usher in a new era.”

But the bulk of convention assembly hours were devoted to five separate policy position papers to be weighed and finalized by the assembly for presentation to AIPRC in Washington, D.C. on Nov. 19-22. During the November session AIPRC will “mark up” its own recommendations to Congress in line with Indian input.

These policy statements were concerned with treaties and federal trust responsibilities, tribal governmental powers, sovereign tribal jurisdiction, federal administration and structure of Indian affairs, and protection of natural resources.

The lengthy position drafts drew considerable debate and controversy on the floor, reflecting the serious nature of the considerations. All five were accepted with modifications on the last day of the convention.

Nearly 170 other resolutions submitted to the NCAI Resolutions Committee. Of these a handful were acted upon and the others were remanded to

the NCAI Executive Council which convenes in Washington the week of the Inaugural of Pres.-elect Jimmy Carter. Those acted on included:

—Rejection of AIPRC Task Force Five’s report and recommendation on the field of Indian education;

—A call for federal troops to be sent to the Northwest to protect Indian fishermen exercising treaty fishing rights amid an atmosphere of “vio-

lent interference”;

—A call for re-hearing of a secret Senate investigation into the American Indian Movement (AIM) which heard only one non-Indian FBI informer and which published its findings in a hot document;

—Condemnation of the so-called “Redneck organizations” for “distorting the Indian position” and “prejudicing rights.”

Many social events also occur-

red during the convention. Miss NCAI 1976—Nellie Lopez of Arizona—was selected.

Next year NCAI will meet in Dallas, Tex. And site in 1978 by vote will be Rapid City, S.D.

Theme of the convention was “Justice through Tribal Sovereignty.” NCAI officials said the Indian Law Enforcement Improvement Act authored by the organization this year will be reintroduced in the next session of the 95th Congress.

## Miss NCAI 1976-77



A PINT OF PAPAGO POISE, Nellie Lopez, 20, of Sells, Ariz., was selected Miss NCAI 1976-77 in Salt Lake the night of Oct. 20 against 21 other contestants. The night before she wowed over 2,000 Indians with her extraordinary tribal and cultural talents. Her first reaction? “All this will be over tomorrow. Put me to work.” Miss

Papago Nation of 1976, she is the oldest of nine children who is studying to be a legal secretary. Nellie is pictured above, left. To right, from left to right: Third Runner-Up Margaret Pinkham, Yakima; Second Runner-Up Barbara Beatty, White Mountain Apache; First Runner-Up Lorraine Jackson, Hualapai; and Nellie.



BOARD CHAIRMAN MINTHORN AND MEMBER MINTHORN LISTEN

# BIA

(Continued from Page 1)

lette Butler, Oklahoma Cherokee and BIA Director of the Office of Self-Determination; Andrew T. Anderson, New York Mohawk, Union Carbide Corp. official and aide to the American Indian Policy Review Commission; R. Dennis Ickes, deputy undersecretary of Interior; and Stanley Doremus, deputy assistant secretary of Interior.

Reifel was born in September of 1906 on the Rosebud Sioux Reservation in South Dakota to a full-blood mother and a German-American father. He worked on the family ranch until college, when he attended South Dakota State College, then Harvard University where he earned his master’s and doctorate.

After college he was appointed BIA farm agent. He became superintendent on the Pine Ridge and Rosebud Sioux reservations in his home state. In the 1930s he was active in assisting tribes to form business councils under the Indian Reorganization Act of 1934 during the John Collier era. In the 1950s he became Aberdeen Area Director.

Reifel was elected to the U.S. House of Representatives on the Republican ticket in November of 1960. He easily defeated two formidable opponents in the primary and won a sizeable plurality in the election. He served five terms in the Congress.

While there he served as ranking minority member on the House Appropriations Committee, ranking minority member on the strategic House Interior Committee, and the House

Legislative Committee.

After his retirement from Congress in 1971, he served as chairman of a prestigious advisory group to the U.S. National Parks Service.

In 1972, following the reelection of former President Richard M. Nixon, he was a leading contender for the post of Indian Commissioner, but lost out to Morris Thompson, who took office on Dec. 3, 1973.

## INDIAN COMMISSIONERS IN THE SWEEP OF HISTORY

The Bureau of Indian Affairs was created in 1824 and placed in the War Department. In 1832 the post of Commissioner of Indian Affairs was established. In 1848—amid deep political debate over its propriety—the BIA was moved out of the War Dept. and into the Interior Dept., where it remains in 1976. Fourteen War Dept. officials led Indian affairs from 1789 to 1832. There have been 43 individuals holding responsibilities of Indian Commissioner from 1832 to 1976. Of these 43 Indian Commissioners, five have been Indians as well. (The first was Ely S. Parker, an Iroquois, appointed in 1869, over a century ago.)

### SECRETARIES OF WAR

- 1879-1795: Henry Knox
- 1795-1796: Thomas Pickering
- 1796-1800: James McHenry
- 1800-1801: Samuel Dexter
- 1801-1809: Henry Dearborn
- 1809-1813: William Eustis
- 1813-1814: John Armstrong
- 1814-1815: James Monroe
- 1815-1817: William H. Crawford
- 1817-1825: John C. Calhoun
- 1825-1828: James Barbour
- 1828-1829: Peter B. Porter
- 1829-1831: John H. Eaton
- 1831-1832: Lewis Cass

### INDIAN COMMISSIONERS

- 1832-1836: Elbert Herring
- 1836-1838: Carey A. Harris
- 1838-1845: T. Hartley Crawford
- 1845-1849: William Medill
- 1849-1850: Orlando Brown
- 1850-1853: Luke Lea
- 1853-1857: George Manypenny
- [Umatilla Treaty June 9, 1855]
- 1857-1858: James W. Denver
- 1858: Charles E. Mix
- 1858-1859: James W. Denver
- [Treaty ratified Mar. 8, 1859]
- 1859-1861: Alfred B. Greenwood
- 1861-1865: William P. Dole
- 1865-1866: Dennis Cooley
- 1866-1867: Lewis V. Bogy
- 1867-1869: Nathaniel G. Taylor

1869-1871: Ely S. Parker  
FIRST INDIAN TO HOLD POST—IROQUOIS OF NEW YORK

- 1871-1873: Francis A. Walker
- 1873-1875: Edward P. Smith
- 1875-1877: John O. Smith
- 1877-1880: Ezra A. Hayt
- 1880-1881: R.E. Trowbridge
- 1881-1885: Hiram Price
- 1885-1888: John D.C. Atkins
- 1888-1889: John H. Oberly
- 1889-1893: Thomas J. Morgan
- 1893-1897: Daniel M. Browning
- 1897-1904: William A. Jones
- 1904-1909: Francis E. Leupp
- 1909-1913: Robert G. Valentine
- 1913-1921: Cato Sells
- 1921-1929: Charles H. Burke
- 1929-1933: Charles J. Rhoads
- 1933-1945: John Collier
- 1945-1949: William A. Brophy
- 1949-1950: John R. Nichols
- 1950-1953: Dillon S. Myer
- 1953-1961: Glenn L. Emmons
- 1961-1966: Philleo Nash
- 1966-1969: Robert L. Bennett  
ONEIDA
- 1969-1972: Louis R. Bruce  
MOHAWK-SIOUX
- 1972-1973: Richard Bodman  
1973: Marvin L. Franklin  
IOWA
- 1973-1976: Morris Thompson  
ATHABASCAN
- 1976: Ben Reifel

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LEGISLATIVE HISTORY:

# American Tribes and the U.S. Congress

FORREST J. GERARD has just left the Senate Interior and Interior Affairs Committee where he has served as professional staff member since 1971. He was previously top Indian deputy in the Department of Health, Education and Welfare (HEW). Highly respected and esteemed, the Montana Blackfeet professional was awarded the annual Heller Award this year by NCAI for outstanding service to Indian people nationwide. Much new national Indian legislation which has become law has emerged from his commitment and professionalism. Gerard has consented to the publication in the Confederated Umatilla Journal of a nine-part series derived from his comprehensive writing of October 1976 entitled "Congressional Responsibility for American Indian Policy—History, Current Issues and Future Goals." Each part of this series will appear in subsequent issues.

BY FORREST J. GERARD

WASHINGTON—The continuing basis of federal responsibility for the American Indian was defined clearly by Reid P. Chambers in a Senate study prepared in 1971. Wrote Chambers:

"The United States stands in a fiduciary relationship to Indians and Indian tribes. It has been held by the Supreme Court that 'Indian tribes are the wards of the nation...' The duty is a 'self-imposed' one which arises out of the Indian tribes' status as 'dependent domestic nations' within the territory of the United States.

"The classic discussion of the government's fiduciary duty to Indian tribes is found in Chief Justice John Marshall's landmark decision of *Cherokee Nation v. Georgia* in 1831. In holding that Indian tribes are not 'foreign states' entitled to invoke the original jurisdiction of the Supreme Court, the Chief Justice stated that 'the condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence.'

"Later Supreme Court decisions have reaffirmed the special guardianship of the federal government for Indians. In *United States v. Kagama* in 1886, the Supreme Court analyzed the fiduciary duty as growing out of an 'exclusive sovereignty.....which must exist in the national government' and the fact that Indian tribes are 'communities dependent on the United States.....' Most recently, in *Seminole v. United States* in 1942, the Supreme Court held that the United States 'has charged itself with moral obligations of the highest responsibility and trust.' This guardianship was referred to as in part 'a human and self-imposed policy.'

Congressional authority over Indian affairs is derived from the U.S. Constitution, which assigns to Congress the power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes" (Art. 1, Sec. 3). Congressional authority over Indian affairs may be described as "plenary," as is indicated by the language of Chief Justice John Marshall in 1832:

"[The Constitution] confers on Congress the powers of war and peace; of making treaties, and of regulating commerce with foreign nations, and among the several states, and with the Indian tribes. These powers comprehend all that is required for the regulation of our intercourse with the Indians. They are not limited by any restrictions on their free actions; the shackles imposed on this power, in the confederation, are discarded."

In commenting on this statement, Felix Cohen's monumental "Federal Indian Law" notes that "it is clear that the powers mentioned by Chief Justice Marshall proved to be so extensive that in fact the federal powers exercised over Indian affairs are as wide as state powers over non-Indians, and therefore one is justified in characterizing such federal power as 'plenary.' This does not mean, however, that congressional power over Indians is not subject to express constitutional limitations such as the Bill of Rights."

DURING THE EARLY CONGRESSES, Indian matters were considered either by the whole Senate or House of Representatives, by select committees appointed for that purpose, or by various other committees. In January 1820, the Senate established a Standing Committee on Indian Affairs having jurisdiction over Indian affairs legislation. This was followed in December 1821 by establishment of a Standing Committee on Indian Affairs in the House of Representatives as well.

Throughout the nineteenth century and into the twentieth, there existed other standing committees in the Senate, and select committees in both houses of Congress, that had jurisdiction over various aspects of Indian affairs. These included committees to investigate trespassing on Indian lands as well as Indian attacks on settlers, and committees to coordinate legislation affecting specific tribes or groups of tribes.

IN 1921 ALL EXISTING standing Senate committees dealing with Indian legislation were consolidated with the existing Committee on Indian Affairs. The Indian



CONGRESSIONAL SPECIALIST-AUTHOR GERARD  
Looking at treaties and federal responsibilities in history

Affairs Committee was, in turn, one of the five committees combined in 1947 into the new Senate Public Lands Committee, which became the Senate Committee on Interior and Insular Affairs in 1948.

In the House of Representatives, the Indian Affairs Committee was subsumed in 1947 under the House Public Lands Committee, which in 1951 became the House Committee on Interior and Insular Affairs.

The power of Congress over Indian affairs has manifested itself in a large body of laws that pertain to Indians in general as well as to specific tribes. Thus, the complexity of the body of federal laws concerning Indian affairs has required the writing of a volume in excess of 1,000 pages in order to explicate fully the intricacies of the legislation and judicial interpretation thereof.

THE FOLLOWING LIST comprises a selection of major laws from 1789 to 1975 which apply to Indians as a group, and which are not relegated in their applicability to any specific tribe:

—Act of Aug. 7, 1789: Established Department of War with responsibility for "such other matters.....as the President of the United States shall assign to the said department.....relative to Indian affairs."

—Act of July 22, 1790: Called the Intercourse Act, this was the first in a series of four such acts regulating "trade and intercourse with Indian Tribes." Amendments were made to this act on Mar. 1, 1793, May 19, 1796, and Mar. 3, 1799.

—Act of Apr. 18, 1796: This act established government trading houses with Indians under control of the U.S. President.

—Act of May 18, 1796: This act contained the first provision regarding punishment of tribal Indians living in peace with the United States for crimes committed on non-Indian lands.

—Act of Mar. 30, 1802: Called the Permanent Trade and Intercourse Act, this legislation incorporated the first four temporary intercourse Acts referred to above, and restricted consumption of liquor among tribes.

—Act of Mar. 3, 1817: This act gave federal courts jurisdiction over Indians and non-Indians in Indian territory, specifically excluding crimes committed by one Indian against another.

—Act of Mar. 3, 1819: This act made "provision for the civilization of the Indian tribes adjoining the frontier settlements," including appropriation of funds toward this objective.

—Act of May 28, 1830: The Indian Removal Act established policies of exchanging federal lands west of the Mississippi River for other lands occupied by Indian tribes in the eastern portion of the U.S.

—Act of July 9, 1832: This act established the post of Commissioner of Indian Affairs under the Secretary of War in the War Department.

—Act of June 30, 1834: This bill provided for the organization of a Department of Indian Affairs within the War Department.

—Act of June 30, 1834: The Indian Trade and Intercourse Act redefined boundaries of Indian lands, ended passport requirements for non-Indian Americans, summarized previous criminal and trader laws, and proclaimed that crimes of Indians against Indians on Indian land were not within federal jurisdiction.

—Act of Mar. 3, 1849: This act established the Department of the Interior and placed the Commissioner of Indian Affairs under this department.

—Act of Mar. 27, 1854: This act extended tribal jurisdiction over crimes committed by Indians against Indians on Indian lands.

—Act of Mar. 3, 1871: This act ended treaty-making by declaring that Indian nations and tribes within U.S. territory would no longer be recognized as "independent."

—Act of Mar. 3, 1883: This act contained the first general statute regarding Indian monies, and released through the U.S. Treasury pasturage, timber, mining and other "proceeds of labor" funds to be used by the tribes, with the approval of the Interior Department.

—Act of Mar. 3, 1885: This act extended federal court jurisdiction over Indian lands to seven major crimes.

—Act of Feb. 8, 1887: The General Allotment Act of this date authorized the individual allotment of reservation lands to tribes, and conveyed citizenship upon the allottees upon termination of the trust status of the or to any Indian who voluntarily established residence apart from his tribe and adopted the "habits of civilized life." The rationale behind this policy was that by encouraging individual Indians to farm instead of following the old communal ways of the tribe, they would more easily assimilate into American society.

—Act of Mar. 3, 1891: This act contained deprecations claims for damages sustained by acts of Indian individuals or bands of tribes living at peace with the U.S., which would be sent to the claims courts and settled.

—Act of July 13, 1892: This act authorized the Commissioner of Indian Affairs to make and enforce regulations to assure the attendance of Indian children "at schools established and maintained for their benefit."

—Act of Aug. 13, 1894: This act required the Interior Department to hire Indians in the federal Indian service in a practicable manner.

—Act of Nov. 21, 1921: The Snyder Act authorized permanent "appropriations and expenditures for the administration of Indian affairs."

—Act of June 2, 1924: U.S. citizenship on all non-citizen Indians born within the territorial limits of the U.S. was conferred by this act.

—Act of Feb. 29, 1929: The Secretary of the Interior was directed to permit agents and employees of any state to enter on Indian lands to inspect health and educational conditions, to enforce sanitation and quarantine regulations, and to enforce compulsory school attendance of Indian pupils as provided by state laws.

—Act of Apr. 16, 1934: The Johnson-O'Malley Act provided for federal-state cooperation in Indian affairs, with emphasis on education in particular, by means of federal contracts with state governments, or political subdivisions of the states, for the operation of federal Indian programs.

—Act of June 18, 1934: The Indian Reorganization Act ended allotments of Indian lands, ended the practice of terminating trust periods of restricted alienability of Indian lands, and appropriated \$2 million a year for the purpose of lands for tribes in order to augment the diminished Indian land base countrywide. It also directed the Secretary of the Interior to issue conservation regulations to prevent land erosion, deforestation and overgrazing of Indian lands, and authorized annual appropriations not to exceed \$25,000 for educational loans. It also provided that "qualified Indians" must be accorded employment preferences in the Bureau of Indian Affairs. This, in effect, laid the foundation of a new policy toward Indians, much of which is still in effect in 1976.

—Act of Aug. 13, 1946: This act established the Indian Claims Commission (ICC) to hear and settle remaining Indian land claims. (This act has been extended through 1977.)

# Fish Hawk's conversion and session

## news quiz

THESE QUESTIONS are prepared from stories appearing in the October issue of the CUJ. How many can you answer correctly? Score yourself: 11 to 12 correct, Superchief; 8 to 10, you're on; 6 to 8, far out; 4 to 5, you're jiving; 1 to 3, get out your glasses. Answers printed upside down:

1. On what day do the 1976 tribal elections take place?
2. In what city today is located the "Umatilla Stone"?
3. Who is the Indian Commissioner who resigned Nov. 3?
4. What federal agency issued a report which practically spells doom for the proposed Catherine Creek Dam?
5. Who is the new executive secretary for Oregon's Commission on Indian Services (CIS)?
6. How much money is authorized in the new Indian Health Care Improvement Act which President Ford signed Sept. 30?
7. What is the name of the new Nez Perce tribal publication?
8. Can you name the officers of Pendleton High's Indian Club?
9. What congressmen in October introduced a bill before the U.S. Congress which could authorize the "buyout" of Indian fishing rights?
10. What young tribal actor may appear in movies next summer?
11. What day is set for the first upcoming timber sales?
12. Who is the 1976 Round-Up American Indian Beauty Queen?

ANSWERS: 1. Nov. 26. 2. Portland, Ore. 3. Morris Thompson, an Alaska Athabascan and fifth Indian in history to hold that post. 4. General Accounting Office. 5. Bruce Bishop. 6. \$480 million. 7. "From Where the Sun Now Stands." 8. President John Withers, Vice Pres. Phillip Minthorn, Secretary-Treasurer Pam Jones, Sergeant at Arms Amos Pond. 9. Rep. Lloyd Meeds, Washington Democrat. 10. Curtis Sampson. 11. Nov. 12 in the Board Room at Mission. 12. Carla Conner.

## umatilla vocabulary

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- |                |                   |
|----------------|-------------------|
| 1. Shiki       | Badger            |
| 2. Wishpush    | Beaver            |
| 3. Yaka        | Black Bear        |
| 4. tl alk      | Blacktail Deer    |
| 5. Gaap        | Bob Cat           |
| 6. Wawukya     | Bull Elk          |
| 7. Aykws       | Cottontail Rabbit |
| 8. Splyay      | Coyote            |
| 9. Winat       | Deer and Elk      |
| 10. K'usik'usi | Dog               |
| 11. Q'avik     | Elkcalf-Calf-Colt |
| 12. tashimka   | Elk cow           |
| 13. Tlipa      | Fox               |
| 14. k'usi      | Horse             |

LAST MONTH the Confederated Umatilla Journal published a piece of writing authored by the late Lessie Cornelison in 1944 entitled "Loyal Friends at Tutuilla," with the permission of her daughter, Mary Rinehart of Pendleton. This month we publish her story on the conversion of Fish Hawk and a "Session" held at the hour of his death. These are part of the history of the Tutuilla Church on the Umatilla Reservation. Lessie was the wife and helper of the Rev. J.M. Cornelison, Tutuilla pastor for many years. He wrote "Weyekin Stories" which may soon appear in these pages.

BY LESSIE CORNELISON

A LONE ONE-HORSE VEHICLE was wending its way bumpily on the road that ran parallel to the Union Pacific railroad track on the Umatilla Reservation. It was June in the Year of our Lord 1899. The air was redolent with the pungent odor of cottonwood trees on the banks of the river.

On the slopes on either side were refreshing green wheat fields. To the east and south were bare hills in delectable shades of lavender and pink, with elusive suggestion of soft greens, and in the distance, like a remote unattainable ideal, rose the pellucid sapphire ranges of the Blue Mountains against a vast blue firmament.

The figures in the foreground of this gorgeous landscape were obviously unimpressed by the beauty of the scene around them. A Town Marshall, decorated with the badge of his office, was grimly unsympathetic as a decrepit old Indian painfully climbed out of his buggy.

"FISH HAWK," he said sternly, "now you stay on this reservation where you belong. If you ever come to town and get drunk again I will have you sent to the Pen." Fish Hawk had been in town many days, drinking copiously of a very poor brand of hard liquor. He was a pathetic and terrible sight. There was a wild look in his eyes, bordering on insanity. His long hair was unkempt; his moccasins were nearly off his feet and his blanket was torn and soiled. Despite his disreputable appearance, the old brave returned an inscrutable dignity.

The poor old man felt suddenly neglected and lonely as the Marshall drove away. In former crises like this, they had taken him to jail where he had a soft cot to rest on and good food until he had recuperated sufficiently to return to his home. There he would meditate upon his sins and become repentant for a short space of time, until seized again with an overwhelming desire for strong drink.

TREMBLING AND FAINT he leaned against a tree for support. "Where, now, shall I go?" he mumbled in his own tongue. It occurred to him that he was not far from Small Hawk's place. Small Hawk was his nephew. He would go there.

The next day he was lying under a pine tree on a grassy knoll. He felt weak and shaken, and his mind was confused. However, he was gratefully conscious of the peaceful influence of the quiet countryside. There was a drowsy hum of bees and other insects, the soothing gurgle of running water. Mingling with the sound of the rill were the low voices of the women, washing roots by the spring. Their sweet laughter was like soft, little tinkling bells.

HE WOULD SOON recover, but now he was ill, with a voice that trailed in the distance like the murmur of the pines. He felt indescribably light as if he were going to float away.

Suddenly a terrible thing happened to him. A giant figure, holding an immense bottle, was coming toward him. The horrible creature had eyes as large as saucers. He was a terrifying sight.

Just as the helpless man expected to be annihilated by this monster, the scene changed. There was the refreshing sound of running water. He could see a clear, rushing stream with a glass beside it. Then sweet voices—a flock of white geese with golden heads, shining feathers and pink legs from the glow of the rising sun. One of them came forward. It was a maiden with golden hair and a white robe.

SHE CALLED to Fish Hawk, "Are you ready to go?" and ran lightly and joined the company of shining figures that had taken the place of the flock of geese. Lovely sounds again—and they were gone.

Parsons Motanic was looking down at Fish

Hawk. "Sit," commanded the old man, "I have something to tell you." He related his dream.

"Fish Hawk," said Motanic at the conclusion of the story, "you are a dirty man." "Yes," agreed the stricken Indian humbly, "I am a bad man. That creature with the big bottle was myself."

"Fish Hawk, you had a sister that died a long time ago?"

"Yes, I had a young sister who went to heaven long ago."

Then Motanic interpreted the vision. "I think your sister has come for you, Fish Hawk. I think you not live very long now."

THE POOR OLD MAN was deeply impressed by the hallucination and the warning of his friend. He decided never to touch another drop of liquor. This resolution he kept for the remainder of his life.

He soon became ill from tuberculosis. The young Presbyterian missionary, and the Nez Perce ministers who assisted him at the Tutuilla Mission, became hopeful of saving Fish Hawk's soul. They held prayer meetings in his tepee. One day he sent word for the Session not to visit him any more until he sent for them. The aged invalid said that when he decided to repent, he would send them word.

IT WAS FOURTH OF JULY morning, 1901. Parsons Motanic was washing his horse in the river. He was preparing for the parade which would take place on the campgrounds after the midday meal. Motanic would don his war costume and the horses would be decked in elaborate beaded trappings.

An Indian appeared, as Parsons Motanic was leading his mount away, with a message from Fish Hawk. Without stopping to tell his wife at their camp, Motanic hurried to his friend's tepee, several miles up the river.

The old man seemed quite ill. He greeted his friend thus: "I want you to get Enoch Pond and his elders to come. Now I want to repent of my sins. I want the Session to take me into the church."

MOTANIC RODE HURRIEDLY to the house of the elder, Robinson Minthorn. Fortunately, the Nez Perce minister, Enoch Pond, and the ruling elder, Philip Minthorn, were already there. The Session was soon in conference with Fish Hawk.

Beside his ballet were some bundles of sticks. These, he said, represented his crimes. He held up a bundle. They corresponded in number to the men he had killed. Another lot enumerated the robberies that he had committed. He pushed them away from him—thus he wished to renounce his sins.

IN THE MINUTES of the Session book of the Tutuilla Mission, dated August 1, 1901, is a brief account of the baptism of Fish Hawk. He was given the name of "Abraham." Reverend Enoch Pond was the moderator of the Session and Phillip and Robinson Minthorn were the elders. A note adds that previous to this ceremony the Rev. J.M. Cornelison had married Fish Hawk, by license, to his wife. He could not have been received in the church without being legally married. His Indian name was "We-a-ti-net'ti-mi-nins."

### STILLAGUAMISH SCORE LEGAL VICTORY

ARLINGTON, Wash.—The Stillaguamish Indians, who number about 150, filed a civil suit against Interior Secretary Thomas Kleppe in September of 1974 after the Interior Dept. failed to respond in any way to a petition for federal recognition of the tribe.

And on Oct. 27 of this year, Acting Interior Secy. Kent Frizzell in an official letter to attorney David Getches extended limited recognition to the Stillaguamish, their hunting and fishing rights and an entitlement to "certain" services from the Bureau of Indian Affairs (BIA).

The nearby Muckleshoot Tribe is sponsoring a celebration dinner and bone games Dec. 4 for the Stillaguamish on the Muckleshoot property.

**INDIAN POLICY:**

# New Carter statement



ATLANTA, Ga.—A public policy statement on Indian affairs for the upcoming Jimmy Carter Democratic administration was released here in the third week of October. It gives the principal lines of commitment for policy in the Indian area. Following is the full text of the October statement:

\*

AS THE DEMOCRATIC CANDIDATE for President, I recognize the unique relationship between the federal government and Native Americans, and I believe that to the greatest extent possible, programs for Indian tribes should be designed, implemented, and managed by Indian tribes. 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. Self-government must mean that the majority of decisions affecting Indian tribes will be made in the Tribal Council room and not in Washington, D.C.

Today, duplication of effort, waste and neglect pervade the administration of programs and in-

hibit self-determination, while newly enacted legislation is often bogged down for months waiting for the bureaucracy to develop confusing administrative regulations. A large percentage of federal money is eaten up through the administrative overlap and waste. Federal dollars appropriated for Indian programs are often misspent and misallocated to programs that are unwanted by, and of little use to, Indians.

AS PART OF MY PLANS to reorganize government, I intend a complete review of all federal programs designed for Indian people, to be conducted with the full participation of Indian leaders from tribal, urban and national organizations.

This review will determine the best manner by which the trust responsibility should be assured and maintained; it will consider how Indian legal interests, including land, water and energy resources, can best be represented in the future; it will analyze the administration of Indian programs and recommend changes to cut overhead costs and to assure that Indian needs are really being served; and it will develop plans for full participation by Indian tribes in the operation of their programs.

I WILL REVIEW AND REVISE if necessary, the federal laws relating to the American Indians, and the functions and purposes of the Bureau of Indian Affairs. The guiding principles of my review will be a strengthened reaffirmation of our legal and moral trust responsibility to the American Indians, and a strong, personal respect for the dignity of each of our First Americans.

Finally, I will not take unilateral action on any issue regarding Indian affairs, or Indian programs without full consultation with tribal representatives. Ours will be a government of participation, of action, of program involvement, and of true self-government.

## Carter's 'talent lists'

BY RICHARD LA COURSE

What are the top positions affecting Indian affairs which President-Elect Jimmy Carter will be filling as he heads toward Inauguration Jan. 20?

They stretch from the White House across the federal bureaucracy. Government-wide he has about 2,000 presidential appointments to make, and—as his aides in Atlanta have called them—he has “talent lists” to review to determine finally whom he will nominate for top posts.

Within the federal government picture in Washington, D.C., there is a total of 34 offices in 21 federal agencies which have top Indian affairs administrators. Many of these offices were held by Indians under both Nixon and Ford. And doubtless many of them will be filled by Indians under Carter.

### WHITE HOUSE

Departing Indian Affairs Specialist Bradley H. Patterson Jr. in the White House will probably be replaced by a top Indian affairs strategist under Carter.

Under Nixon and Ford, this specialist reported to his overseer who in turn reported directly to the President, bypassing the influential Domestic Council.

Carter's administrative operations and structures in the White House are not yet public. At least three persons in key spots during his campaign had much to do with Indians, though none were Indians themselves. These were:

David Berg, a Houston, Tex. civil rights attorney who worked on Carter's “issues staff” in Atlanta; also on this staff were Janet Oliver and Lynne Gutshall. They may reappear at some level of government. Berg presented a proposed Carter administration to Indians in Salt Lake City last month at the annual convention of the National Congress of American Indians (NCAI).

The talk in Washington, D.C. following the elections contains speculation that certain Indians who have taken a prominent and active role in the Carter campaign may obtain White House assignments.

### INTERIOR DEPARTMENT

A new Secretary of the Interior, overseer of the Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Bureau of Reclamation (BoR), Bonneville Power Admin. (BPA) and many other sub-agencies touching on Indian concerns, will be named after Jan. 20 (and perhaps announced before that date).

Conventional political wisdom among Indians across the country prefers that the Interior Secretary not be a Westerner—and beholden to political forces which oppose Indians principally in the West where most Indian lands are located and where sovereign powers are exercised strongly. If Carter listens to this point of view, look for an Easterner to get this post.

Also at Interior, key positions affecting Indian concerns include that of Associate Solicitor for Indian Affairs in the Solicitor's Office. This individual—with his complement of key staff—can determine in large part which legal Indian interests can be pursued by the Justice Dept. in the courts and which may fall by the wayside. In a coming “backlash” period, this position can be pivotal.

### BIA

Ahead most visibly are a new Indian Commissioner, his deputy, his immediate staff, and five division heads routinely named by the Commissioner. Picking an Indian Commissioner takes time. The nominee has to pass the close review of both the Civil Service Commission (CSC) and then the Federal Bureau of Investigation (FBI). Following these checks, the nominee goes before the Senate in a series of hearings, and must disclose his full personal financial history. A quest for “conflicts of interest” is serious before the Senate in a post-Watergate period.

### JUSTICE DEPARTMENT

Two offices in Justice—that of chief of the Lands and Natural Resources Division and the Office of Indian Rights—have achieved top prominence with the surfacing of land, water and mineral issues and the state of interracial conflicts in some parts of the country.

## legal affairs

### Proposed Amendment

THIS YEAR there will be an extra item on the ballot you will cast in the tribal elections Nov. 26. I am referring to a ballot measure that will determine whether tribal members wish to make a specific amendment to the tribal constitution.



The purpose of this amendment is to redefine the extent to which the Board of Trustees may regulate persons and activities within the Umatilla Reservation.

As is discussed below, broader powers are mandatory if the Board of Trustees is to do an effective job in representing and protecting tribal interests.

THE CHANGE would eliminate some language in Article VI, Section 1(d) which authorizes the Board of Trustees “to promulgate and enforce ordinances governing the conduct of members of the Tribe,

That phrasing would be replaced with language that would authorize the Board of Trustees “to promulgate and enforce ordinances governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation” (emphasis added).

THE TRIBAL CONSTITUTION defines the powers of tribal government. It is the most basic and fundamental of tribal documents. The expansion of tribal interests and operations requires that the governing body have sufficient authority to regulate those activities which affect tribal members, rights and property either favorably or adversely.

To illustrate the importance of this amendment, consider for a moment a recent court case this year involving a challenge by non-members to the authority of a Quechan tribal game warden to confiscate weapons from persons illegally hunting on the Quechan Reservation in Arizona and California.

THE QUECHAN CONSTITUTION provided that their Tribal Council “shall have the power to promulgate ordinances....and to establish minor courts....for the trial and punishment of members of the Tribe charged with the commission of offenses set forth in such ordinances.”

The U.S. District Court stated in its decision in this regard that “the Quechan Tribe, if it had the power to try non-members of the Tribe for violations of tribal law, has foresworn it. Nor, in view of the foregoing, may the Quechan Tribe cause any non-member who enters the reservation to forfeit his weapons or any other property as a consequence of violating tribal law.”

THIS IS BUT ONE EXAMPLE, but it served to illustrate two points. First, without proper authority, a tribe is unable to protect its basic rights and interests. And second, when tribal authority is challenged, courts look to tribal constitutions to determine the propriety of tribal action.

The proposed amendment to the Umatilla Constitution you will vote on Nov. 26 will be important in many phases of criminal and civil jurisdiction, once that jurisdiction is returned to the Tribe. It will enable existing programs to function more efficiently. Who can foresee what it will mean to future generations? But the authority will be there and available, even if unexercised.

THE TRIBAL CONSTITUTION is a tool—a very important tool for tribal government. It has existed unchanged in its present form for some 27 years. Bot tools frequently wear out, and repairs are necessary if that tool is to function properly.

—TRIBAL ATTY. DOUGLAS R. NASH

## TAX

(Continued from Page 3)

where the member lives upon the reservation and derives his income from sources within the boundaries of the reservation.”

The Supreme Court upheld the Bryan decision on June 14 of this year. And on July 15, Interior Dept. Asst. Regional Solicitor C. Richard Neely issued a legal opinion stating that tax refunds are “due” to all enrolled Indians of all tribes who earned their incomes and resided on the Umatilla Reservation at the same time.

Tribal Atty. Douglas Nash on Nov. 9 wrote Friesen asking that several further “clarifications” be provided. Among them:

Should the state cease its current practice of withholding taxes and issuing refunds each year to simplify its own bookkeeping and staff needs, and simplify procedures for tribal members? Does the personal income tax exemption apply to all enrolled members of all recognized tribes living and working on the reservation? Does the individual's right to tax refunds extend back to 1953, when Public Law 280 went into effect, or does the Oregon statute of limitations apply? And what are the methods by which individual enrolled members can apply for refunds under the new Supreme Court decision? Nash is expecting answers soon.

# Reservation cattle industry 'on hoof'

BY JOHN BARKLEY

**MISSION**—Members of the recently formed Umatilla Forest-Range Conservation and Development Enterprise have just attended the second annual convention of the National American Indian Cattlemen's Assn. (NAICA) in Salt Lake, which the tribe has just joined.

The purpose of that convention was to improve production and marketing of Indian-owned cattle with more available credit means for Indians throughout America.

Enterprise members attending the NAICA convention were Chairman Douglas Minthorn, Secretary Elzie Farrow and Tribal Development Office (TDO) planner Michael Farrow. (Other members of the Enterprise board are Denny Williams and Ronald Pond.)

What's this new effort about?

"Today," says Doug Minthorn, "there are few Indians who manage their own cattle while [in days past] there were many who did. I hope to see the cattle business utilized by the Indians here increased."

Minthorn says the enterprise is currently studying the feasibility of the rangelands and timber-

lands, with assistance from Ray Lowder, Bureau of Indian Affairs (BIA) forestry technician, and Jerry Lauer, range conservationist from the University of Idaho and now a BIA employee.

Says Doug: "It's all got to be studied out before you can put cattle on the reservation rangelands. Things are going pretty good right now. We're in a business and we mustn't fail. As soon as the reports are completed and evaluated, implementation will follow."

Presently, the tribe and tribal members own 40,882 acres of grazing land but utilize only 30 percent for their benefit. The remaining acres are being leased to non-Indians for their use.

The enterprise hopes to reacquire land through land sales or land claims and expand the cattle business within the tribe.

Through a loan from the Farmers Home Admin. (FmHA), the tribe is currently purchasing 1,800 acres of rangeland from Pat Davis, a farmer who resides in Adams. Along with the use of rangelands already in tribal ownership, this purchase will undoubtedly help the enterprise get "on the hoof."

Open grazing lands comprise 48 percent of the total trust lands of the Umatilla Reservat-



DOUGLAS MINTHORN

ion. When combined with timberlands used for grazing, a total of 63.6 percent of the land can be devoted to grazing livestock.

Reservation trust lands have been "blocked" into 15 designated range units covering 38,275 acres of grazing resource. This land with its resources can support 5,243 animals for any given year, and 1,090 cattle. This averages 7.06 acres per "animal unit month."

The 12 units on the reservation itself average 6.2 acres per animal unit month, while the three tribal units off the res-

ervation—which is mostly timberland—average 10.7 acres per animal unit month. The remainder of the grazing land is in small, isolated plots, wild lands and timberlands not used for grazing purposes.

A report from the BIA states that "the condition of the rangelands is good. With better management of rangelands, this condition could be excellent."

NAICA was founded in May of 1974, and today has over 40 member tribes which raise cattle and over 500 paid members.

The main problem areas NAICA has uncovered, said Minthorn after attending the Salt Lake session, were lack of adequate credit, lack of modern animal husbandry techniques and management techniques among Indian producers, and poor marketing of cattle.

Ongoing studies are underway in these areas to improve the situation of Indian cattlemen.

Credit is one of the largest problems today in Indian agriculture. Lack of collateral has curbed the Indian cattle credit field, and any previous loans defaulted on by Indian borrowers can give others a "bad reputation."

NAICA has worked with the Farm Credit Admin. (FCA) to seek an answer to this problem. An FCA report shows that it is feasible to establish a credit cooperative for Indians. The NAICA is now implementing this report through a program administered by the American Indian National Bank in Washington, D.C.

And solutions are being sought for other problems such as management and marketing. To manage an effective cattle business, NAICA feels that technical skills and practices must be utilized by Indian cattlemen. NAICA believes that new markets will build and improve the Indian cattle industry.

Some of the best and most profitable auctions in the U.S. beef cattle industries take place every year on Indian reservations.

NAICA has also assisted reservations in the promotion and advertising of sales to assure that enough buyers will be present to establish a competitive market.

With abundant supplies of resources on most reservations such as water, land and trainable labor, NAICA—and the Umatillas—can also project a large potential tribal job market.

## Indian cattle increase family income

BY RICHARD LA COURSE

**MISSION**—What are the major features of the nationwide Indian cattle-raising enterprise, and what is the extent of the involvement of reservation Indian folks in this enterprise across America?

Answers to these and other questions pertinent to the field are covered in the following question-and-answer format:

**Q.** When did Indians first become largely involved in cattle-raising?

**A.** Following the Allotment Act of 1887, tribal lands were allotted to individual tribal members in the amounts of 160 acres per head of household. The policy of the Allotment Era, running from 1887 to 1934, was to turn Indians into farmers and ranchers. The U.S. Indian Service provided a set amount of cattle to each Indian family. Cattle-raising has, in the past 90 years, become a way of life and a major means of self-employed income for countless reservation Indian families across the country.

**Q.** What is the cumulative income from Indian cattle-raising today?

**A.** According to estimates of the National American Indian Cattlemen's Association (NAICA), about two million head of cattle overall are raised by Indians today on reservations, bringing in an annual cumulative income of \$200 million for Indian families. Cattle-raising provides the single largest sector of income generated by Indian people working for themselves.

**Q.** Who are the main purchasers of Indian-raised beef?

**A.** Other ranchers buy calves from Indian cattle-raisers at periodic public auctions. Mature steers and cows are purchased by major regional slaughterhouses and meat processors, as well as by small local meat merchandisers. At present, most reservations have no coordinated methods for marketing Indian-raised cattle.

**Q.** Is there an on-reservation market for Indian cattle?

**A.** Potentially a large one. Under the Buy Indian Act of 1910, the BIA is required to purchase Indian products where those products are available. But at present the BIA is nowhere across Indian country an active purchaser of Indian beef—particularly for Indian day schools, school lunch programs and emergency food assistance. Some lawyers claim the Buy Indian Act also applies to the expansive Indian Health Service (IHS). And insiders in the field of Indian cattle-raising say that at present tribes are not prime purchasers of Indian beef themselves. In the Southwest, however, some purchasers contract in advance with cattle-raisers for a certain amount of cattle per year at an agreed price—sometimes above and sometimes below market price—for fall delivery.

**Q.** How many reservation cattlegrower associations are there?

**A.** At present the overall number is undetermined. But most of the reservations in the west and the Florida tribes have formed cattlegrowers' associations. The areas of highest productivity in Indian cattle-raising are the Southwestern states of New Mexico, Arizona, Colorado and Utah. The Northern Plains constitute the second greatest area of production.

**Q.** What is the function of the local cattlegrowers' association?

**A.** Most reservation cattlegrowers' associations were formed to influence and affect the policies and regulations established by tribal councils in setting rates for grazing lands and for the use of water. On some reservations, the tribe sets such rates for Indian cattlegrowers who utilize tribal trust grazing lands, and the BIA Agency sets such rates for those uses on allotted lands. On other reservations, Indian cattlegrowers have to undergo competitive bidding with non-Indians for the use of tribal grazing lands, sometimes with the disadvantage of less bidding capital. On a few Southwest reservations, cattlegrowers pay no grazing fees at all. The reservation cattlegrowers' associations advocate the interests of their members in the forum of the tribal council.

**Q.** Where do most Indians obtain funds to begin cattle-raising?

**A.** For Indians beginning a new cattle business, the Farmers Home Administration (FHA) in the Agriculture Dept. makes loans to Indians for the purchase of cattle. An FHA agent schedules rotation tours within his region, and approval for a loan request is given by an FHA approval board, sometimes which includes Indians as board members. Substantial grants and loans are available from the Indian Financing Act of 1974. To qualify for grants with a maximum limit of \$50,000, the family must derive most of its income from cattle-raising.

**Q.** Where do Indian cattle-raisers find herd expansion loans?

**A.** The Production Credit Assn., a lending institution in the private sector, extends loans at set interest rates to developing cattlemen. The BIA's revolving credit program, now experiencing a slowdown, has been a significant help to cattle folks in the past. And the new Indian Financing Act of 1974 offers new avenues for loans. It provides money for the cattle business in the ratio of 60 percent loans and 40 percent grants. The 40 percent grant monies, however, cannot be used to repay the loan portion under RIA regulations. And the Agriculture Dept. has an emergency lending program which extends 20-year loans with three percent annual interest rates for presently operating cattle-raisers.

**Q.** What are major expenses in Indian cattle-raising?

**A.** According to most Indian cattlemen, expenses—in order of cost—include grazing fees at about \$27 a year per head, breeding costs, veterinary treatment, interest on purchase loans, gas and oil for vehicles, new vehicles when needed, wages, capital investments in vehicles, and supplemental feed for livestock, especially in winter. One South Dakota Sioux cattle-raiser estimated his annual expenses at \$6,820 in all the above areas last year, and set his net yearly income at \$7,350, leaving him an actual annual income of only \$630 in the clear.

**Q.** What are the advantages of Indian cattle-raising?

**A.** First, the land and the water are there. And there may be the enjoyment of reduced or no grazing fees. Many Indian cattle folks take special pleasure in the fact they are self-employed, making a living for their families close to the earth, independent of a host of bosses. There is a sense of physical and spiritual achievement, most say. And today's Indian cattle-raisers are heirs to what has become a century-old tradition in Indian country, reaching into the fifth and sixth generations of Indian families.



# Puyallups win land after seizure

TACOMA—The Puyallup Tribe of western Washington has received six acres of land and the Cascadia Reception and Diagnostic Center here from the state of Washington via the federal government.

This action resulted from the tribe's eight-day seizure of the center Oct. 23 to Oct. 30.

The land and structures belonged to the tribe but went out of tribal hands due to an alleged violation of trust responsibility by the Bureau of Indian Affairs (BIA), said tribal officials.

Ramona Bennett, Puyallup Chairwoman, said: "This is the first response we have had from the federal government. We are still looking at the total property [more than 20 acres] and to have our claim to it recognized."

U.S. District Judge Morrell Sharp, who issued an eviction court order which was finally not utilized, publicly criticized the takeover tribal action.

Said Ms. Bennett of that criticism: "I have been to Washington, D.C. at least 15 to 20 times in the last five years. I have been to the state and met with state senators—and all they could do was look at me straight in the eyes and do nothing. I have been to the Dept. of Social and Health Services subcommittees but they couldn't do anything even though some of them wanted to help."

Puyallup Councilwoman Maiselle Bridges told the Journal the tribe desires to turn the facility into a multi-tribal service hospital for tribes in Washington, Oregon, Idaho and Montana. It would be Indian controlled, she said, but would welcome non-Indian doctors and staff under Indian administration.

In 1939 the tribe deeded the land—more than 20 acres—to the federal government for the construction of Cushman Indian Hospital on their lands.

The hospital closed in 1959 and was declared "surplus" by

HEW, parent department of the Indian Health Service. The land was then transferred to the General Services Administration (GSA). GSA transferred it to the state of Washington which used it as a juvenile

detention center.

Interior Undersecretary R. Dennis Ickes headed the federal

negotiating team which left part of the facility to the tribe, and eventual possession and control pending a final resolution of the dispute.

## SCHEDULED:

# Flu shots

MISSION—Swine flu shots will be available to all residents on the Umatilla Reservation every Friday afternoon from Nov. 5 through Nov. 26 at Yellowhawk Clinic.

Hours for the swine flu inoculations will be from 1:00 p.m. to 3:00 p.m. on Nov. 5, Nov. 12, Nov. 19 and Nov. 29.

A special clinic for senior citizens will be held at the Senior Citizens Center in Mission on Nov. 3 from 1:00 p.m. to 3:00 p.m.

An earlier schedule announced by Yellowhawk Clinic (and published in the Journal) was changed because of delays in availability and distribution of vaccine.

Flue shots are available free of charge to all residents of the Umatilla Reservation, Indian and non-Indian, at Yellowhawk Clinic.

The Indian Health Service (IHS), however, announced in the first week of November it would not be able to pay fees for those receiving vaccines from their private physicians, or from the Umatilla County Health Dept.

During the November inoculation period, Yellowhawk Clinic announced that shots would not be given to persons under 18 years of age, unless those young persons had a "history of chronic disease."

For further information call Yellowhawk Clinic, Mission, at 276-3811, Ext. 270.

# DON'S CORNER

BY DON KAUFFMAN

THE MINI HALFWAY HOUSE has undergone a substantial change. Walter Broncheau, the treatment coordinator, has been working with Halfway House Mgr. Ray Shippentower and Asst. Mgr. RoseMary Narcisse to develop an intensive 30-day treatment program. This program began Nov. 1.

The purpose of this program is to rehabilitate people and re-educate people with drinking problems into becoming more useful and confident people. This will also have an impact on the community in which they live, as they will contribute more positively to the community.

THE PROPOSED TREATMENT PROGRAM has been divided into four separate components. Although a singular theme of assisting the clients to conquer their disease runs through the entire process.

The first week will consist of orienting the clients to the goals and the operations of the Halfway House. The health of the residents will also be stressed during this phase to enable them to better absorb and participate in the remaining stages.

Walter Broncheau will be conducting self-awareness classes during the second week. These will entail building a positive self-image, thinking positively, goal setting and handling temporary setbacks, and learning how to love and be loved.

THE THIRD WEEK will consist of guest speakers. They will include a drug specialist, physician, mental health personnel, Indian Health Service personnel, and persons from the Umatilla County Sheriff's Office and Oregon State Police.

And because many of the residents have forgotten or neglected the everyday living patterns we take for granted, we will have speakers discuss basic issues. For example, a person from the bank will talk about banking procedures and savings. A car salesman will give a presentation on what to look for when purchasing a car. People from the welfare department will give information on eligibility requirements and procedures on applying for welfare assistance. Recreational activities will also be included during this portion of the treatment program.

THE FINAL WEEK will include a review of the past three weeks. Also, an evaluation of each of the residents at the Halfway House will take place to determine if further treatment is necessary. If further treatment is not indicated, we will seek employment or training for the client. If more treatment is needed, the client will undergo a screening process to determine if another 30 days would be beneficial to him or her.

If not, we will refer this individual to another appropriate program. Please feel free to visit the Mini Halfway House near Mission Crossroads and observe the program firsthand.

## CLINIC SCHEDULE

HOURS: 9:00 a.m. - 11:30 a.m. and 12:30 p.m. - 3:00 p.m. Mondays, Wednesdays, Thursdays, Fridays. NO CLINIC TUESDAY ALL DAY

### SPECIALTY CLINICS

WELL-CHILD:	2nd & 4th Wednesdays of each month 9:00 a.m. - 11:30 a.m. 12:30 p.m. - 3:30 p.m. BY APPOINTMENT ONLY
DERMATOLOGY:	1st Thursday of each month 8:00 a.m. - 12:00 noon NO APPOINTMENT NECESSARY
DATA BASE	Histry & Lab every Wednesday 9:00 a.m. - 11:30 a.m. 12:30 p.m. - 3:30 p.m. BY APPOINTMENT ONLY
PHYSICAL:	Every Thursday 9:00 a.m. - 11:30 a.m. 12:30 p.m. - 3:30 p.m. BY APPOINTMENT ONLY
EXPLANATION & FOLLOW-UP	Every Thursday 9:00 a.m. - 11:30 a.m. 12:30 p.m. - 3:30 p.m. BY APPOINTMENT ONLY
EARS, NOSE, THROAT	Quarterly; to be announced; by appointment only; must be seen in regular clinic first for referral
PRENATAL:	1st & 3rd Wednesday of each month 9:00 a.m. - 11:30 a.m. 12:30 p.m. - 3:30 p.m. BY APPOINTMENT ONLY

## Belindo new NIHB head

DENVER—John V. Belindo, Kiowa-Navajo, is the new executive director of the National Indian Health Board (NIHB) headquartered here.

NIHB Chairman Howard E. Tommie, a Florida Seminole, said on Belindo's appointment that Belindo has had responsibility in administering projects on a national basis.

NIHB is a non-profit Indian health organization founded in December of 1972, and is the only national organization representing and uniting Indian health boards country-wide. Its purpose is to be an advocate for tribal groups, health boards and health organizations, and to provide both information and assistance to tribes and health organizations.

Belindo is no newcomer to Indian affairs. In the 1960s he served as executive director of the National Congress of American Indians (NCAI), where he emphasized economic and industrial development on reservations.

He is past national director of the Native American Legal Defense and Education Fund (NALDEF) active in Washington, D.C., Oklahoma City and Albuquerque. In New Mexico he co-hosted the televis-

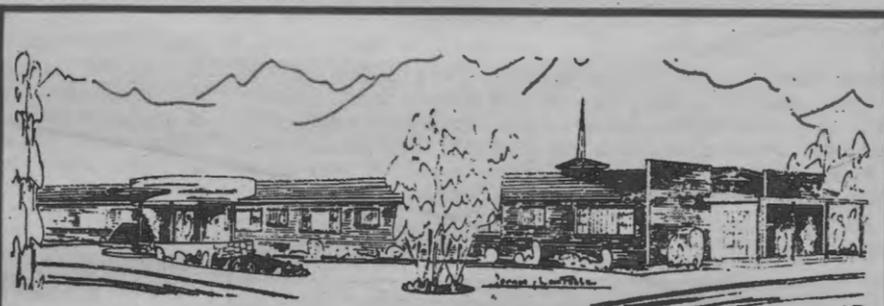
ion show "First Americans," a series of biweekly public affairs TV shows of interest to Indians in New Mexico, Arizona and Colorado.

Belindo is a member of the Oklahoma Kiowa Black Leggings Warrior Society which is working to preserve Kiowa culture. He is also a member of the Kiowa Gourd Clan.

He has acted in various capacities for Indian tribes and councils. He was a project consultant to the National Council on Indian Opportunity (NCIO) on "Project Outreach" for the Vice President.

He has also served as a member of the Indian Rights Committee of the American Civil Liberties Union (ACLU), board member of the Albuquerque Urban Indian Center, and consultant with the Institute for the Development of Indian Law (IDIL) in the capital in the areas of treaty rights, sovereignty, jurisdiction, resource management and improvement of the federal system.

NIHB is located at Brooks Towers Bldg., Rm. 4-E, 1020 15th St., Denver 80202. Telephone number is (303) 534-5482.



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"Only an informed people has its future in its own hands."

CAYUSE

WALLA WALLA

UMATILLA

## COMMENT

## Inside new Congress

THE SENATE COMMITTEE ON COMMITTEES is putting the final touches on a plan to reorganize the Senate committee system and reduce overall committees from 31 to 14. Directly affected will be the present Senate Interior and Insular Affairs Committee and the Senate Indian Affairs Subcommittee, where almost all Indian legislation gets its start in life on the Senate side.

Chairman of the Senate Committee on Committees is Sen. Adlai Stevenson, Illinois Democrat. It has a dozen members, including Oregon Republican Sen. Bob Packwood.

WITH THIS DRASTIC REDUCTION in the Senate committee system, most Indians are critically concerned just where responsibilities for Indian legislation will be placed. They are also highly concerned over membership on the committees.

The National Congress of American Indians (NCAI) in its 33rd annual convention in Salt Lake City in late October passed a resolution requesting the Senate to establish a fifteenth Committee on Indian Affairs.

IN SALT LAKE, congressional legal specialists told the 2,000-member NCAI assembly that most Indian legislation would be referred most likely either to the proposed Committee on Natural Resources—because Indians are owners of massive land areas and mineral resources across the nation—or to the proposed Committee on Human Resources when bills have a social, educational or economic dimension to them.

However it all works out, it's going to be a whole new ballgame for Indians in the Congress in 1977.

PERSONALITIES AND STAFF, too, are undergoing changes, both in the Senate and in the House of Representatives.

Forrest J. Gerard, a Montana Blackfeet and highly respected professional staff member to the Senate Interior Committee, resigned Nov. 1 as a key aide to Sen. Henry M. Jackson, Washington Demo-

crat. He has worked there scheduling hearings and witnesses, conducting investigations, requesting key legal information, and preparing drafts of legislation which have now become public laws. Ella Mae Horse, Cherokee and Senate Interior staff assistant, has also departed after three years of intensely active work on the Senate side.

Relatively new staff faces on the Senate side are R.D. Folsom with the Senate Interior Committee and Atty. Anthony Strong, an Alaskan Tlingit who has joined the staff of Sen. James Abourezk, D-S.D., Indian affairs subcommittee chairman.

ON THE HOUSE SIDE, Rep. James Haley, D-Fla. retired at the close of the 94th Congress. He served as Chairman of the House Interior Committee. Rep. Lloyd Meeds, D-Wash., has announced his intentions to depart the chairmanship of the House Indian Affairs Subcommittee. (As we go to press his reelection in his home district is neck-and-neck.)

Franklin Ducheneaux, a Cheyenne River Sioux and legal counsel to the House Indian Affairs Committee under Meeds, will resign his House position in June. Lawyer Ducheneaux is the only Indian legal staffer to work on the House side on this committee in its entire history. He has worked in this position since 1972. Taking the reins from Ducheneaux will be House minority counsel Michael Jackson.

NEXT SPRING a series of legislative recommendations will go to Congress from the American Indian Policy Review Commission. A national jurisdiction return bill for all tribes will probably be introduced by NCAI. A bill authorizing land consolidation for tribes, two bills seeking the creation of a Northwest Indian Fish Study Commission to resolve Indian fishing controversies in the Northwest, and others providing restoration for a number of terminated tribes (including the Oregon Siletz) will be before Congress. But the new Senate committee structure, committee members and new staff workers in Congress will determine just how far any of that will go.

## Important constitutional changes

THE NOVEMBER 25 TRIBAL ELECTIONS are an important event in the ongoing life and history of the tribe. Choosing responsible leaders from the men and women of the reservation is one of the most important obligations of the tribal citizen. These leaders set the direction for the tribe for significant periods of time.

On the ballot this year is also a highly significant and momentous referendum on amending the Tribal Constitution and By-Laws which have governed the tribe unchanged since December 7, 1949. In 27 years the times, the pressures on the tribe, the political relationships of the tribe have changed. Courts have acted in realistic and potent decisions upholding tribal rights anchored in the 1855 Treaty of Walla Walla—but those rights suffer repeated and continuing challenges. The key and fundamental concept behind the proposed constitutional change in the Nov. 26 voting is whether tribal members wish to strengthen the Constitution—and your tribe—by clarifying the full extent of tribal jurisdiction.

IT IS AN IMPORTANT amendment and requires your close attention and evaluation. When the Umatilla Jurisdiction Restoration Bill is introduced into the House and Senate next spring, how you vote Nov. 26 will affect how strongly Congress can move. It is of utmost importance that the clear tribal will be voiced loudly and strongly in this election. It is wise to anticipate problems before they happen, and to remedy any shortcomings which can minimize problems when they occur. The jurisdiction referendum you face Nov. 26 may be one of the most important votes you cast in the whole of the 1970s. Consider it well.

And in what spirit should we vote? Election Committee Chairman Viola P. Wocatsie puts it this way: "We as American Indians today more than ever before are in the public limelight due to the vast amount of legislation affecting American Indians. For this reason let us all, without ill feeling and with good will, give our wholehearted support to the candidates of our choice on Nov. 26. Some reservation people fight among themselves and nothing is accomplished. I've heard this from the many meetings where many tribes are represented. Let the results of this election bring us continued unity."

## The coming 'chill'

THE LESSONS OF NCAI concerning the building backlash against time-honored tribal rights and the coming chill in pressures on congressmen by "Redneck organizations" are frightening and serious warnings. At NCAI, congressional staffers and attorneys declared that it is possible that even pressures to repeal—not dilute but do away with—treaties may well occur next year. Few things get more serious or troubling.

Some people fear that we may be returning to a political season as troubled nationally as the 1950s. What is different today, however, is the presence of large numbers of Indian attorneys, of highly gifted and trained tribal leaders true to real concept of tribal life and rights, of Indian professionals in many fields able to measure what is happening. What matters is genuine Indian commitment. And the torch of the protection of Indian rights and interests is being passed to a new generation.

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BY RONALD POND

SINCE I HAVE INHERITED my parents' land holdings on this reservation, the leasing program on the reservation has always confused me. I share interests in lands with other members of my family. Anywhere from three to 20 heirs may share lands across the reservation.

Most of our lands are leased to white renters for farming and grazing. For nine years, to date, I still do not know the exact locations of the lands in which I share an interest. This is why we landowners do not have any bargaining power—because we do not know what is going on, and we let the same leasing programs continue on the same way they have for the past 25 years.

ON A FEW OCCASIONS a renter will come to my house and have me sign a lease. Often, other lease agreements come through the mail. Usually, the renters need only two-thirds of the signatures of the heirs to permit them to carry on their farming or ranching operations. So there are times I don't have to sign anything.

Who owns the land? Sometimes, when I sign a lease, it seems that the renter becomes the landlord, and I the tenant. We do not profit from our own lands. The renter does. The renter will continue to profit unless we do something to make our lands productive for ourselves.

FOR EXAMPLE, let's look at the one-third crop share phenomenon. Let's say renter John Doe owns Allotment U-20 with 40 acres. He owns a second, Allotment U-22, with 160 acres, and leases that for four years, along with the first allotment. That's a total of 200 acres, shared by seven heirs. One year the crop plan calls for the land to be fallow, the next in grain, the next fallow and the last in grain. Let's say it's all Class 2 wheatland—good land suitable for cultivation. Is all this an improvement?

## Tribal leasing dilemma

Before I go any farther, I am no authority on the wheat market. I am only trying to convey the situation from our level, as typical landowners. The information I have used as an example comes from an actual leasing agreement I have on record.

THE TOTAL CROP FIGURE for 200 acres for 1975 is only an estimate. My crop share was \$1,350. The total 1975 crop share on the one-third plan for seven heirs was \$8,100. The renter gets the other two-thirds, which is \$16,200. In some cases the renter puts the wheat in storage and waits for the wheat price to rise.

A crop report is turned into the agency, but that doesn't mean necessarily that the renter has sold the wheat. He may sell just enough to cover the one-third guarantee in the crop report to pay off the landowners—and wait to sell the rest of the wheat. After another year in fallow, and another year in grain crop, the same process would continue.

AND THE COMBINED TOTAL of two crop years could be estimated somewhere in the neighborhood of \$48,600. Of that I may receive \$2,700.

Of course the farmer has expenses like fertilizer, weed control, tillage operations and other costs. Nevertheless, they make a healthy profit. A highly important factor is that all Indian lands allotted in trust are tax-exempt—meaning that white farmers do not have to pay tax on Indian property they rent and farm. It's all profit.

HOW DO WE do away with the one-third crop share phenomenon? This land is the land of our ancestors. And if we don't use the land to benefit ourselves and our children, then someone else will profit from the land which was set aside in perpetuity for our welfare.

# SOUNDING OFF

## U OF O CORRESPONDENT

Journal:  
Hope this finds all of you well and busy. U of O is not much changed since last year, but the Native American Student Union is changing. We're going to have a few social events just so we can congregate, and then hopefully get together on a few big events. Will let you know if anything big is brewing down this way.

Bobbie Conner  
University of Oregon  
Eugene

## THE BORGSTROM MEMO

Journal:  
Would it be possible to receive a copy of "The Borgstrom Memo" in the July issue of the Journal?

Dawn Hollis  
Community Services Director  
Candelaria American Indian Council  
2739 Buckaroo Ave.  
Oxnard, Cal.

[EDITOR'S NOTE: It's been sent.]

## INDIAN PRESS & TV

Journal:  
After reading the "Sounding Off" column of the Journal which came across my desk today, I saw letters from a cross-section of Indian people across the United States. Congratulations on the quality of work you are doing for Indian people in the Pacific Northwest.

The "First Americans" television show is still being aired by KOAT-TV in Albuquerque. Glenn Paquin is now the moderator and producer of the show. WETA-TV [of Washington, D.C.] has a proposal for the "Way of the Pipe" series under consideration for funding by the Corporation for Public Broadcasting. Hopefully CPB will act soon, and if so WETA will begin production of the pilot film for the proposed PBS series.

John Belindo  
Executive Director  
National Indian Health Board  
Brooks Towers Bldg. - Rm. 4-E  
1020 15th St.  
Denver, Colo.

[EDITOR'S NOTE: Belindo was originator of one of the few Indian TV shows

in the nation. Others are broadcast in Arizona and New Mexico, Utah, Oregon, Oklahoma, North Dakota and Minnesota]

\* \* \*

Journal:  
We have received word that you have started the Confederated Umatilla Journal in Oregon. We are sending a copy of the "Indian Voice" newspaper. We would like very much to begin an exchange of papers.

We feel it is time that we work together instead of working against each other. We are now working with the Yakima Nation Review in exchange of papers. We hope that we might also be able to work with you and look to helping each other out from time to time. Good luck to the tribe on its newspaper.

Gracie A. Coe  
Advertising Mgr.  
Indian Voice  
Small Tribes of Western Wash.  
P.O. Box 578  
Sumner, Wash.

## FIRE DISTRICT PLANNING

Journal:  
The October edition of the Journal contained an article by John Barkley describing the activities and planning regarding the organization of the community fire protection district.

My department is currently engaged in a similar effort and I was able to relate to the problems and situations described in the article.

Due to the similarities of the situations on the Umatilla and Hoopa Reservations, I would like to contact Mr. Barkley and perhaps exchange some ideas regarding the organization of a fire protection district on a reservation. I believe the least we can offer each other is a shoulder to cry on. I am sure, however, that some helpful information could be exchanged. Can you assist me in establishing contact with Mr. Barkley?

Ray L. Matilton Jr.  
Planning Director  
Hoopa Valley Business Council  
Hoopa, Calif.

[EDITOR'S NOTE: In late October John Barkley joined the staff of the Journal. The Umatilla Tribal Development Office at Mission, Ore., is continuing plans for the proposed reservation fire district. Write Tribal Development Office, Confederated Tribes, P.O. Box 638, Pendleton, OR 97801, or contact Thomas Hampson by telephone at (503) 276-3165.]



## TEXT: October Tribal-BPA fishery pact

### PREAMBLE

ONE OF THE MOST PRICELESS ASSETS and precious natural resources of the Pacific Northwest is the anadromous fishery of the Columbia River and its tributaries. The gradual depletion of this great resource is of grave concern to a broad range of Northwest interests, be they social, cultural, economic, environmental, recreational or governmental. The preservation and restoration of the fishery has long been a common goal of dedicated, albeit fragmented, efforts on the part of numerous agencies, organizations and individuals.

The parties to this Memorandum of Understanding are committed to the premise that decisive action under shared leadership is essential if further deterioration of the fishery is to be forestalled. They are equally committed to the concept of solving a regional problem on a coordinated regional basis.

The signatories to this Memorandum of Understanding represent the following parties: the Nez Perce Tribe of Idaho, the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Yakima Indian Reservation of Washington (hereinafter collectively referred to as "the Tribes") and Bonneville Power Administration (hereinafter referred to as "BPA").

### COMMONALITY OF INTEREST

The Tribes and BPA each have compelling reasons for jointly participating with each other and with other interests in a regional program to assure protection and enhancement of the fishery, and for entering into this Memorandum of Understanding.

The Tribes have a deep-rooted cultural and economic concern for the well-being of the resource. Their status as recognized jurisdictions of government is reinforced by judicial decisions which recognize their salient interests with regard to the equitable sharing of the resource. Federal court decisions have specifically established that the Tribes have treaty rights to an equitable share of the Columbia Basin fishery resource and to restraints on fluctuations in river levels which would interfere with their harvest of the resource.

BPA recognizes that operation of the Federal Columbia River Power System may be subject to restraints on peaking and rates of flow for the protection of the fishery resource, even though such restraints may reduce power generation. Any fishery improvement programs which would permit greater FCRPS power production would directly benefit the users of BPA power.

BPA is the designated recipient of most revenues generated by the FCRPS, which includes an investment of some \$300 million in fishery mitigation programs and facilities. Currently some \$19.5 million annually of FCRPS revenues is allocated by BPA to the maintenance, amortization, and interest on this investment. As a bureau of the U.S. Department of the Interior, BPA recognizes the special trust and treaty responsibilities

vested in the Secretary of the Interior with regard to Indian tribes. Additionally, BPA has indicated its responsiveness to a recent joint proposal by the Governors of Oregon, Washington, and Idaho that BPA expand its participation in a regional program of fishery mitigation through whatever regional entity may be designated by the three Governors acting in their joint capacity as members of the Pacific Northwest Regional Commission.

Other parties share with the Tribes and BPA a commonality of concern for and dedication to the restoration of the fishery. These include the Pacific Northwest Regional Commission, other federal, state, and local government agencies, other Indian tribes, sports and wildlife associations, river and marine commercial fisheries, environmental, business and labor organizations, and many thousands of concerned individuals.

### STATEMENT OF PURPOSE

The purpose of this Memorandum of Understanding is to forge a partnership among the Tribes and BPA for undertaking a pilot program aimed at helping to restore the Columbia River anadromous fishery. We intend to conduct this program on a biologically sound and fiscally responsible basis, in coordination with all other fishery interests for the betterment of the region as a whole. This Memorandum of Understanding shall be carried out in a manner compatible with any subsequent coordination agreement which may be executed with the Pacific Northwest Regional Commission or whatever entity(ies) its members may designate.

### OBJECTIVES

The objectives of this joint program are:

- A. To assure that programs approved complement and strengthen those carried out under the authority of the Pacific Northwest Regional Commission and other resource agencies;
- B. To develop funding procedures that can support a flexible ongoing program;
- C. To assist the Tribes in the development of their fishery technical capability and to assure their equitable participation in regional fishery planning and decision-making;
- D. To strengthen BPA involvement in fishery mitigation commensurate with its present and future level of financial obligation to these activities;
- E. To identify initially a specific pilot project or projects which promise measurable results in the near term (2-4 years) and which have regional application;
- F. To consult and coordinate with other resource and user entities in identifying and implementing projects, and in assessing their results;

G. Within the confines of this Memorandum of Understanding, to share equally in the decision-making process, but to give the Tribes direct programmatic responsibility, thereby minimizing the need for BPA to enlarge its staff.

### RESPONSIBILITIES

In carrying out this joint program and any projects thereunder, the Tribes will be responsible for:

- A. Assessing their own and other technical resources and, if advisable, obtaining additional professional advice and assistance.
- B. Consulting with all parties involved in propagation, management, and harvesting of the Columbia River anadromous fishery;
- C. Identifying specific projects and, with BPA concurrence, implementing such projects in a coordinated regional context;
- D. Providing approximately 20 percent contribution for a first-year pilot program.

BPA will be responsible for:

- A. Supervising, in concert with the Tribes, the selection, implementation and assessment of specific projects with a regional application and regional concurrence;
- B. Exerting its best efforts to improve the fishery, without involving itself in the regulation or user apportionment of the resource;
- C. Clarifying BPA's present administrative authority to participate directly in the funding of such a fishery mitigation program. If such capability is lacking, BPA will use its best efforts to obtain legislative funding authority;
- D. Subject to obtaining such authority, providing not less than 80 percent funding of a first-year pilot program.

### JOINT COMMITMENT

The parties to this Memorandum of Understanding jointly commit their good faith and best efforts to seeking the restoration of the anadromous fishery of the Columbia River and its tributaries. We welcome the advice, assistance, and cooperation of all interested parties in pursuing this goal on a coordinated regional basis.

This Memorandum of Understanding is hereby executed in five duplicate original copies on this 13th day of October, 1976.

[Signing this historic document Oct. 13 at the Ka-Nee-Ta Resort near Warm Springs, Ore., were: Umatilla Board Chairman Leslie Minthorn; Warm Springs Council Chairman Zane Jackson; Yakima Council Chairman Watson Totus; Nez Perce Executive Committee Chairman Richard Halfmoon; and BPA Administrator Don Hodel. See picture, Page 2.]

# names & faces



## BEAUTIFUL PEOPLE



WILLIAM AND VIVIAN MINTHORN caught the eye of everybody in Salt Lake during the NCAI powwow the night of Oct. 20. William's headdress is the traditional buffalo horns embedded in ermine strips with a trailer of eagle honor feathers. He also wore a ceremonial loop necklace, beaded gauntlets, beaded belt, leggings, breachcloth and moccasins. Vivian's extraordinary dress was made of two doeskins with contemporary beaded design with matching cuffs, moccasins and leggings. In her hands are a vintage bag and eagle fan. In Salt Lake they brought recognition to the Confederated Tribes.—(Photo courtesy Yakima Nation Review, Toppenish.)

**CHEMAWA FIRE:** Flames destroyed Mitchell Hall in early morning Oct. 25 but no one—students or staff—was injured during the Chemawa Indian School blaze. Our students attending this year are Melvin Aviles, Margaret Buck, James Dave, Joseph Johnson, Pam Sheeships, Steve and Brad Filkins and Florence Holskey.

**A & D STAFFER:** Patricia Lobato, 21, of Ontario was selected Nov. 9 as secretary of the Alcohol and Drug Program in Mission. Of Apache-Cherokee and Spanish-American descent, she will assume her new job in mid-November.

**GOOD NEWS:** Our good friend Ike Patrick was hospitalized for a stretch of time in Pendleton but is now home again and visiting the sweathouse in company of friends. ....October senior citizens' birthdays honored by the Golden Age Council were those of Margaret Wahsise, Lawrence Parr, Theda Abbott and Louise Moore. Coming up in the November tribute: Ted Stickler, Russell Carden and Esther Lewis.

**THEM CHANGES:** Many faces—some familiar, some new—are busy working in many offices for tribal folks. Let's take a look:

**TRIBAL TRAVELLERS:** Board Chairman Leslie Minthorn together with Board Members Sam Kash Kash and William Minthorn and General Council Officers RoseMary Narcisse and Eliza Bill were official delegates to NCAI in Salt Lake Oct. 18-22. JOM Committee Chairman Emma Farrow also was there attending the special education concerns sessions. ....Douglas Minthorn and Michael Farrow were also in Salt Lake Nov. 3-6 to attend the National American Indian Cattlemen's Assn. convention. ...TDO Director Tom Hampson served on the ad hoc planning committee with BPA and state fisheries officers following the Oct. 13 first signing of agreement. Kenneth Bill and Kathryn Brigham, Fish Committee members, have succeeded Tom in that role. ....Manpower officers Dale Magers and Debbie Whiteley, with Chairman Leslie Minthorn participated in a National Indian Action Team conference in Reno Nov. 8-10 with organization sessions and workshops. ....Education Director Woehsa Hampson travelled to Portland Nov. 12 to examine Day Care Centers. ....Tribal delegates will be taking part in the ATNI Portland meeting at the Cosmopolitan Dec. 6-8.

**[BIA]:** Ernestine Conner is a clerk in real property management and Edith Cody is clerk at the agency's front desk. Ms. Dorothy Wood, whose last duty station was in Albuquerque, N.M., arrived here recently to start as a social worker following the retirement of "Doc" Holliday.

**[IHS]:** You can see Stephanie Burke at the front desk at Yellowhawk Clinic where she is a clerk typist. If you've got teeth problems you'll probably see Beverly Tuttle, an Oglala Sioux and dental assistant. Checking on your own medical history, you'll meet Betty Emerson, Colville, medical records librarian. Mark Alexander keeps the supplies and distances problem solvable.

**[TRIBAL OFFICE]:** Marjorie Nelson has transferred from mental health to the tribal office as executive secretary. And Irene Melendrez is busy weighing facts and figures in the accounting office. Alongside Irene now are Gladys Sentre and Tina Hamm who are part-time accounting clerks.

**[NASH OFFICE]:** Jeannette Brandt recently replaced Lillian "Sis" Moses, the artist, as legal secretary to Tribal Atty. Douglas Nash. "Sis" is expanding her artistic talents mightily by becoming a student this fall at the prestigious Institute of American Indian Arts in Santa Fe, N.M.

**[ABE CENTER]:** Carol Kirksey is set to become coordinator of the Adult Basic Education Center on the agency campus, and Mary Wolfgram will most likely become the new ABE instructor. Also continuing as instructor should be Cindy Hilden.

**BACK HOME:** Returning from Burns were Alvina and Rex Huesties and children B.J., Raymond ("Moon") and four-month-old Esther Lynn. Rex was tribal police officer for the Paiute Tribe. They are "home for good now." Rex is seeking a law enforcement position in this area. Alvina has assumed school counselor responsibilities.

**TRIBAL REC:** A coordinator for tribal recreation and athletic programs is wanted with "mature leadership qualities." We need you. Contact Business Manager at Tribal Office, 276-3165.

# home groans



ONE TRIBAL MEMBER has told his children that when he was young, "I was so poor I had to make my obscene calls collect!"

RAMONA BENNETT, Puyallup Tribal Chairwoman, finds it hard to deal with Washington state officials. Says she: "One important principle for Indians in relation to states is knowing what to kiss, when, and how long!"

DOUGLAS NASH, tribal atty., likes the Polish version of CB "Ten-Four" talk. He goes around saying "Five-Five-Two-Two."

IN UTAH—the Mormon non-drinking state—many whites were observed by NCAI in cocktail lounges and taverns. They were soon nicknamed "Jack and Jacqueline Mormons."

PRESIDENTIAL VOTE: Just before this Nov. 2 many Indians on Puget Sound were seen carrying signs saying "Judge Boldt for President!" The Supreme Court has just upheld his historic fishing decision.

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### ERRORS PEOPLE MAKE

SOMEONE HAS TO BE TURNED DOWN if several people apply for the same job. The reasons an applicant is not hired may vary greatly. If you are having difficulty getting a job, there must be good reasons for your lack of success. Below you will find listed a number of reasons why applicants do not get jobs. Review them carefully. See if any of the reasons could apply to you. If they do, you can make an effort to correct them.

- Applicant's personal appearance is not suitable for the work being applied for.
- Applicant does not have enough training or experience for the job.
- Applicant does not have a businesslike attitude or behavior in the interview.
- Applicant fails to show up or comes late for the interview.
- Applicant has an unfriendly or hostile manner.
- Applicant does not make a passing score on the vocational test.
- Applicant asks too many questions about employee benefits instead of about the job itself.
- Applicant asks for more pay than he or she is worth.
- Applicant takes another person with him or her to the interview.
- Female applicants do not have child care plans for their children.

SOMETIMES JOB LOOKING can be very discouraging. Of course, it is disappointing to be very hopeful that you will get a job and then be turned down. If you experience difficulties, don't simply give up. Re-evaluate yourself as a potential employee. Are you really putting out all your effort to show the person you are interviewed by that you want to work? Are you practicing all the suggestions you read about interviewing, personal appearance, and finding a job opening? You can usually find the source of your own problem. When you've found it, act quickly to improve yourself. Here are a few tips.

## DURING THE INTERVIEW

- Create a good impression by assuming a natural position when seated. Try not to be nervous. Do not chew gum or smoke.
- Be businesslike and brief. Let the employer take the lead in conversation. Answer his questions quickly, frankly and honestly.
- Pick up clues given you by the employer's questions of statements and use them to convince him that you fit his requirements.
- Stress your qualifications and reasons why you are interested in working for the firm. (It is a good idea to find out everything you can about the firm before your interview.)
- It is better to ask for a specific type of job, rather than say "I'll take any job that's open."
- Avoid mention of your personal, domestic or financial problems. Discuss only matters related to the job, and don't criticize others during the interview, whether former employers or associates.
- Have a definite understanding as to what is to be required of you before you are hired. This will avoid disappointment for you and for your employer.
- Expect to start at the bottom if you are just out of school. Most employers had to start there too.
- If you fail to sell yourself the first time, try again. Improve your presentation each time and above all don't be discouraged.
- Be your most agreeable self during the interview.
- Be poised.
- Do not show a know-all attitude.

OFTEN IT IS USEFUL to go back over the interview itself. Try to reconstruct each step. Start with your preparation for the interview. Think about each thing that you did. Perhaps the interviewer gave you a suggestion for improving your chances for future interviews. Try making a list of ways you feel you can improve your chances for getting the next job you interview for. As you go over the steps, you may remember something that did not go well. For example, you might have had to rush to get to the interview on time. Not having time to relax before the interview could have caused you to seem nervous and unsure of yourself. This type of thinking and re-examining is especially beneficial. You may be surprised at all the ways you find to improve.

## DEVELOPING POSITIVE ATTITUDES

ONCE YOU ARE HIRED for the job, the real challenge is just around the corner. You must actively develop positive work attitudes. In order to gain a workable attitude toward your responsibilities you need to:

- Know clearly what your responsibilities are.
- Learn the skills needed to take and follow directions.
- Understand the relationship of your work role to the total work environment. Know how you fit into things and why your particular job is important.
- Be able to identify possible trouble spots, such as why many workers lose their jobs. Human relations are a most important part of nearly all jobs. Good human relations can be developed with time and practice and thought. Here are some hints:

#### WITH THE CO-WORKER:

Treat and know people as individuals. Recognize that people's moods are unpredictable. Don't pass the buck. Be loyal to co-workers. Seek promotion through your own merit. Build group morale. Understand what others are feeling and saying.

#### WITH THE EMPLOYER:

Be sold on the aims, purposes and outcomes that your employer has in mind. Be loyal to your employer. Accept constructive criticism. Contribute new ideas for the benefit of all. Assume and carry out your assigned responsibilities. Recognize your employer as a human being, subject to varying needs and pressures. Accept company or project policies and procedures. Foster good feelings toward one another rather than hostility.

#### GOOD HUMAN RELATIONS:

Good human relations are of real benefit in the world of work. They contribute to high productivity or accomplishment by all, low labor turnover, decrease in lateness and absenteeism, few grievances or little conflict, high morale—and job satisfaction and advancement.

#### REMEMBER:

If you are being interviewed for a job, an employer will be searching for evidence of all the qualities listed above. Jobs.

## ADJUSTING TO A NEW JOB

A NEW EMPLOYEE is likely to be a little nervous during the first few days on the job. Most employers expect this. However, you can make your first days on the job easier. Here are some basic suggestions:

- Go to work a few minutes ahead of time. Report early to your supervisor.
- Listen to instructions carefully. Ask questions if you don't understand what is expected of you. It is often helpful to take notes on things you need to remember.
- Be friendly to fellow employees—but don't waste time by visiting on the job.
- Don't be too familiar with department heads. If you are overly familiar, your actions may be misunderstood by other fellow employees.
- Try not to be over-anxious. Do your best, keep calm.
- Report your mistakes to your immediate supervisor. Learn from your mistakes so that you will not make them a second time. Remember, too, that we ALL make mistakes—especially at first.
- Learn the company rules and regulations. Do your job the way your supervisor wants it done. He usually has good reasons based on experience for doing things a particular way. Later on your supervisor, hopefully, will listen to any suggestions you may have.
- Think for yourself. Take a real interest in your work.
- Clean up after your work. Keep your work area neat.

REMEMBER: Things will get easier and better once you get used to the daily routine. Keep cool. Keep willing. Keep trying. Keep learning.

FELLOW EMPLOYEES will appreciate it if you:

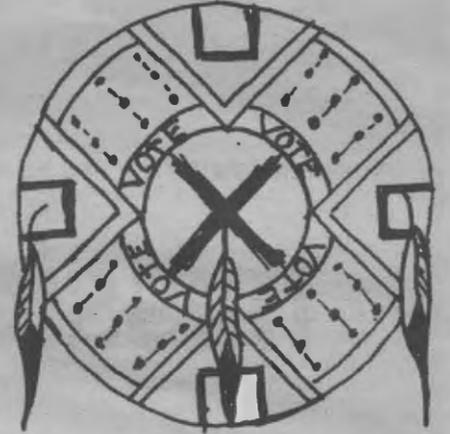
- Are polite and friendly.
- Show cooperation. Do your share of the work and even be ready to do more than your share if necessary.
- Pay attention to others' advice, constructive criticism.
- Show respect to others for the job they do, whatever it may be. All jobs are important or they wouldn't exist.

A SOUND JOB SECRET: You usually have to make your own luck!

# New election code takes effect

*MISSION—This year, for the first time in the history of the Umatilla Reservation, annual tribal elections will be conducted in accord with a written Elections Ordinance. A draft of this ordinance was prepared by Tribal Atty. Douglas R. Nash over the past winter in line with requirements outlined for a comprehensive tribal government development program adopted by the tribe.*

*The first draft of this ordinance was completed on Feb. 16 of this year. On Feb. 18 it was submitted to the Board of Trustees, and a three-member elections review committee was named to weigh every single word. According to Nash, the ordinance was prepared in strict compliance with the Tribal Constitution and By-Laws adopted by the tribe in December of 1949 and in conformity with all established and time-honored customs which have developed around tribal voting. The ordinance was adopted after long and careful review by the Board of Trustees on July 19. It took effect Oct. 1. The ordinance covers both general and special elections in a total of 34 sections.*



## CHAPTER I - NAME, PURPOSE & SCOPE

### Section 1. NAME

This ordinance shall be known as the Election Ordinance of the Confederated Tribes of the Umatilla Indian Reservation in Oregon.

### Section 2. PURPOSE

The purpose of this ordinance is to provide regulations that will result in the election process being fair and efficient.

### Section 3. SCOPE

The provisions of this ordinance shall apply to all elections, both regular and special, conducted to elect members for the General Council, Board of Trustees and Umatilla Tribal Education Board.

## CHAPTER II - ELECTION COMMITTEE

### Section 4. ESTABLISHMENT

The Umatilla Tribal Election Committee is hereby authorized to be established for the purposes of conducting and supervising all tribal elections, regular or special, in accordance with the mandate of this ordinance; deciding disputes concerning the election processed during the existence of the committee; enforcing this ordinance and promulgating such additional rules as may be necessary from time to time during elections.

### Section 5. COMPOSITION

The Umatilla Tribal Election Committee shall consist of six members who shall elect by majority vote or consensus one of their number to serve as Chairman.

### Section 6. APPOINTMENT OF MEMBERS

(A) The seven (7) members of the Umatilla Tribal Election Committee shall be appointed as follows: three (3) shall be appointed by the Chairman of the General Council and four (4) shall be appointed by the Chairman of the Board of Trustees.

(B) Any person so appointed may decline the appointment, in which case, another appointment shall be made in a manner not inconsistent with part (A) of this section.

(C) The members of the Umatilla Tribal Election Committee shall be appointed on or before October 1 of each year.

### Section 7. QUALIFICATIONS

(A) The members of the Umatilla Tribal Election Committee shall be enrolled members of the Confederated Tribes of the Umatilla Indian Reservation, over 18 years of age and of good moral character.

(B) In the event that any person appointed to the Umatilla Tribal Election Committee is nominated as a candidate for an office to be filled during the existence of the Election Committee on which he is serving, he shall withdraw from that committee and the Chairman that appointed him shall appoint another to serve in his place.

### Section 8. TERMS OF OFFICE

The members appointed to the Umatilla Tribal Election Committee shall serve from the time of their appointment until the results of the election being conducted have been certified by them or until that election is otherwise concluded.

### Section 9. RULE-MAKING AUTHORITY

(A) The Umatilla Tribal Election Committee shall have authority to promulgate and enforce such rules as they may deem necessary, by a majority vote, to provide for fair and efficient elections under this ordinance.

(B) Any rule promulgated under the authority of this section shall not be inconsistent with the provisions of this ordinance or the Constitution and By-Laws.

(C) Any rule promulgated by the Umatilla Tribal Election Committee pursuant to this section shall, upon the conclusion of the election during which said rule was promulgated, submit that rule in writing to the Board of Trustees along with an explanation of the reason for its promulgation, for the purpose of considering the inclusion of that rule in this ordinance.

### Section 10. DISPUTES

(A) The Umatilla Tribal Election Committee shall decide all disputes arising during and concerning the election processes and their decision shall be final.

(B) In deciding any disputes the committee shall gather such facts as are available and necessary for a resolution of the problem. Any decision of the committee shall be by a majority vote thereof.

### Section 11. DUTIES

In addition, the Umatilla Tribal Election Committee shall:

(A) As soon as possible after their appointment establish the date upon which the election is to be held and the date upon which the receipt of nominating petitions will cease which shall be exactly 20 days prior to the election date.

(B) Issue such notices as are necessary to inform tribal members of the dates, times, places, and procedures for nominations and elections.

(C) Direct the preparation of, and make available, nominating petitions in the form as attached to this ordinance as Appendix A.

(D) Upon the date set for the close of nominations the committee shall:

- (1) Review all petitions received.
- (2) Determine the eligibility of the person nominated for office.
- (3) Determine the eligibility of each person who signed the petition to vote in an election.
- (4) Contact all unqualified candidates and state the reason for their not being qualified.
- (5) Contact all qualified candidates and document either their willingness or unwillingness to be a candidate for office by completion of the form attached to this ordinance as Appendix B.

(E) Upon the determination of which candidates are properly nominated and are willing to serve, the committee shall direct the preparation of official ballots.

(F) Mail absentee ballots as required by this ordinance.

(G) On the date of the election of at least three (3) members of the committee shall be present at the ballot box during voting hours, and they shall verify the enrollment of each person casting a ballot and make the appropriate entries in the voting registry.

(H) Upon the closing of the voting hours the committee shall examine all ballots cast, eliminate any invalid or improperly completed ballots and then determine the number of votes cast for each candidate.

(I) The committee shall thereafter prepare a certification of the results of the election which shall be signed by each member of the committee and which shall contain the following information:

- (1) The number of ballots cast.
- (2) The number of invalid ballots eliminated.
- (3) The number of absentee ballots cast.
- (4) The total number of valid ballots.
- (5) The persons elected to office, the number of votes received by those persons and the office to which they are elected, and

(6) At least one alternate, which alternate shall be the person who received the next highest number of votes after those elected to office.

### Section 12. VACANCIES

Any vacancies occurring in the Umatilla Tribal Election Committee shall be filled in a manner consistent with Section 6 of this ordinance. Any person so appointed shall serve for the duration of the term of his predecessor.

### Section 13. REMOVAL

The Board of Trustees may remove any member of the Umatilla Tribal Election Committee from office for cause after providing timely notice of intent to do so, the reason for such action and an opportunity for the person to be removed to answer the charges against him.

## CHAPTER III - ELECTIONS

### Section 14. ELECTION DATES

Election dates shall be established by the Umatilla Tribal Election Committee, provided, however, that the date selected shall be in the month of November.

### Section 15. TERMS OF OFFICE

(A) Members of the General Council shall serve for terms of one year or until their successors are elected and take office.

(B) Members of the Board of Trustees shall serve for terms of two years or until their successors are elected and take office.

### Section 16. NUMBER OF TERMS

There shall be no limit on the number of times a member of the General Council or the Board of Trustees can be reelected.

### Section 17. QUALIFICATIONS FOR HOLDING OFFICE

Any enrolled member of the Confederated Tribes over 18 years of age may hold office on the General Council or the Board of Trustees; provided, that no person shall be eligible to be a member of the Board of Trustees unless that person resides on the Umatilla Indian Reservation.

### Section 18. NOMINATION OF CANDIDATES, TIME FOR

(A) A person, otherwise qualified, may be nominated by having his name and the position for which he is being nominated placed on a nominating petition (the form for which is attached to this ordinance as Appendix A) by a person eligible to vote in a tribal election and thereafter having at least five (5) people who are eligible voters in the tribal election sign said petition.

(B) Nominating petitions will be received between October 1 and 20 days prior to the date of the election as will be announced by the Election Committee each year.

### Section 19. ELIGIBILITY OF VOTERS

Any enrolled member of the Confederated Tribes of the Umatilla Indian Reservation over 18 years of age is eligible to vote in tribal elections.

### Section 20. VOTING METHOD

(A) General Council—Voters shall cast one vote for the candidate of their choice for the office of Chairman, one vote for the candidate of their choice for Vice Chairman and so on until a vote has been cast for each office to be filled. The candidate having the highest number of votes shall be declared the winner.

(Continued on Page 17)

# ELECTIONS

(Continued from Page 16)

(B) Board of Trustees—Voters shall cast one vote for four candidates for the Board of Trustees, for a total of four votes. The four candidates receiving the highest number of votes shall be declared winners.

## Section 21. ABSENTEE VOTING

(A) Absentee ballots shall be mailed by the Umatilla Tribal Election Committee to an eligible voter when so requested in writing by that voter.

(B) Any written request for an absentee ballot must be signed by the voter requesting the ballot and his signature must be verified by the Election Committee. Requests for absentee ballots must be received by the Tribal Office no less than 15 days before the election date.

(C) All requests for absentee ballots shall be kept on file in the Tribal Office by the Umatilla Tribal Election Committee.

(D) Absentee ballots shall be sent to eligible voters with postage prepaid and shall be mailed no less than 10 days before the election date.

(E) Completed absentee ballots must be received by the Umatilla Tribal Election Committee at the close of voting hours on the election day.

## Section 22. CERTIFICATION OF CANDIDATES

The Umatilla Tribal Election Committee shall certify candidates as provided in Section 11 (D) of this ordinance.

## Section 23. BALLOTS

(A) The Umatilla Tribal Election Committee shall prescribe the form of the ballots to be used in each election. In addition to containing the names of the candidates, the offices for which they are candidates and a place for the voter to mark his selections, there shall also be provided an appropriate place for write-in votes for each of the offices to be filled.

(B) All ballots shall be kept by the Umatilla Tribal Election Committee until the results of the election have been certified and the time for requesting a recount has passed.

## Section 24. VOTING PLACES

There shall be one voting place which shall be located at the Tribal Offices in the Tribal Community Center in a room to be designated by the Umatilla Tribal Election Committee for each election.

## Section 25. SUPERVISION

Elections shall be under the supervision of the Umatilla Tribal Election Committee as provided in this ordinance.

## Section 26. VOTING HOURS

Voting hours for tribal elections shall be between 8:00 a.m. and 8:00 p.m.

## Section 27. COUNTING OF VOTES

The Umatilla Tribal Election Committee shall be responsible for counting votes as provided in Section 11(H) of this ordinance.

# ELECTION COMMITTEE

CHAPTER II of the new election code, above, spells out, in 10 separate sections, the specific duties, responsibilities and roles the Umatilla Tribal Election Committee must play in both general and special elections. The following persons—appointed by the Board of Trustees and the General Council—assumed the first of their responsibilities on Oct. 1. Their work will not be done in this election until the last votes are certified and counted Nov. 26. They are:

Chairman Viola Wocatsie  
Vice Chairman Michael Farrow  
Secretary Brenda Shippentower  
Member Calvin Shillal  
Member Adele McConnell  
Member Elizabeth Jones  
Member Aurelia Shippentower

## Section 28. RECOUNT OF VOTES

(A) In the event that the person receiving the highest number of votes for an office has 10 or less votes more than the person receiving the next highest number of votes, the latter may, upon written request, have the votes for that particular office recounted by the Umatilla Tribal Election Committee.

(B) Any request for a recount shall be delivered to the Chairman of the Umatilla Tribal Election Committee no later than 48 hours after the results of the election have been certified.

## Section 29. OFFICERS, BOARD OF TRUSTEES

The members of the Board of Trustees shall elect from their number the officers of the Board of Trustees.

## Section 30. CERTIFICATION OF ELECTION

The results of the election shall be certified by the Umatilla Tribal Election Committee as provided in Section 11 (I) of this ordinance.

## Section 31. RECALL

(A) Any officer of the General Council, or any member of the Board of Trustees, may be removed from office by majority vote of the General Council upon the filing with the Board of Trustees of a recall petition signed by at least 50 members of the General Council. Such petition shall state clearly the charges against the individual whose recall is sought.

(B) It shall be the duty of the Board of Trustees, when a recall petition is filed in proper form with sufficient signatures, forthwith to call an election of the General Council to vote upon the petition.

(C) The individual sought to be recalled shall have the right to see the said petition at least 20 days before the said election, and to appear at the election and answer the charges made against him.

(D) The individual(s) who are the subject of the recall shall be recalled only if the charges made against them are substantial and to the detriment of the Confederated Tribes of the Umatilla Indian Reservation and have either been proven by those presenting the petition or not satisfactorily answered by the person(s) against whom the charges were made.

## Section 32. NEGLECT OF DUTY BOARD OF TRUSTEES

(A) Whenever, in the opinion of a majority of the entire Board of Trustees, any member of the Board of Trustees has been guilty of gross neglect of duty, it shall certify its opinion, together with the reasons therefore, to the General Council, which shall have the power to remove said member from office and to elect a successor.

(B) The member who is so accused shall have the right to receive a copy of the charges against him at least 20 days in advance of the meeting of the General Council at which the question of removal and of selection of a successor are to be voted on, and shall be entitled to appear at said meeting and answer said charges.

## Section 33. SPECIAL ELECTIONS

(A) In the event that any member of the Board of Trustees or officer of the General Council is unable, for whatever reason, to complete the term to which he was elected, a special election shall be called by the Chairman of the General Council for the purpose of filling the vacancy.

(B) A special election shall be held as soon as is practicable after an office is left vacant.

(C) This ordinance shall govern the holding of a special election except where its provisions are clearly inapplicable.

## Section 34. TIES

(A) In the event that two or more people receive an equal number of votes, those votes shall be allowed to stand in the selection of the candidates receiving the highest number of votes; provided, that if two candidates receive an equal number of votes and it is not possible for both candidates to take office due to the filling of other positions by candidates receiving higher numbers of votes, then a run-off election shall be held.

(B) A run-off election shall be held by all eligible voters casting their vote on a ballot prepared by the Umatilla Tribal Election Committee for that purpose and by indicating thereon their preference of the candidates receiving equal numbers of votes. The candidate receiving the highest number of votes shall be deemed elected to the position. In any run-off election, sufficient time for notice and receipt of absentee ballots, in a manner consistent with this ordinance, shall be allowed.

[Adopted by Board of Trustees July 19, 1976.]

# HISTORY

(Continued from Page 7)

—Act of Aug. 1, 1953: House Concurrent Resolution 108, the Termination Act, set forth the sense of Congress that specified tribes should be "freed" from "federal supervision and control" in accord with the policy of making, as rapidly as possible, Indians "within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States....." This became known as the policy of "termination."

—Act of Aug. 15, 1953: Public Law 280, as it is now known, transferred specified criminal and civil jurisdiction to five states [including Oregon] and gave other states the option of assuming such civil and criminal jurisdiction over federal Indian reservations within their borders.

—Act of June 17, 1954: The Menominee Tribe of Wisconsin was terminated by this act. Other tribes were terminated by other statutes. While these are specific statutes applying to specific tribes, they reflected the national policy of termination, as expressed in House Concurrent Resolution 108.

—Act of Aug. 4, 1954: This act transferred federal responsibility for Indian health care from the Bureau of Indian Affairs to the Department of Health, Education and Welfare.

—Act of April 11, 1968: The Indian Civil Rights Act applied certain of the rights outlined in the U.S. Bill of Rights, or similar rights, to tribal self-government. It also authorized creation of a "model code of justice" for Indian offenses on Indian reservations, and conferred jurisdiction over criminal and civil actions to states only with the consent of the tribes. This act, in effect, amends Public Law 280, referred to above, which did not require tribal consent.

—Act of June 23, 1972: The Indian Education Act authorized expanded Elementary and Secondary Education Act and impact aid programs, to assure that the portions of these funds affecting Indians would be administered with community control, or in Indian-controlled schools.

—Act of Dec. 22, 1973: The Menominee Restoration Act effectively repudiated termination, launched in 1953, as a national Indian policy.

—Act of Jan. 4, 1975: The Indian Self-Determination and Education Assistance Act clarified and expanded the authority of the Secretary of the Interior and the Secretary of Health, Education and Welfare (in the matters of Indian health service) to contract with Indian tribes and tribal organizations to operate federally funded programs on reservations.

NEXT: Legislation for Particular Tribes

# CONSTITUTION

(Continued from Page 1)

constitutions and make recommendations to the Board of Trustees" on all proposed further amendments.

"Tribal sovereignty became apparent with the adoption of the Constitution and By-Laws on Dec. 7, 1949," said Minthorn. "These documents have been very useful, but in order to maintain our sovereignty they must be strengthened.

This referendum was made possible out of necessity, he added. It is necessary to fully and effectively regulate hunting and fishing activities within the reservation. Matters of zoning, taxation and land use planning are also affected. Such jurisdiction and sovereignty have been key points in recent court decisions, he noted, in which tribal powers had been challenged but were eventually upheld by the courts.

Minthorn said the constitutional amendment would satisfy members in Congress who require a clear majority tribal voice before passing any legislation to return civil and criminal jurisdiction to the tribe. "We have been exercising sovereignty but we haven't been using the word," he said. "Hopefully we will have a strong document which we can take to court and win."

Seven Board of Trustees candidates will appear on the Nov. 26 ballot for four positions. Candidates are incumbents Chairman Leslie Minthorn, Sam Kash Kash and Elwood Patawa, and challengers Rodney T. Cowpoo, Kenneth Bill, Raphael Bill and Raymond T. Burke.

General Council candidates are: Chairman, Kathleen Gordon; Vice Chairman, Ronald T. Pond; Interpreter, Eliza Bill; Secretary, RoseMary Narcisse and Mitzi Kipp Rodriguez.



# STUDENT OUTLOOK



## Pilot Rock

BY MELANIE MINTHORN

### School counselors increase

PENDLETON—(Staff)—A total of 16 Indian counselors this year are working closely in 11 schools across Umatilla County which have Indian students in attendance from kindergarten through senior high school.

Their work adds a completely new dimension to the school world of students, and it affects the counselors as well. Their work is made possible by the Johnson-O'Malley Act of 1934, which was brought to the Umatilla Reservation in 1971 under the leadership of Emma Farrow. And this work is producing interesting results.

In earlier years JOM funds were routed directly to school districts. Now, in a period of tribal self-determination, they are routed through tribes. A six-member JOM Parent Committee chaired by Emma Farrow handles these matters.

Vicki Alexander at Helen McCune Junior Hi and Evelyn Lloyd at John Murray Junior Hi in Pendleton were the original counselors in this program, beginning in 1971. They agree today that if they didn't have each other to compare notes with, neither would have survived. Today they are sharing their hard-earned knowledge from that early experience with 14 new counselors.

These are Michael Minthorn and Marilee Jones in Pilot Rock; Ruby Sams and Harriet Botts at Athena Weston-McKuen and Adams; Louella Farrow at Pendleton Hi; Vicki at Helen McCune and Evelyn at John Murray; Arnie Patrick at Hawthorne and Sherwood Elementary; Robert Cody at McKay; and Harriet Amerman, Rose Sohapp, Kay Webb, Alvina Huesties, Becky Patrick, Patty Allen and Betty Burke at Washington Elementary.

JOM requires certification of one-quarter blood quantum for all children served by JOM counselors. Says Vicki: "We can work with children of terminated tribes, but we don't count them as part of our student statistics." In schools nearby there are 126 elementary school children of the tribe. Ninety of them are in the first six grades—evidence of a "baby boom." A total of 50 enrolled tribal students attend nearby public high schools.

These counselors and teacher aides have interesting days. They keep an eye on all the needs of the students and respond to them.



COUNSELORS MEET REGULARLY TO RESOLVE COMMON PROBLEMS

If a child has problems and the child's parents are away at work they use their own time to keep the parents advised about their children—even if it means contacting them at night or on weekends.

Kids do fight and do have problems. But not all kids need help. The counselors provide the adult male and female Indian presence on the schoolgrounds and in the classrooms. They can see the benefit of the Indian child identifying with that Indian presence. "Their presence lessens fights and misunderstandings. They do a job just by being there." It's not a matter of academic assistance but social assistance.

One problem which won't go away is the problem of busing. Many student fights occur there. Students rise early, catch the bus and some are delivered to the schools before the schools open. There's the problem of weather, roads and terrain. "It's hardest for small children," confided one counselor. "Getting to a bus in bad weather endangers their little lives." A JOM-bus driver's meeting to resolve the issues of routes and terrain is set soon.

## Pendleton

BY PAM JONES

**INDIAN CLUB PREVIEW:** A coed basketball tournament planned for Oct. 29-31 had been planned by the Pendleton High School Indian Club, but will be delayed a while. We had spent a lot of time in progressing in fund-raising. Last year, too, we had planned a coed tournament. But the problem last year, like this year, was a lack of teams and not enough guidance. Louella Farrow is trying her best to help us organize the tournament and she is a big help. We have decided to reschedule the tournament to a later date. It will probably be held in the spring. We hope to have better participation in the club and have the tournament better organized and planned. We would like to thank all the people who are planning on helping us.

The Indian Club has a trip planned this month to Portland. All the Indian students will be able to go because this will be to encourage them to come to school and go to class. Some students will be going to a health education conference in LaGrande on Nov. 9-11. They will be going to LaGrande for the first half and to Portland for the second half. Eastern Oregon State College will be paying for all expenses.

We will be planning a dinner for parents and teachers some time in December or January. This is sort of an annual thing—and so far the annual dinner has been very successful.

**VOLLEYBALL:** The Pendleton Hi Varsity volleyball team traveled to Ontario on Nov. 4 to play in the district playoffs. The Buck Gals played the Baker Bulldogs, the only team that has beaten PHS in their conference league. The Buck girls practiced long and hard for the match. Playoffs were in the single elimination bracket. Against Baker, the Bucks won the first game 15-7. But they lost the match with two following losses to Baker, 2-15 and 13-15. Baker will represent the district at state. Says Coach Coleen Hunt: The Indian girl players "are super. They are calm, cool players. They are the kind I can put in anytime and count on them. Terri Parr was a starter in Ontario. She will be gone next year. But Pam, Charlie and Stevie will be up there next year."

**FOOTBALL:** Rob Burnside, sophomore blockbuster, is on PHS varsity football. He helped clean up last weekend when the team beat the Hermiston Bulldogs 43-7 at the homecoming game.

**LOOKING AHEAD:** There will be the Northwest Indian Club Powwow held in Lapwai, Ida. on the Nez Perce Reservation in the spring. The PHS Indian Club will be attending this event. The Indian Club needs the support of the community in its fund-raising events in the meantime. Any individuals interested and willing

to assist the club in this way may contact Louella "Lou" Farrow at 276-3621, Extension 14. Any help will be appreciated.

\* \* \* \* \*

**HELEN McCUNE HIGHLIGHTS:** Fifteen Indian students at Helen McCune Jr. Hi—seven boys and eight girls—are active in planning now underway to form a Junior Hi Indian Club. An upcoming planning meeting is Nov. 17, Wednesday, at 2:00 p.m. in the office of Counselor Vicki Alexander.

**FOOTBALLERS:** Ninth grader Rod Cowapoo Jr. and eighth graders Willie John Jones and Arnold Jim are busy practicing on the HMC Broncs.

\* \* \* \* \*

**INSIDE JOHN MURRAY:** At John Murray Jr Hi, Indian students are involved in a number of activities. During the first nine weeks of school there were students involved in the four girls' volleyball teams, seventh and eighth grade football, gymnastics for girls, an alternate positions on Student Council.

The Indian girls' volleyball season was not bad. The ones who participated were: Babette Cowapoo and Adamae Patrick on Team 1. Those on Team 2 were Molly Shoeships and Jolynn McKay. Tina Minthorn, Julie Jamison and Arleta Dick were all on Team 3—which was undefeated this season. On Team 4 were Vivian Sohapp, Janet Johnson, Ginny Minthorn, Paula Pavytewa and Leona Pond.

The seventh grade football players were Zack Patrick, a halfback, on Dirkson's team, and fullback Brooker Jones and tackle Allen Spencer on Green's team. Green's team tied with Dirkson's team for first place. Eighth grade football players were Clayton Johnson, Buck Jones and Punky Pond. They had a good season. Clayton Johnson was halfback for the Broncs, Buck Jones was an end for the Broncs, and Punky Pond was their quarterback. All three had a good season, with a record of two wins, two losses and one tie.

Student Council members included eighth graders Representative Punky Pond and Representative Tina Minthorn, and seventh grade alternates Babette Cowapoo, Sarah Jim and Sarah Minthorn.

It is good to see all these students taking part in the activities. Several students are working on the yearbook for John Murray this year. They include Dallas Dick, Punky Pond and Buck Jones. These boys are also part of a journalism class at John Murray and helped

**COUNSELOR:** The Indian Counselor of Pilot Rock District 2R is Mr. Michael L. Minthorn. He counsels both the junior and senior hi, and also takes on the trying job of counseling the grade school here. He seems to enjoy his job, and we're glad to have him. Mr. Minthorn also teaches senior hi choir.

.....Mrs. Jones is a teacher aide at the elementary school for the district.

**VOLLEYBALL:** Melanie Minthorn played a good season on the junior varsity volleyball team. Although it was her first year, she did a very good job being a spiker. She also works hard on the Rocket paper "Flare," and on the high school annual. She is a sophomore. ....Maureen Minthorn is a freshman who played on the junior varsity volleyball team for her first year. She is also freshman class secretary and frosh cheerleader. She participates in many of the senior hi activities.



SECRETARY WAYNE BROWN

**OFFICERS:** Wayne Brown is a sophomore who was elected—for the third year in a row—to be class secretary. He participates in many of the high school activities and is an aide to Mr. Minthorn. ....Edwin Morning Owl is an eighth grader in the junior hi. He was recently elected to be student body president of the junior hi. Edwin also plays trumpet in the junior hi band, and is already a prize-winning traditional dancer.



PRESIDENT ED MORNING OWL

**SINGER:** Richard Moffet is a freshman. In Mr. Minthorn's choir, he sings a fine solo in the song " 'Twas the Night Before Christmas' ." ....Which reminds everybody: Christmas holidays are coming in the near future, with a break from classes, snow and fun.

# SPORTS

## LaWanda 'barrels' way to nationals

BY JOHN BARKLEY

SALT LAKE CITY—In the All-Indian National Finals Rodeo held here Nov. 3-6, LaWanda Bronson of Cayuse, Ore. placed fourth overall in the barrel racing division.

LaWanda felt her performance could have been better but her horse was rather exhausted after the long trip by trailer to Salt Lake.

She comments on her four-year-old quarterhorse Hasty's Roadrunner: "My horse wouldn't turn. It was a different experience for him to run indoors. We need an indoor arena at home" she quipped.

LaWanda competed against fifteen other Indian girls in the barrel racing competition. "It didn't look tough," she notes, "but it was."

When you get the top cowboys and cowgirls throughout Indian country together in the last finale, the competition is tough indeed.

To qualify for the All-Indian National Finals Rodeo, LaWanda had to become one of the top two money winners of the Western States Indian Rodeo Assn. (WSIRA). She had to compete in rodeos throughout Oregon, Washington, Idaho, Nevada and California. At 15, she's a well-travelled cowgirl.

LaWanda won a total of \$1,599 and easily captured first place honors with WSIRA. And would you believe this is her first year of competition?

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LaWanda Bronson on "Hasty's Roadrunner" swings around barrel at Salt Palace

## Waii-lat-pu girls ready for basketball

BY PAM JONES

MISSION—The Waii-lat-pu Women's Basketball Team has begun practicing for the coming season which is just about on us.

There has been quite a turnout for the winter season. (Last year there were just as many players—but most of them dropped out as the season un-

wound. There were only eight to 10 players who travelled as the team.)

Coach Chazz Webb says: "There should be more support in trying for a starting position this year."

At present Waii-lat-pu has a turnout of 15 players. All of last year's players have turned out—and there are more new

faces.

Said one team member: "We hope to do better this year in playing the tournaments. As you all may know, we have been on a losing streak. If you didn't hear of it, we sure did."

"This year should be a good year. We need all the support we can get to encourage us to keep trying. We know we can

win—but do they know we can win?"

The annual Mission women's tournament is now projected for next April. Trophies and All-Star jackets are already on hand. "We're pretty well ready," said one.

The young women are busy with their own serious efforts at fund-raising. A week ago they put in full days on a Saturday to handle—and provide—items for a Saturday Flea Market at the Community Center. They are also sponsoring weekly lunches at the same location. And they are all excellent cooks as well.

Gloria Jim is president of the women's team. Hattie Jones is vice president. Pam Jones is secretary, and Eleanor Bearchum is treasurer.

They are all team members. Other members are:

Terri Parr; Babette Cowapoo; Becky Patrick; Loren Burke; Lawanda Bronson; Desi Allen; Mary Allen; Louella Farrow; Lela Tewee; Sandy Minthorn; San-

dra Sampson; Judy "Titto" Moses; Stephanie Centre; and Roberta Williams.

The girls will be playing this Saturday at 3:00 p.m. in Pendleton at Helen McCune Junior High School Gymnasium, where they will face Toppenish.

'AMATEUR BOXING' MAG COVERS INDIAN BOXERS

SEATTLE—The National Indian Activities Assn. (NIAA) has distributed a new sports magazine—"Amateur Boxing" to the Confederated Tribes.

Subscriptions to the magazine are \$12 per year. The magazine has agreed to reimburse NIAA \$2 for each subscription it helps obtain. On the back of the magazine is a box to be checked for NIAA reimbursement. NIAA will use this new income "to assist in its sports-related programs."

Subscribers write to "Amateur Boxing," P.O. Box 3512, Trenton, NJ 08629. The Umatillas now have amateur youth boxing.

## 'Old Timers' ready for winter



MISSION—The Old Timers Basketball Team is already deep into practice at the Community Center here and is preparing for its first game Saturday, Nov. 20 here at 6:30 p.m.

And not far down the road is a three-day tournament at Toppenish, Wash., on the Yakima Reservation Dec. 3-5.

Among team members are captain Dan "D.J." Johnson, Harold Halfmoon, Earl "Tazz" Conner, Antone Minthorn and Paul Quaempts.

In deep winter the Old Timers will be hosting a regional tournament here as well.

In the meantime, the team has scheduled a series of Friday lunches from 11:30 a.m. till 1:00 p.m. each Friday in November—on Nov. 5, Nov. 12, Nov. 19 and Nov. 26. It's a good time to get your belly full and still keep in shape.

### 'PENDLETON INDIANS'

#### PLACE SECOND

TOPPENISH—The Pendleton Indians placed second in the Satus Cowboy Invitational Basketball Tournament held here in mid-October. The Tacoma Chiefs defeated Pendleton to claim overall title.

Eight teams participated in the tournament—Satus Cowboys, Colville, Bigfoot Braves, Oregon Travelers, LaPush, Warm Springs Warhawkers, Tacoma Chiefs and Pendleton Indians.

Pendleton's first game was against Colville. The game was close until the last quarter when Larry Cowapoo scored 12 points along with Clarence Cowapoo's nine points to pull away and win 93-76.

(Continued on Page 20)



### Old Timers Luncheon

NOV. 5 - NOV. 12 - NOV. 19 - NOV. 26

*Benefit lunches throughout November sponsored by the Old Timers Basketball Team for support of team activities*

COMMUNITY CENTERMISSION, ORE.

FOR ALL YOUR ATHLETIC NEEDS



## ken melton

### ATHLETIC SUPPLY

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PENDLETON, OREGON 97801

# Bonnets back after 'feather' trial

BY RICHARD LA COURSE

MISSION—The U.S. Fish and Wildlife Service (FWS) Portland Office on Oct. 22 returned three war bonnets to the Confederated Tribes for return to original owners Jim Webb and John Wahsise.

FWS Agent Wesley K. Moholt made the delivery to the BIA Agency. The eagle feather war bonnets were deposited in the agency safe after being placed in the protection of Board Chairman Leslie Minthorn and Acting BIA Supt. Dale Lingle. They will soon be returned to the original owners in a special ceremony.

How did the eagle feather bonnets come into the hands of the FWS?

Two FWS undercover agents—Robert Hall of Denver and David Kirkland of Dover, Del.—were in Pendleton on May 22, 1974, and met Harlan Duane Alderman, owner and proprietor of Treasure Hunters Supply on 101 S.W. Emigrant. They claimed they were businessmen for a Delaware feather company. They talked with Alderman, looked around, and left.

On Dec. 5, 1974, armed state policemen and nine undercover agents pulled up outside Treasure Hunters Supply. A man and woman entered the store. The woman, Agent Kimberly Wright, was presented as curator of a California museum.

"They had a prearranged signal," Alderman told the Journal. "The man had me busy writing on a picture of a buckskin dress. I told him I'd like to trade it for a shirt. Then he held up this horse gear which had two eagle



DRAWING BY CALVIN SHILLAL

feathers on it and said, 'You say this is worth \$50?' I said 'Yes' and he signalled the woman to go outside and get his sunglasses on his dashboard—the signal to get the other agents to come in. They came in both doors."

Alderman said nine agents entered the store, arrested him and

his wife, and locked them in the store to keep people out. The agents then confiscated the bonnets.

The following day he was charged under three separate public laws with "selling and offering to sell" items containing eagle feathers.

Alderman was charged in federal district court and was brought to trial before Federal Dist. Court Judge Robert Belloni on Feb. 7 of this year. He pleaded no contest to two of the three charges, and the third was dismissed. Belloni ordered the bonnets to be returned to the "rightful owners" within 10 days. (The FWS took almost nine months to do that.)

Two of the bonnets, according to a sworn affidavit, were the property of the late Charles Webb, whose son Jim received them after he died. The third, according to the affidavit, belonged to Alan Patawa, and upon his death in 1945 it was handed down to John Wahsise in a giveaway ceremony.

Alderman, now in his early

thirties, became a buff of "early Oregonian things" when he was a kid. He dug arrowheads during his boyhood in Heppner. After living in Hermiston and Milton-Freewater he settled in Pendleton and in 1972 opened Treasure Hunters Supply, where he markets metal sweep detectors which can find metal objects below ground

surface.

The eagle bonnets themselves were not on display in his shop but were stored in a trunk out of customer view for safekeeping.

The FWS agents—six months before the bust—offered him cash for the Indian items.

## TOURNEY

(Continued from Page 19)

Clarence—who made all-star—and Larry were leading scorers with 27 points and 18 points respectively. Wes Jones contributed 17 points to support the win.

The second game was against the Bigfoot Braves. Pendleton won the game handily 94-78. Leading scorers for Pendleton were Clarence Cowapoo 25 points, John Barkley 17 points, and Larry Cowapoo with 15.

The championship game was against the tall Tacoma Chiefs. With these players well over six feet, Tacoma found it a drastic advantage over Pendleton,

whose Lee Stewart alone is over six feet.

Tacoma rebounded handily and scored "over" Pendleton easily to account for its 119-86 win.

Wes Jones led Pendleton scorers with 21 points while Clarence cooled off to score 16. Roy Williams contributed 15 points in Pendleton's defeat.

Behind Tacoma and Pendleton were the Satus Cowboys and LaPush, who placed third and fourth. The Pendleton trophy is on display at the Mission Market Arts and Crafts Dept. in Mission.

# dateline: northwest

## Colvilles battle sheriff

NESPELEM, Wash.—Okanogan County Sheriff Jerry Beck may be the target of an investigation if the Colvilles have their way. Tribal Chairperson Lucy Covington in a letter to Wash. Atty. Gen. Slade Gorton has asked for state intervention in what she called "almost criminal failure" of the county sheriff's department to cooperate with tribal law-enforcement efforts.

Covington charged that Beck released a felon because the arrest was made by a tribal officer; that Beck investigated a case of disarming a man by tribal officers, state troopers and Grand Coulee police; that he refused to honor a tribal arrest warrant for a man wanted for theft and property damage; that Beck failed to inform the tribe that a man was missing on the large reservation; and that Beck slighted tribal police for their role in a death investigation. Last May Beck revoked deputy sheriff commissions for Colville police.

## Coeur d'Alenes want park

PLUMMER, Ida.—The Coeur d'Alenes want to create the nation's first "Indian national park", but that land is presently held by the state of Idaho. The tribe is on record charging the state is mishandling the property under earlier agreements.

Heyburn State Park—the land in question—was created in 1908 through congressional action removing the land from the reservation under President Taft under specific strictures and conditions. Since that time, some of the land has been leased by the state and private homes have been built thereon.

Last Mar. 2, Interior Solicitor H. Gregory Austin stated that the leasing of parklands by Idaho and use of the land for private homes was "substantial use inconsistent" with the original conditions, constituting a "breach of title." Now the Coeur d'Alenes are asking the Justice Dept. to take "appropriate action" to return title of the land to the tribe, to become the first Indian national park.

## Swinomish protect tidelands

LA CONNER, Wash.—The Swinomish Tribe is presently involved in efforts to evict trespasser Olympic and Transmountain Oil Pipelines which it claims are trespassing tribal tidelands without ever seeking the consent of the tribe. A recent preliminary injunction from federal district court prohibited the tribe from shutting off the flow of oil through the pipelines.

Tribal officials charge the owners and managers of the pipelines have never sought easements in violation of the U.S. and tribal constitutions. And ahead: eviction of the pipelines or a "just settlement" from the companies "for the years of unauthorized occupation and use of treaty-reserved trust lands." The Swinomish have obtained the support of the Affiliated Tribes of Northwest Indians (ATNI) and the matter is now before the National Congress of American Indians for support.

Previous court decisions have affirmed and clarified that treaty-reserved lands established by the Treaty of Point Elliott in 1855 include the tidelands within the exterior Swinomish boundaries.

## ATNI sets Portland meet

PORTLAND—Tribal delegations of the Affiliated Tribes of Northwest Indians (ATNI) will gather here for three days Dec. 6-8 at the Cosmopolitan Hotel near Lloyd Center.

Among matters to be dealt with are annual officer elections in the regional organization, and the pending reorganization of Indian educational operations and administrative structures of the Bureau of Indian Affairs (BIA). William Demmert, director of the BIA's Office of Indian Education Programs, will be in attendance, according to ATNI Executive Director Hillary "Skip" Skanen. Reservations for the meeting can be made by calling (503) 235-4333 in Portland.

## BARREL

(Continued from Page 19)

Besides winning barrel races, she also won first place in the Squaw Race every day during the Pendleton Round-Up this past September.

How did LaWanda become accustomed to the rodeo extravaganza? She really didn't become "accustomed" to rodeos and horses. It is more or less a tradition in her family.

Her grandfather Richard Burke was an outstanding and famed rodeo star. He had done bronc riding, trick roping, horse racing, steer and calf roping, horse trading and breaking. He was raised on horses—and this applies to LaWanda too.

"She has been around horses all her life," declares LaWanda's mother, Videll Bronson. "She started as a jockey but soon grew too big for a jockey."

It was then that LaWanda started barrel racing—about five or six years ago—and her experience is showing.

Being only fifteen years old, LaWanda has many years ahead of her to compete, and hopefully one day she will become the national champion of barrel racing.

LaWanda will be raring to go in May of next year for another full season of barrel racing competition.

## LIL BIT

BY FRED NIGHTWALKER



# poets

ARMAGEDDON

The Earth was barren, the sky was bland.  
Here walked a stranger from a distant land.

On he walked—toward the beach—toward the sand.  
He stopped, he listened, he raised his hand.

He cursed, he swore, he ranted and raved.  
Oh what have we done? Can Man be saved?

For centuries Man lived and died in caves.  
But why? For all this? Surely not! Man misbehaved.

Has the end come finally for all Mankind?  
The world in total destruction—truly in a bind?

What is that? The sun beginning to shine?  
He raises his eyes, but finds them blind.

This big blue mangle spinning in space  
may once again spawn life, but with no eyes on its face.

This final war was started by a man of high place  
with no regard for life.....the entire human race.

This man contemplates the future while lying on his back  
neglects the sandy footsteps while the tide was slack.

This new man of leisure could only reflect back  
at the war of wars.....White against Black.

He rested.....he thought.....surely I'm not alone?  
I need to talk to someone, but who can I phone?

And.....then it happened.....He was not alone.  
She was there.....with him on the beach at Avalon.

They talked of the event just ended and neither could agree  
why they were sightless.....why they could not see.

Man shall never look upon other.....it was His decree.  
Sight had brought on hatred, wars, and much poverty.

The last big war was over.....time to begin anew.  
They walked along together.....once alone.....now they were two.

Yes, Man did have another chance to see the world through.  
He would never walk alone.....the Lord would see to that too!

This man and woman must now satisfy their need.  
So, together at last, Man will plant his seed.

The world begins again following their lusty deed.  
But, could end again.....forever.....should His word command no heed.

The seed, once planted, cannot be given back.  
To this man called Adam.....his skin white; Eve, her skin black.

—GARRY ELWOOD

# arts & entertainments

## Culture and classroom

### Units readied

MISSION—The tribal curriculum development project launched here in early August is currently preparing a teachers' manual for the purpose of giving teachers and staff of the local public school district a background in the history and culture of the Walla Walla, Cayuse and Umatilla Tribes, and of providing a guide for introducing new tribal curriculum materials into the classroom in a meaningful way.

The teachers' manual will be completed in January, and an introductory trial period for using materials already developed will stretch from January through March—the winter months.

James Lavadour of Cayuse was retained on Sept. 7 as director of the project. He is responsible for overseeing the development of the materials and for representing the project itself before the school district.

Lavadour says that the teachers' handbook must be com-

pleted before further initiatives can be taken in introducing the materials into the classrooms.

Lavadour works in the Tribal Education Office at the St. Andrew's Administrative Center here. An accomplished artist himself, he has designed portions of video graphics for televised segments of tribal history and culture. He has also been busy in the creation and design of cards, drawings and games for classroom use.

The materials will be formally introduced—after pilot testing—into the regular curriculum program in public schools in Umatilla County in September of next year.

These materials will provide accurate tribal "content" to the course of studies for grade and high school students, and make available culturally relevant educational contents for Indian students themselves.

Because these materials will also be of great interest to non-Indian students, other objectives include increased mutual communication, awareness and appreciation of the value of cultural and ethnic diversity within Umatilla County.

By early November the following materials have been fashioned:

—Four videotapes on the Confederated Tribes concerning food, clothing, history and legends. A total of five hours of television taping were made of tribal members Carrie Sampson, Joan Burnside, Esther Lewis, Isaac "Ike" Patrick, Buddy Jones and Kenneth Bill. Some taping was done by tribal media specialist Frank Johnson and some was done at the Intermediate Education District Studio in Pendleton;

—Various designed games and "flash cards" using Umatilla words and numbers;

—A sound tape and slide presentation on the Sahaptin language utilizing an important collection of photographs depicting tribal people at the turn of the century;

—Proposed student activities illustrating the patterns of human relationships in cultural values and perceptions.

The above materials were created by members of the reservation community. Assisting in

(Continued on Page 22)

# ARTS & CRAFTS

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-C.U.J. PHOTO BY WOESHA HAMPSON



PROJECT DIRECTOR CHUCK McCULLOUGH, LEFT, PINS MIKES ON JOAN BURNSIDE AND CARRY SAMPSON

**CULTURE** (Continued from Page 21)

these creations were Carl Sampson, James Lavadour, Ronald Pond, Esther Lewis, Bert F. Jones, Ike Patrick, Janie Pond, Teresa Minthorn, Peter Quaeempts, Joan Burnside, Fred Hill, Antone Minthorn and Martha Franklin.

Project Director Lavadour says he is wide open to more information and stories relating to tribal culture and history. He extends a standing invitation to

everyone who wants to share his or her knowledge with younger people through this project.

Lavadour defines this opportunity as a chance for all tribal folks to "take an active part" in the education of their children.

Lavadour says any interested persons who visit St. Andrew's can view any or all of the materials already developed. TV

showings are available at St. Andrew's as well. His phone number is 276-8221.

The project has an advisory committee. Members of this committee are Kathleen Gordon, Barbara Guerrero, Elizabeth Jones, Arleta Sampson, Dorothy Scott, Judy Scott, Pam Jones, Stephanie Penney, Vicki Alexander, Robert Hirsh, Jayne Clarke, Rudy Rada, Phyllis Lobe and Keith Blanchard.

**Five serve on arts board**

WASHINGTON—A total of five prominent persons currently serve on the Indian Arts and Crafts Board in the Interior Department.

Members are:

--Lloyd Kiva New, Cherokee, board chairman and director of the Institute of American Indian Arts in Santa Fe, N.M.;

--Royal B. Hassrick, author and anthropologist specializing in Plains Indian culture and western Americana, of Franktown, Colo.;

--William H. Crowe, Cherokee,

designer-craftsman and award-winner of Cherokee, N.C.;

--Gerald J. Gray, Blackfeet, educator and school district supt. in Box Elder, Mont.;

--Laura Bergt, Eskimo, past Alaska state legislator and holder of national appointments, of Fairbanks, Alaska.

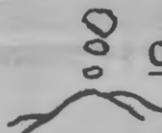
The priority concerns of the Indian Arts and Crafts Board, created in 1936, include the protection of Indian and Native artists and expansion of their cultural opportunities.

The advisory and information

agency is now accepting "collect" telephone calls from Indian artists, craftsmen, performers and organizations on all necessary matters. Persons may make collect calls to (202) 343-3067.

The board operates three museums in Browning, Mont., Rapid City, S.D. and Anadarko, Okla., which function as centers for exhibition, study and the sale of authentic contemporary Indian arts and crafts.

Address is Indian Arts and Crafts Board, Interior Dept., Washington, DC 20240.

 **community calendar**

SENIOR CITIZENS and friends meet every Wednesday at 11:30 a.m. for good food and good company. Birthday tributes for all persons having birthdays in one month held on last Wednesday of the month.

NOVEMBER 8

1:00 p.m. JOM Parents Meeting. Board Room, Mission.

NOVEMBER 9

9:30 a.m. Health Board interview - Board Room  
10:00 a.m. Girls Basketball Luncheon - Gymnasium

NOVEMBER 10

8:30 a.m. Alcohol & Drug meeting - Board Room

NOVEMBER 11

9:00 a.m. GENERAL COUNCIL MEETING  
11:00 a.m. Old Timers Luncheon - Community Center

NOVEMBER 12

10:30 a.m. TIMBER SALE Bid Openings - Board Room  
1:00 p.m. Flu shots - Yellowhawk Clinic  
1:00 p.m. VETERANS DAY CELEBRATION - Community Center by George St. Dennis Post 140

NOVEMBER 13

VETERANS DAY CELEBRATION continues

NOVEMBER 14

VETERANS DAY CELEBRATION continues (Weekend Nov. 12-14: Veterans Day Powwow Toppenish, Wash. on Yakima Reservation)

NOVEMBER 15

7:00 p.m. BOARD OF TRUSTEES MEETING - Board Room

NOVEMBER 16

3:30 p.m. Educators' Title IV-A meeting - St. Andrews

NOVEMBER 17

8:30 a.m. Alcohol & Drug meeting - Board Room

NOVEMBER 18

9:00 a.m. PROGRAM DIRECTORS MEETING - Board Room  
11:00 a.m. Old Timers Luncheon - Community Center  
6:00 p.m. JOM Committee meeting with high school students - Dinner meeting at Indian Hills, Pendleton  
7:30 p.m. George St. Dennis Post 140 meeting - Board Room

NOVEMBER 19

1:00 p.m. Flu shots - Yellowhawk Clinic

NOVEMBER 20

6:30 p.m. Old Timers Basketball - gymnasium

NOVEMBER 24

10:30 a.m. TIMBER SALE BID OPENINGS - Board Room

NOVEMBER 25

THANKSGIVING HOLIDAY  
Illumination Basketball Tournament - Powwow Warm Springs, Ore.

NOVEMBER 26

8:00 a.m. TRIBAL ELECTIONS. Ballots cast in Board Room, Community Center, Mission, until 8:00 p.m.  
1:00 p.m. Flu shots - Yellowhawk Clinic

**FUNDING DIRECTORY, ARTS STORIES IN OFFING**

DENVER, Colo.—(Staff)—The Western States Arts Foundation is currently examining plans to prepare a directory of all private and federal funding sources in America for Indian and Alaska Native artistic and cultural projects.

Also in the offing is the circulation of arts and culture features to all Indian newspapers in the U.S. To be sought are Indian and Native writers free to travel who can undertake these assignments. Interested persons write Coordinator Laurie Adler, Western States Arts Foundation, 1517 Market St., Denver, Colo. 80202. Her telephone number is (303) 571-1561.

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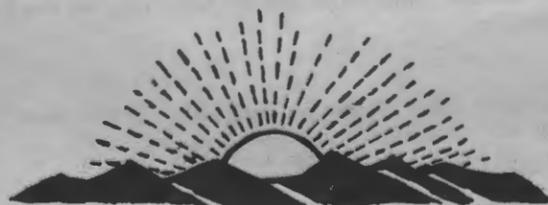
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BOOKSHELF

**ETHNOGEOGRAPHIC GUIDE TO THE INDIAN CLAIMS COMMISSION**  
 Clearwater Publishing Co. Inc.  
 75 Rockefeller Plaza  
 New York, NY 10019  
 1976 - free

THE INDIAN CLAIMS COMMISSION was established in 1946 to clear away the staggering number of outstanding legal claims by tribes against the federal government. In its 30 years of existence, it has not yet totally relieved itself of a burden born of two centuries of legal and other kinds of conflicts. But the ICC documentation affecting most United States tribes is a repository of data unparalleled in its completeness and significance.

Clearwater Publishing Co. Inc. of New York has just published a catalog available free of cost which provides access to an astronomical 400,000 pages of expert reports, transcripts, legal briefs, ICC decisions and General Accounting Office (GAO) reports which have become part of its historic decisions. (The catalog contains listings of all ICC decisions relating to the Umatilla Reservation as well.)

Clearwater is the publisher of The Library of American Indian Affairs. According to Clearwater, the new catalog is organized along nine ethno-geographic regions—and for each region, an alphabetical list is provided of the tribes which filed claims. All of the claims for each tribe are listed together with a summary of the types of documents filed for each claim with the ICC. Clearwater makes these available to interested parties in the form of microfiche and paper copies. (The first Umatilla claims before the ICC were filed on Aug. 9, 1951, and proceedings continued until the end of the Sixties.)

The Clearwater catalog enables the interested reader to ascertain the scope of material available for each claim, tribe and region—and to order any items of interest. Researchers into Indian matters, tribal historians, regional and area specialists, and state and county historical societies will find this codified index of ICC materials invaluable in touching the earliest history of Indian lands within and near today's reservations. Clearwater's telephone for requests is (212) 765-0555.

\* \* \*

**KAPPLER'S INDIAN AFFAIRS, LAWS AND TREATIES**  
 Vols. 1-5  
 Superintendent of Documents  
 Government Printing Office  
 Washington, D.C. 20402  
 1976, \$75.00

In 1968, with the passage of the Indian Civil Rights Act, the Department of the Interior was required to prepare and update for republication Kappler's famed text which contains treaties, statutes and executive orders from the birth of the American Republic up to the year 1938. It has taken much time to accomplish this task, but the new result is now on the open federal market. Further volumes beyond 1-5 will become available as the 1970s unwind.

The collection is simply a classic collection and the foundation of federal Indian law. (Many Umatilla statutes and orders—along with the June 9, 1855 Treaty of Walla Walla—are contained therein.) Revision and republication were undertaken by the controversy-ridden Indian Civil Rights Task Force in the Interior Dept. Anita Vogt, attorney for the Division of Indian Affairs in the Interior Dept. Solicitor's Office, urges all who "have questions or need further information" to contact her in Washington, D.C. at (202) 343-8526. Further republications—including the famed Felix Cohen's HANDBOOK OF FEDERAL INDIAN LAW—are on the brink of appearing. Order from Government Printing Office at above address. Ask for Stock No. 024-000-817-7, and specify Catalog No. Y4-IN2-2:144 (Vols. 1-5). That's in governmentese.

\* \* \*

Donald E. Worcester, Ed., **FORKED TONGUES & BROKEN TREATIES**  
 Caxton Printers Ltd.  
 Caldwell, Ida. 83605  
 1976, 494 pages, \$9.95

The subject of broken Indian treaties is a story of whittling down the Indian's once valuable and vast holdings. Every time Indian lands were found to be valuable, either for their fertility or mineral deposits, tribes were cajoled—"for their own good"—to relinquish these lands. In the past two decades Indian treaties have gained considerable importance, as various tribes successfully bring suits against the federal government for compensation of lands illegally taken.

White officials and all those so-called "reformers" of dubious worth have tried for countless decades to make tribal people into imitation white farmers, assuming that a few shovels, hoes and seedbags and a few acres of marginal land would make tribal folks "self-supporting"—and in the process conveniently solve the "Indian problem."

One of the underlying themes of treaty-breaking was the "vanishing red man" theory, a strongly held belief that Indians would soon disappear completely. In that case, there would be no further need for Indian lands. Worcester's volume orchestrates and amplifies the many voices of that constant violation of Native peoples. And he quotes the Oglala Sioux Chief Sitting Bull: "What treaty that the white have kept has the red man broken? Not one. What treaty that the white man has ever made with us have they kept? Not one."

\* \* \*

**REVOLUTIONARY ACTIVITIES WITHIN THE UNITED STATES—THE AMERICAN INDIAN MOVEMENT**  
 Hearing before the Senate Subcommittee on Internal Security  
 April 6, 1976, 207 pages  
 U.S. Government Printing Office  
 Washington, D.C. 20402  
 Order No. 71-508, \$2.10

Much in the news this year, this highly controversial record of Senate hearings is actually the secret testimony of Douglass Frank Durham, who faked himself as an Indian for two years and infiltrated the American Indian Movement and rose to the top with the major AIM leaders. Filled with leaked papers, FBI bias and rumors.

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**LEGAL NOTICES**

**BOARD OF TRUSTEES**

The Board of Trustees meets on Nov. 1 at 7:00 p.m. in the Board Room at Mission. It meets again Nov. 15 at Mission in the Board Room at 7:00 p.m. These meetings are open at public.

**GENERAL COUNCIL**

The November General Council meeting of all tribal members 18 years of age and older will take place Nov. 11 at 9:00 a.m. at the Community Center in Mission. Call 276-3165 for key items on agenda.

**TRIBAL ELECTIONS NOV. 26**

The 1976 Tribal Election Committee named in September has set Nov. 26 as Tribal Election Day for positions on the Board of Trustees and General Council. They will be held in the community Center Board Room from 8:00 a.m. to 8:00 p.m. Nominating petitions for candidates can be filed until Nov. 5. Absentee ballots will be sent upon request to all enrolled members of the Confederated Tribes. Each such request for absentee ballot must be accompanied by individual signature. All absentee ballots must be received by close of voting hours Nov. 26 at 8:00 p.m. Absentee ballots can be obtained from Tribal Office, Confederated Tribes, P.O. Box 638, Pendleton, OR 97801 or call (503) 276-3165.

**GSA RESTORATION BIDS**

David L. Head, Regional Administrator of Federal Services Administration, has announced that bids for restoration and improvements to the U.S. Custom House, 220 NW 8th Avenue, Portland, OR will be opened December 16, 1976 at 2:00 p.m.

**LEGAL NOTICES**

In the Business Service Center, Room 440, Federal Bldg., 915 Second Ave., Seattle, WA 98174, telephone (206) 442-5556.

The scope of the project (IOR 74241) will include, building restoration and improvements including restored entrance hall and corridors, modernized office spaces, new acoustical callings, new lighting, new elevator, new air-conditioning, and centralized control system with tie-in to Federal Building.

The bidding range for this project is between \$1,000,000 and \$5,000,000 and a 20% bid guarantee is required.

Refundable plan deposit in the amount of \$100.00 is required for each set of the bidding documents. General contractors will be limited to two sets and subcontractors and suppliers to one set. Nov. 1, 1976.

**SALE OF TIMBER**

**UMATILLA INDIAN RESERVATION**

Sealed bids, in duplicate, on forms provided therefor, marked outside "proposal for Lodgepole Pine Logging Unit," addressed to the Superintendent, Umatilla Agency, Pendleton, OR 97801, will be received until 10:30 a.m., local time, Nov. 24, 1976, for the purchase of a tract of timber within the Umatilla Indian Reservation described as the LODGEPOLE PINE LOGGING UNIT.

The unit includes approximately 530 acres to be logged and contains a volume of 2,800,000 feet, B.M., of lodgepole pine. The volume is an estimate and is not guaranteed. Each bidder must state the price per thousand feet, board measure, Scribner Decimal C Log Scale, that will be paid for timber cut and scaled. No bid will be considered for less than \$8.60 per thousand feet, board measure for lodgepole pine sawlogs.

Deposits either in the form of a certified check, cashier's check, bank draft, or postal money order, drawn payable to the Bureau of Indian Affairs, or cash in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) must accompany each sealed bid. The deposit of the apparent high bidder, and of others who submit written requests to have their bids considered for acceptance, will be retained pending acceptance

**LEGAL NOTICES**

or rejection of the bids. All other deposits will be returned. The deposit of the successful bidder will be applied as a part of the purchase price against timber cut on this unit only, or will be retained as liquidated damages if the bidder does not execute the contract and furnish a performance bond in the amount of Three Thousand Six Hundred Dollars (\$3,600.00) within 30 days of the acceptance of the bid. The right to waive technical defects and to reject any and all bids is reserved.

Before bids are submitted, information concerning the timber, conditions of the sale, and the submission of bids should be obtained from the Superintendent, Umatilla Indian Agency, P.O. Box 520, Pendleton, OR 97801, or the Area Director, Bureau of Indian Affairs, P.O. Box 3785, Portland, OR 97208. Dated this 7th day of October, 1976, at Portland, Oregon, Doyce L. Waldrip, Assistant Area Director. Nov. 6, 1976

**EMPLOYMENT**

**PROPERTY CLERK** trainee wanted. Must be economically disadvantaged, underemployed or unemployed. Will receive on-the-job training in procurement of supplies, equipment. Responsible for receiving, storing, issuing supplies & eqpt. plus compiling and maintaining complete inventory and record of all supplies & eqpt. for Umatilla Tribe. Must have driver's license & car. Contact Tribal Employment Center, P.O. Box 638, Pendleton, OR 97801 or call (503) 276-8221.

**CONTRACTING SPECIALIST** wanted. Assist in soliciting bids, executing contracts for eqpt., supplies, professional svcs., construction, repairs, alterations, maintenance, new construction and contracts. Indian preference applied. Contact Health Services Adm., Indian Health Service, 1220 SW 3rd Ave., Rm. 476, Portland, OR 97204.

**ELECTRICIAN APPRENTICE** openings till next Apr. 30 for inside wireman trade. Must be at least 18, hi sch. grad or GED, 572 aptitude test. Contact H.W. "Buck" Walther, Field Rep., Bureau of Labor, 125 SE Court, Suite 5, Pendleton, OR 97801. Or call 276-6131, Ext. 211.

**EMPLOYMENT**

**PUBLIC HEALTH EDUCATOR** for Yellowhawk Clinic wanted. Plan, develop & carry out public health education pgm geared to Umatilla people. Should be able to use audiovisual eqpt, prepare teaching materials, lecturing. GS9-11. Contact Bruce Campbell, Service Unit Director, Yellowhawk Clinic, Mission. Or call (503) 276-3811, Ext. 270.

**REMEDIAL READING TEACHER** wanted at Chemawa Indian School. Indian preferred. Must have one yr. exper. as professional educator. Must have driver's license. For more info write: Superintendent, Chemawa Indian School, 5495 Chugach St. NE, Salem, OR 97303.

**BOOKKEEPER** wanted. \$9,246 per year. Maintain office accountability, invoicing under contracts, payroll accounting, occasional travel. Contact F.D. Lambert, Executive Director, Northwest Portland Area Indian Health Board, 1501 Standard Plaza, 1100 SW Sixth Ave., Portland, OR 97204. Starts Dec. 6.

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**ANIMAL BOOK AWARD**—\$10,000 advance and publication for adult fiction or non-fiction book relating to animals. Closes Dec. 31. Write: Dutton Animal Book Award, E.P. Dutton & Co., 201 Park Ave. South, New York, NY 10003.

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UNITED STATES DEPARTMENT OF THE INTERIOR • INDIAN ARTS AND CRAFTS BOARD

WASHINGTON, D. C. 20240

## NOTICE

### TO INDIAN AND ESKIMO ARTISTS, CRAFTSMEN, PERFORMERS AND ORGANIZATIONS

As a special information service, the Indian Arts and Crafts Board accepts "collect" telephone calls from Indian artists, craftsmen, performers, and organizations who want to contact the Board's professional staff in Washington, D. C., for advice and assistance.

As an advisory and information agency, the Board encourages and promotes the development of Native American arts and crafts, and seeks to innovate in the interpretation and preservation of these arts, to foster cultural education, and to stimulate support for Native American culture. The Board does not make grants or loans.

Through this service for Indian people, the Board will pay the long-distance charge for the telephone call to Washington, D. C. To contact the Board, you should call between 9 AM and 5 PM Eastern time, and tell your local telephone operator that you want to make a COLLECT CALL to:

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—BAHA'U'LLAH

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# INDIAN NEWS CLIPS

OFFICE OF INFORMATION

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VOL. 6 No. 45

November 6, 1976

THE NEW YORK TIMES, THURSDAY, OCTOBER 28, 1976

## Interests Collide Over Puget Sound Fishing

By LES LEDBETTER

Special to The New York Times

PUGET SOUND, Wash., Oct. 27—It was wet and cold Monday night aboard the Keta, a 34-foot gillnetter fishing boat, as it arrived in Hood Canal, a natural arm of Puget Sound, after a two-hour trip from Seattle, 30 miles southeast.

Bruce Samuelson, the 25-year-old owner, master and sole crewman of the new \$50,000 boat, did not seem to notice the steady drizzle or near-freezing temperature as he laid out his 1,800-foot-long nylon net in the last light of winter sun.

Nor did Mr. Samuelson or the 30 other canal-area gillnetters, fishermen who trap salmon by their gills as they return to nearby spawning grounds, seem to mind that their fishing has been branded illegal by state agencies and a Federal judge or that they have been described as "renegades" destroying the salmon fishing industry.

"If I don't fish, the bank takes my boat; if I do, the state or Feds will try," said the affable Minnesotan who began gillnetting four years ago.

### Reverse Discrimination Cited

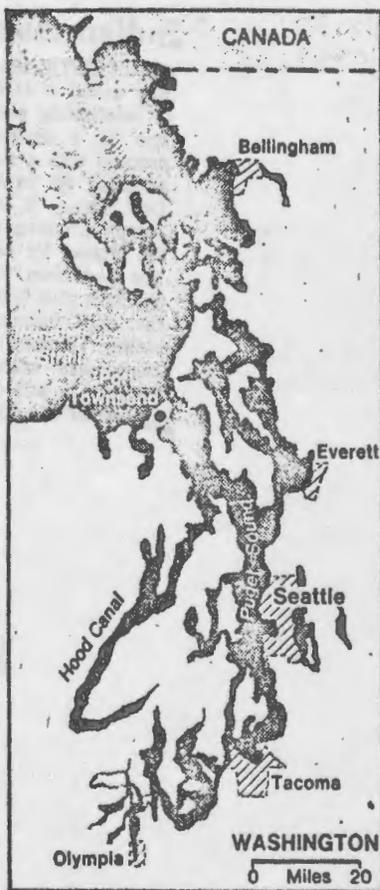
"Besides," he added, "the state courts support us in our contention that racial quotas can't be set no matter what the Federal judge or the Indians say."

It is this belief that they are suffering from reverse discrimination that has caused more than 100 gillnetters, to flout a Federal court order and state regulations against fishing in the sound except on rare occasions.

They risk arrest, confiscation of catches and loss of fishing licenses in confrontations with patrol officers of the Washington Department of Fisheries and Indian tribal police.

On Sunday night, a gillnetter was shotgunned by a state officer who thought the fisherman was about to ram the state's smaller boat. The fisherman remains in serious condition, with pellets in his head.

State and tribal officials say that in earlier confrontations, boats have been rammed and nearly swamped by angry



The New York Times/Oct. 28, 1976

gillnetters. The fisherman admit to harassing officials in boats, but deny any attempts to drown them or hurt them.

The gillnetters and other commercial fisherman, along with sports fishermen and much of the general population here in western Washington, see the fishing problems and confrontations arising from the February 1974 decision by United States District Judge George H. Dolt.

It held that under the provisions of several 120-year-old treaties, five In-

dian tribes in the area must be guaranteed the chance to catch 50 percent of the harvestable salmon stock returning after four years at sea to off-reservation waters shared by Indians and non-Indians.

### Complex Situation

But the situation involves far more than Indian fishing rights versus the gillnetters.

Also at issue are states' rights, with state and Federal courts opposing each other at this point; the changing nature of commercial fishing and fish management as the investment and size of fleets grow, and the evolving rights of the Indian tribes.

"The gillnetters cut their own throats early this spring when they sided with the ocean trollers who opposed any restrictions on time and places for ocean fishing," said Donald W. Moos, state Director of Fisheries.

"So when the trollers had a record catch and the sports fishermen had a

better-than-average catch, that was counted against the non-Indian 50 percent quota; and you can't catch a fish twice," he added. "I am directed by the Federal court order to see that Indians get a chance at 50 percent and also seeing that sufficient salmon return to the streams for propagation."

### Smaller Indian Fleet

Because the Indian fleet is only one-tenth the size of the commercial fleets and because the Indians fish closer to river headwaters, they must be given longer fishing times to catch their quota.

Even so, state and Federal officials estimate that the Indians take no more than 12 percent of all the harvestable salmon that come into the area.

Mr. Moos said that so few salmon have made it into Puget Sound this year that the illegal catches by the gillnetters could decimate some hatcheries and destroy the possibility of sufficient salmon runs four years from now.

Mr. Samuelson and other gillnetters dismiss this, saying, "Indians can fish

right in front of the hatcheries." They also say that fishermen such as Mr. Samuelson have \$10,000 mortgage payments due on their boats every year. Mr. Samuelson gets \$1.05 per pound of salmon currently, and his average fish runs around eight pounds each.

"I have a lot of sympathy for the gillnetters, but there were too many of them and the number of salmon were declining even before the Boldt decision," said James C. Waldo, the Assistant United States Attorney here most deeply involved in the fishing court battles.

Mr. Waldo said that his sympathy has not permitted his office from having the Federal Bureau of investigation brought into the dispute to see whether Indian civil rights have been violated or whether the gillnetters are guilty of obstruction of justice in opposing the orders of Judge Boldt.

The Coast Guard is also expected to take administrative action very soon against gillnetters who have used their boats "recklessly" during the last month of confrontation with state and Indian officials.

The gillnetters have been encouraged by the fact that state courts have generally dismissed citations against them and have ignored Judge Boldt's orders by holding that state law prevents the Department of Fisheries from setting any fishing limits other than for conservation.

These fishermen have even gone to the State Supreme Court in an effort to get an order directing the state to ignore Judge Boldt's decision. That case will be heard Nov. 9.

"Judge Boldt has great respect for the state's jurists, but there can be no doubt what the outcome will be if the state and Federal courts clash," said Dr. Richard Whitney, the University of Washington fisheries professor who is Judge Boldt's technical adviser in the fishing matter.

"This is the same argument for states' rights in every civil rights issue from Mississippi to Boston and they've gotten nowhere," he added.

"The Indians are entitled by Federal treaty signed in 1854 and 55 to their fishing and hunting rights in return for the land they gave up then," said Alvin Ziontz, senior partner of the law firm in Seattle that represents the Lummi Makah, Quileute, Puyallup, Muckle-shoot and Skokomish Indian tribes in the current court battles.

Mr. Waldo, who is handling the United States prosecution in this case, said that he felt "the solution is to reduce the non-Indian fleet and enhance the salmon runs." He added that the built-up Indian fleet could provide salmon to the nation while building new financial bases for the reservations.

Forest Kinley, a Lummi Indian, who oversees reservation hatcheries, said the Indians were still being deprived of their rightful share of salmon "since the few that reach us in the rivers must generally be spared for spawning."

"I don't think a fish is worth the life of anybody," he added, but if one of our people is drowned by those red neck gillnetters, there will be shooting."

BOSTON, MASS.  
HERALD AMERICAN  
D. 737, 050

OCT 21 1976



### Indian claim delay asked

AUGUSTA, Maine—The Justice Dept. has asked a U.S. District Court judge to indefinitely postpone a Nov. 15 deadline for a decision on whether it will proceed with a suit by two Indian tribes claiming 60 percent of Maine's land. Gov. James B. Longley and Atty. Gen. Joseph Brennan were notified yesterday the motion for continuance of the deadline had been filed. Judge Edward T. Gignoux may hold a hearing on the motion for continuance before making a ruling, Brennan said. "The Justice Dept. has stated it does not know whether it will continue because of the nature of the claim," said Brennan.

MILWAUKEE JOURNAL  
MILWAUKEE, WISC.  
D. 338,103 SUN. 524,947

OCT 11 1976

### Menominees Get Mill Aid

Kenosha, Wis.—The Bureau of Indian Affairs has given \$14,400 to the Menominee Tribal Restoration Committee to be used for a study of how to profitably operate a mill to make wood chips.

The Restoration Committee said the chip mill was essential for the maximum use of those trees that contain little lumber material. The Menominees' current chip operation has been losing money.

# Indians Dream of an Island in the Funds

Seattle  
Post-Intelligencer  
OCT 10 1976

By JOHN O'RYAN

The Squaxin Indian Tribe owns about two-thirds of an island in southern Puget Sound, and the Indians are determined that this island will become the most productive plot of land in the world.

The tribe wants to become prosperous, and the only way this can be accomplished is to make Squaxin Island pay.

Unfortunately, the island isn't very large, has poor soil, and boasts no lakes or streams to provide water or support a salmon run.

Nevertheless, if the tribe's dreams come true, Squaxin Island will become an "Indian bonanza."

How can an island five miles long and not quite a mile wide, with poor soil and no surface water, become a bonanza?

Picture this island with crops of oysters, clams and geoducks growing on its tidelands; a fee campground, restaurant, resort and convention center for use by the public; a small lumbering industry and possibly even a marina.

Just offshore would be a great "salmon farm" where the fish would be reared for a time in net enclosures, then released to go to sea, and harvested with nets when they return at maturity to vainly seek a "spawning river" on Squaxin Island.

That's the Indian dream.

The Squaxin Tribe came into possession of the island in a "land deal" which came about after the signing of the Medicine Creek Treaty in 1855.

It can hardly be said that the Indians got the best of this deal. In effect, they traded the land in virtually all the inlets of southern Puget Sound for Squaxin Island.

As things turned out, waterless, hard-pan Squaxin Island proved to be so inhospitable few Indians ever tried to live there.

To make matters worse, through the years members of the tribe acquired ownership of plots of land on the reservation, then sold out to non-Indians. Often, the land was sold at ridiculously low prices.

Through this process, approximately one-third of the island has fallen into non-Indian ownership. In addition, the state took over land on the southern tip of the island and established a public park there.

Of course, the tribe wants to own the entire island, again. But property values on Puget Sound have risen so steeply the tribe can't afford to buy back the land from present owners.

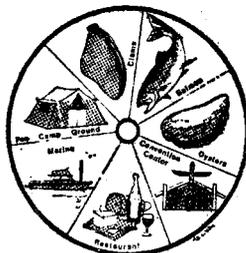
It provides little comfort to present-day Squaxin Indians to reflect on the fact that many years ago some of this property changed hands for considerations as small as a quart of whisky.

"We'll try to buy a little bit back each year," said Calvin Peters, the tribe's energetic chairman. "Maybe some day we'll own it all again."

The tribal council is also wrestling with the problem of getting the state park off the island's south shore. Pollution from the horde of pleasure boats that visits the park each summer weekend is destroying a portion of the tribe's oyster farm.

While trying to raise

W6297F



funds to regain property on the island that has fallen into non-Indian hands, the tribal council has been forced to take extraordinary steps to prevent this property from being developed.

One summer cabin was built by a non-Indian property owner, there was a possibility that others would be built, and the threat of a summer home development project on the island loomed.

The tribe's "trump card" is the fact that the entire island remains an Indian reservation regardless of who owns the land. The Indians have the right to zone the entire island, and pass laws to govern the island. Furthermore, the Indians own all the tidelands on the island, so it is impossible to reach the place by boat without passing over Indian lands.

There is no bridge linking Squaxin Island with any other shore.

The council closed the tidelands to marine traffic, except for the public park area. Non-Indian Squaxin Island land owners can reach the island via the park, but there are no roads on the island, so it is extremely difficult for them to get to their property after landing on the island.

The non-Indian land owners retaliated by starting work on an airstrip located in the midst of a large block of non-Indian-held land.

The tribal council then passed a law prohibiting the use of any gas-propelled vehicle on Squaxin Island. This meant that the moment an airplane landed on the island, the pilot would be in violation of reservation law, and subject to arrest.

In this manner, the council has managed to prevent non-Indian development on the island which would be destructive to the Indians' plans for the reservation. However, the council's actions have not prompted the disgruntled non-Indian property owners to reduce asking prices for plots the Indians try to buy back.

The tribe's dream for the island may seem extravagant, but portions of this dream have already come true. The salmon farm and the oyster culture are going strong, bringing the tribe substantial profits.

The beaches of Squaxin Island are now producing about 100 gallons of oysters a week, and Brian E. Johnson, the tribe's business manager, said this production can be doubled in three years.

The tribe has purchased the Harstine Oyster Co. located on an adjacent island. In the future, the Indians will pack and market their own oysters.

The Indians are now working with University of Washington marine scientists in a project to plant clams on the island's beaches. They hope to develop the clams to a profitable commercial harvest. There are clams there now, but not in commercial quantities.

The Indians have also constructed their salmon farm, which consists of eight pens off the island's western shore, each pen capable of accommodating 50,000 fish.

Since 1971, they have been rearing, and releasing, salmon. Some of the salmon are held until they are past the age when they have seagoing instincts, and they stay in southern Puget Sound when released from the net enclosures. These fish, reared under an agreement with the state, provide fishing

year around for salt water anglers.

Other salmon are released to go to sea, and return at maturity. These fish provide income for many non-Indians because they must run the gauntlet of trolling vessels, charter boats, and gillnet fishermen on their journey from the ocean back to southern Puget Sound.

When salmon reared at Squaxin Island return to spawn, they mill around the isle's shores vainly searching for their spawning river or stream. While they are thus engaged, the Indians harvest them in nets.

Last year, the tribe's fishermen caught 10,000 salmon off the island's shores. This put approxi-

mately \$80,000 in the pockets of Squaxin fishermen.

This year, they are anticipating a return of 20,000 salmon, and the fish are just beginning to arrive at the island. As yet, the tribe doesn't know if it will realize its anticipated return, or if non-Indian commercial fishermen and charter boats in coastal and in

land waters have taken too many of them.

The Indians have found that the salmon they release under contract with the state, to spend their lives in southern Puget Sound, are very small when they return to spawn. Probably this is due to the fact that feed conditions in Puget Sound are not nearly as good as in

the North Pacific Ocean.

Since these mature salmon are so small they swim right through the mesh of a standard gillnet, the Indians are building a fish trap on the island to harvest them.

Plans for a fee camping area, restaurant, convention center and marina are earmarked for the future, but in

view of what the Squaxin Tribe has already accomplished, who can say these plans are extravagant?

For some 200 enrolled members of the tribe, and approximately 300 more people who depend on the tribe's economy, Squaxin Island provides hope for a prosperous future.

It isn't much, as islands go, but in the words of business manager Brian Johnson:

"It's all we've got and we love it."

THE NEW YORK TIMES, FRIDAY, OCTOBER 29, 1976

## Payment Being Considered For Maine Indians' Claim

Special to The New York Times

PORTLAND, Me., Oct. 28 — United States Attorney Peter Mills said today that the Ford Administration was examining a land misuse suit filed by two Indian tribes against the state of Maine.

Mr. Mills said that one possible solution would be to pay off the Indians' land claims with Federal funds, probably through an act of Congress.

At a preliminary hearing in the Federal District Court yesterday, Judge Edward T. Gignoux agreed to delay until Jan. 15 the hearing on the claims of the Passamaquoddy and Penobscot Indians. The hearing had been scheduled for Nov. 15.

The two tribes contend that the state illegally took and subsequently sold 12 to 15 million acres of aboriginal land, about two-thirds of the state.

**JOSEPHY BLASTS BIA**

# U.S. Indian Policy Fraud, Says Author

By **GLENN TROELSTRUP**  
Denver Post Staff Writer

Leading American Indian affairs author, historian and editor Alvin M. Josephy Jr. claims U.S. government policy on Indians mostly is "fraudulent and deceitful."

The sometimes federal adviser and chief editor of American Heritage, Horizons and Americana magazines also calls the U.S. Bureau of Indian Affairs (BIA) "among the most inept, the worst elements in the federal bureaucracy. And it always has been."

In an interview during the Western History Association's annual conference last week at the Denver Hilton Hotel, Josephy criticized the White House, the congressional interior affairs committee majorities and the BIA.

**HE CLAIMED THAT** since about 1970 Washington's Indian policymakers have only pretended they are interested in Indian self determination.

The colorful, onetime Time magazine associate editor, author of a half dozen books and special White House report on Indian policies and programs, said the U.S. government presently has no intention of giving up its veto power over Indian tribal governments. He singled out government powers over Indian use of reservation mineral and natural resources.

That's wrong, Josephy said, since "Indians are entitled to their own governments and decisions just as the states are. Also, their lands aren't part of the public domain. The federal government should be limited to a purely trustee relationship with the Indians as a true protector of their properties."

Josephy, a Democrat, said indications are that Indians may fare better under a Carter administration—"but not much better."

**THE FORD** administration even shows signs of going back to the termination-aimed policy of the 1950s under Eisenhower, he said. "That is, of declaring all Indian treaties null and void and of turning tribes over to the various states. That would be the end of reservations and the Indian culture. And that's absurd!"

Josephy claimed federal Indian policy today is like that of the British Colonial government in the West Indies two decades ago.

That policy, he said, will slow, but not halt, the Indian drive for self determination.

The historian estimated that if responsible white officials and others gain a "realistic" understanding of Indians, their rights and their heritage, self determination could come within five years. Otherwise, he said, it could take up to 20 years.

Josephy said it was a healthy sign that major corporations and environmentalists finally are communicating directly with Indians.

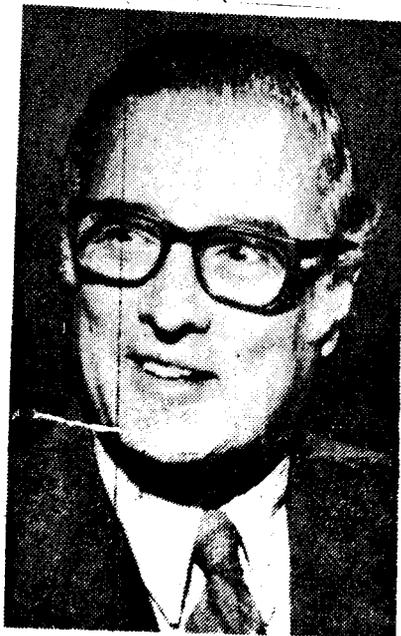
"Organizations always went to or dealt with federal bureaucrats first," he said.

"But now they're realizing they can work with and even hire Indians as managers."

**HE SCORED FEDERAL** and elected officials for "the dreadful mistake" of equating the American Indian Movement (AIM) with the Black Panthers.

"AIM has deep roots among all types of reservation Indians and helped break down Indian fears of whites," he stressed. "It's a reflection of a number of Indian groups. Such militants have helped take the Indians part of the way toward establishing tribal governments of their own choosing."

Josephy termed what happened at Wounded Knee, S.D., 3½ years ago "a desperate attempt of a desperate people



Denver Post Photo  
**ALVIN M. JOSEPHY JR.**  
He cited "dreadful mistakes."

The Denver Post

DENVER, COLO.

D. 241,803 SUN. 3/17/76

OCT 17 1976

to call attention to their grievances and plight. . . Historically, that's how it's going to appear."

He said the traditional federal policy of "assimilating the Indians—turning them into white people—had one problem: The nonurban Indians don't want to be like whites. They don't want to give up their own cultural background."

The result, he noted, has been a kind of dreadful stalemate in which the federal government "has wasted and misspent a lot of money for unknowledgeable programs imposed on Indians."

**JOSEPHY POINTED** to the hundred-fold increase since the mid-1960s in the number of Indians studying in colleges and universities.

"They now number 16,000," he said. "They're learning to communicate well with non-Indians. They're taking control of their affairs and speaking for themselves at a spectacular rate. They don't need an inept BIA bureaucracy over them!"

Josephy added: "I also respect the fact that increasingly, Indian writers and historians can and must speak for themselves."

Meantime, he said, Americans become knowledgeable about Indians and Indians must learn more about themselves.

"General white disinterest has an element of unreality about it," Josephy underlined. "We brought on the major problems of the Indians but don't want much to do with realistically solving them. But the Indians own resources the whites traditionally want, like water rights, timber and coal. So Indians are becoming increasingly important to the health and welfare of this nation. They and their rights aren't going to just go away."

**JOSEPHY SAID** historians themselves have been "derelict in understanding the Indians as part of their tendency to sneer at U.S. Western history. The result is that they haven't linked it with U.S. national history as part of the big picture."

Since taking over the bimonthly American Heritage a half-year ago, the historian has applied his beliefs. The influential magazine has become much more contemporary and more Western-history oriented in content, he said. In its drive for a circulation of a half million it may become a soft-cover monthly, with advertisements.

"We're taking today's issues and giving the historic background," Josephy explained. "We're not telling what to believe but rather how we got where we are."



Commemorating Native American Day, members of the Baumholder military community, all of them descendants from different Indian tribes, performed Indian ceremonial and folk dances. Even today these dances play a significant role during festive ceremonies of all tribes of American Indians. A large crowd had gathered to watch and enjoy the presentation of the Indian dances and the chief on horseback on the PX parking lot. The horse had been furnished through the kindness of Mr. Ottfried Walter. The dances were preceded by a concert of the 8th Infantry Division Band from Bad Kreuznach.

# Indian Heads Favor Carter Over Ford

SALT LAKE CITY (AP) — Leaders of an organization representing 113 tribes demanding more control over Indian affairs say they're doubtful of Ford administration Indian policies and lean toward promises by presidential candidate Jimmy Carter.

However, the tribal leaders, meeting this week as the National Congress of American Indians and representing the country's one million native Americans, said the congress would remain nonpartisan in the presidential campaign.

Charles Trimble, Oglala-Sioux and NCAI executive director noted that Carter promised Indian leaders two weeks ago he would consult them before making appointments to agencies that affect Indians.

"If he reneges on that, the whole world is going to know," said Mel Tonasket, NCAI president and a member of the Colville Tribe.

The NCAI's 3,000 represent-

atives passed resolutions calling for complete tribal sovereignty, treaty security, greater control of reservation natural resources and more funding with fewer government strings.

Tonasket and Trimble criticized Interior Secretary Thomas Kleppe's handling of Indian affairs. Trimble said Kleppe's attitude toward Indians is one of "benign neglect," while Tonasket said Kleppe and some on his staff "come from corporate interest backgrounds."

Trimble said Indians have always felt "the government should get the hell out of the way and let Indians handle things themselves."

He predicted that a "super Indian agency" incorporating all Indian related services will be a reality within four years. However, he said, if the recommendation is not made cautiously, a number of tribes would oppose it.

The NCAI expects to pass a

resolution condemning a Senate Internal Security subcommittee report labeling the American Indian Movement "a frankly revolutionary organization which is committed to violence."

AIM spokesman David Hill, a 33-year-old Choctaw, characterized the report as "a tactic used by the federal government to lend credibility to police brutality and assassination," and similar to earlier government pronouncements about the Black Panthers.

Many Indian leaders say they are hopeful about getting the changes they call for, but feel Indians will get little help from the federal government without making constant demands.

"When you grow up in Oklahoma, as I did, and see a sign on a reservation clinic that reads, 'Emergency Dental Care Available Every Third Saturday,' you realize early on what Indians are up against," said NCAI staffer Suzan Harjo.

## Montoya Pledges Indian Hospitals

By LARRY CALLOWAY  
Associated Press Writer

THOREAU, N.M. (AP) — Democratic Sen. Joseph M. Montoya's campaign pledge to New Mexico Indians is that he will build new Indian hospitals and vocational schools if he's re-elected.

He told Navajos at a rally in the Thoreau firehouse that his opponent, Republican Harrison "Jack" Schmitt, "is not going to vote one nickel up in Washington."

The senator renewed his pledge to do all he can to build a new hospital at the Navajo community of Crownpoint.

"Next year, I'm going to start doing something about it," he said.

He had made the same pledge a month ago to Dr.

Marlene Huffner, director of the Navajo Area Indian Health Service, who gave the project top priority.

He also told the rally, "We're going to start on a program of vocational and technical education for Indians across this country."

Montoya's basic pledge is to work for a 10-year construction program of \$100 million in new Indian schools.

The senator continued his all-out attack on Schmitt, saying, "He's running on a campaign that Washington shouldn't spend any money for education. He's been telling that all over the state. But, by gosh, he's not going to get to do that because the Navajo people are going to support Joe Montoya."

Montoya has said he expects overwhelming majorities among New Mexico Indians.

At a senior citizens' lunch in Gallup, the senator said Schmitt "has come out against everything except federal aid to himself."

He attacked Schmitt's year of study nearly 20 years ago under a U.S. government Fulbright scholarship.

"He didn't want to go to the schools here. He went to Norway under a Fulbright scholarship. He thought he learned a lot. Now he's trying to do away with Social Security," Montoya told the elderly group.

The senator also introduced a new charge, that Schmitt wants to cut the federal min-

imum wage in order to decrease unemployment. The reference apparently was to a statement Schmitt made in Albuquerque that exempting students from the minimum wage would increase their job opportunities.

"He must have learned his economics on the moon," Montoya said. "Let us wake up to this man. He will not vote for one thing that helps people."

Also in Gallup, the senator told 40 officers at the Gallup Police Department that he favors some sort of federal aid to increase their salaries.

"I don't mind saying that I think policemen are underpaid for the risks they take. I hope that someday our state legislatures and the federal government will work out a partnership arrangement to provide better salaries for the law enforcement personnel of this state," Montoya said.

# Navajos threaten to sue Utah coal firm

By BILL DONAVAN

WINDOW ROCK — Navajo Tribal Chairman Peter MacDonald is threatening Utah International Inc. with a lawsuit unless the coal company agrees to renegotiate its agreement with the tribe.

The 1957 agreement, which one tribal official calls "legalized stealing," allows Utah International to purchase coal from the tribe for about 17 cents a ton.

The company, according to the New Mexico Department of Revenue, sells the same coal to the Four Corners Power Plant in Shiprock, N.M., for \$7 a

ton. The power plant is adjacent to the Utah coal field.

MacDonald and the tribe's general counsel, George Vlassis, met with representatives of the coal company last week in San Francisco and told them of the tribe's dissatisfaction with the contract.

During the meeting, MacDonald said the tribe recently renegotiated its agreement with El Paso Natural Gas and Consolidated Coal Co. to give the tribe a minimum of 55 cents a ton royalty.

Tribal officials estimate that revision

of the Utah coal lease along the same lines would net the tribe more than \$2 million more annually on coal royalties just from the sales made by Utah International to the Four Corners plant.

MacDonald said the tribe has been trying to renegotiate the present agreement for five years with no success.

Utah International, MacDonald said, claims it is obligated by contracts to sell the coal to its customers at 1957 prices.

If that is the case, MacDonald said, the tribe may have to put pressure on Utah International customers to get the company back to the bargaining table.

One of Utah's customers that the tribe is expected to seek help from is the Western Gasification Co., which is negotiating with the tribe for permission to establish several coal gasification plants south of Shiprock.

WESCO has a contract with Utah International to supply the coal for the plants. Tribal officials have indicated they may view the gasification proposal more favorably if the coal contract is renegotiated.

MacDonald has placed a four-month deadline on negotiations with Utah International. If the company still refuses to negotiate a new contract by then, he said, the tribe will take the matter to federal court in an attempt to get the lease canceled.

OCT 24 1976

Farmington Daily Times

## At Teecnospos School Education Day Observed

TEECNOSPOS, Ariz.—Anita Pfeiffer, professor of elementary education at the University of New Mexico, was guest speaker Friday at Navajo Education Day assembly at Teecnospos Boarding School.

She spoke on the Navajo Division of Education goals, which include establishment of an academy on the reservation. Initial plans, she said, call for 25 students. The academy would be part of an exchange program with Eastern schools.

Distinguished guests at the event included two educators from the Soviet Union: Leyla Menabde, detective head of the 57th secondary school in the province of Georgia; and Valner Kokkpa, head of foreign language and chairman of the Pallinn Polytechnic Institute in Estonian province.

A school spokesman said the Soviets asked many questions about the educational structure and about the Navajo way of life. They toured the school, primarily the reading labs,

with school principal Calvin Lucas.

Centered at the UNM, they will tour the reservation further this week.

Teacher aides were also honored with a plaque during the ceremony. They include Annie Tso of Shiprock Junior High, Robert Holly of Aneth (Utah) Boarding School and Irene Tso of Red Mesa, Ariz.

About 200 students from grades kindergarten through eight, staff and faculty attended the ceremony.

# Firm linked to \$500,000 in Navajo payments

OCT 25 1976  
Arizona Republic

Associated Press

ALBUQUERQUE — A California investment firm paid nearly \$500,000 in commissions to individuals associated with construction work on the Navajo Reservation, the Associated Press has learned.

Among those receiving finder's fees or commissions, from American Funding Corp. were Pat Chee Miller and Leslie J. Hadden, both of Gallup.

The payments were both in cash and check, according to documents made available by reservation sources.

In addition, \$44,464 was contributed in 1975 to the Navajo Housing Authority by the Beverly Hills company, the documents disclose.

Miller was executive director of the authority until he resigned in April.

Hadden and Miller are under investigation by a federal grand jury in Phoenix and the U.S. Attorney's office.

The jury, has been investigating alleged

financial irregularities on the reservation.

Miller, according to federal court documents

transferred \$13,297,162 in Department of Housing and Urban Development funds to American Funding. The money was to

have been invested in short-term government securities.

All but \$4,399,327 has

been recovered from American Funding, which was placed in receivership March 22 by a federal court order.

Farmington Daily Times

OCT 26 1976

## On Navajo Nation

# Press Center Planned

WINDOW ROCK, Ariz.— Recent acquisition of technical equipment from CBS television network may mean a local studio in Window Rock and easier dissemination of pro-

grams for the Navajo Film and Media Commission.

Studios are also expected to reduce the amount of travel involved for persons appearing on "The Navajo Nation Re-

port," aired on KOAT in Albuquerque, N.M. and KOAI in Flagstaff.

Requests for appearances on those programs are increasing, according to Ray Gilmore, chairman of the Navajo Film and Media Commission, who sees the requests as encouragement for the program.

"Although there are no funds to help us defray the production costs, the program now goes into its fourth year of continuous broadcasting from Flagstaff and Albuquerque," Gilmore said.

Some 220 individuals appeared on the program last year to give Navajos their views on issues and programs.

The commission plans to construct a mass communications center on the reservation. "We would rather have our own studios, personnel and equipment to do the job right rather than expand the coverage of a station that is off the reservation," Gilmore said.

The community of Chilchibeto more than a year ago approved location of a Navajo Mass Communications center there.

Hopefully, Gilmore says, the project will draw reservation communities together through better communications.

# Indian Control

## Test Asked

### Commissioner Suggests Experiment On Reservation Law and Order Control

SALT LAKE CITY (AP) — An experiment should be conducted to determine if Indian tribes can be given complete control of law and order within reservation boundaries, the commissioner of U.S. Indian Affairs has suggested.

In an interview Tuesday, Morris Thompson said the issue of an Indian tribe's jurisdiction over non-Indians living on reservations is a new and important one to Indians. "Most tribes feel fully capable of serving Indians and non-Indians within their borders," he said.

Thompson was here to address the convention of the National Congress of American Indians, attended by representatives of more than 100 tribes.

Delegates also heard representatives of President Ford and Democratic presidential candidate Jimmy Carter discuss issues affecting Indians. The moderator noted neither representative was an Indian and asked, jokingly, why both candidates sent "these turkeys instead."

Thompson referred to controversies over Indian claims of law and order jurisdiction in Utah and other states. He said a program allowing one or two tribes complete control could be tried

for three or four years to see if it works. However, he said the issue would ultimately have to be resolved by Congress.

He said the problem arose partly from a government policy in the late 1930s which allowed non-Indians to own some reservation land. Thompson said the non-Indian argues he has no voice in tribal government and therefore should not be subject to its police power.

The tribes argue they should have complete control, he said, noting that when Indians venture off reservations, they too are under the jurisdiction of a local government in which they may have no voice.

Thompson, 37, an Athabascan Indian from Tanana, Alaska, has been Indian affairs commissioner since December 1973, and will leave the post next month to become a vice president of Alcan Pipeline Co., involved in constructing a natural gas pipeline across Canada.

In his convention address, Thompson said there had been a revolution in the Bureau of Indian Affairs in the last eight years, with Indians finally speaking for Indians.

"The agency is 120 years old. But it wasn't until 1966 that the first person of Indian extraction headed the agency," he said. Thompson added that now all but one of the top seven positions in the bureau are staffed by Indians.

Thompson said that in the last six years, "the historical erosion of the amount of lands owned by the Indians, has been reversed." He said that in 1971, a land settlement giving Indians 40 million acres in Alaska was the largest in

U.S. history.

The commissioner was critical of a recent controversy among Indians sparked by a memo written by Howard Bergstrom, a federal budget examiner. Indians at the convention had said it advocated a bad method of terminating federal relations with Indians.

Thompson called the interpretation "a complete misrepresentation of the facts" and said the memo expressed Bergstrom's views and not those of the government.

On the political panel, both David Berg of Carter's issues staff and Bradley Patterson, White House coordinator of Indian policies, said their man would do the most for native Americans.

Berg said there is no real advocate for Indians in the government while Patterson said there are hundreds.

"The government must recognize its treaty obligations with American Indians," said Berg, adding that until progress is made, many Indians will remain poverty-stricken and plagued with health problems and substandard housing.

Patterson said the federal budget for Indians has increased fourfold. He referred to Carter's proposal for revised budgeting and asked what this would mean to the Indian people.

Berg countered that 88 per cent of the budget goes for administration.

GALLUP INDEPENDENT

OCT 20 1976

# Relocation Commission under pressure

By JERRY KAMMER

**WINDOW ROCK** -- Pointed criticism by a lawyer representing the Navajo tribe of the proposed regulations of the Navajo-Hopi Relocation Commission has provoked an angry reply from a member of the commission.

The Reverend Paul Urbano, relocation commissioner and Episcopal minister from Phoenix, said he felt compelled by "a sense of personal outrage" to respond to the "gratuitously insulting evaluation of the proposed regulations by lawyer Larry Ruzow.

Ruzow is a partner in the Phoenix law firm, Vlassis, Ruzow and Linzer, which has been engaged as the general counsel of the Navajo tribe.

"Is it your custom to denigrate everyone, or have you determined in your own mind that we are adversaries?" Urbano asked. Urbano said he could "hardly see the necessity for heaping invective upon the honest efforts of the relocation commission, which is after all an agency created to reduce the pains of relocation as much as possible."

Established in July of last year under provisions of federal legislation to settle the Navajo-Hopi land dispute, the relocation commission is mandated to administer the forced relocation of the several thousand Navajos and some 30 Hopis after a partition of the disputed Joint-use Area between the two tribes.

Urbano took exception to Ruzow's correction of what Ruzow called "unclear" or "awkward" sections within the proposed regulations, which had been drafted by the commission's attorney, J. Leo Crowley of Flagstaff.

#### Resents 'Flush' Suggestion

"Had you suggested changes in a more friendly manner, they would have been most gratefully received," Urbano stated. "But the commission did not engage Mr. Crowley as a stylist or grammarian; we engaged him for his knowledge of the law."

Urbano reacted with particular anger to Ruzow's statement that "the best thing that could be done with the proposed regulations would be to flush them, a luxury that the indigent Navajos of the Joint-use Area can only contemplate."

Calling the remark "a vulgarity unworthy of comment," Urbano said it showed "a poverty of language."

"I hope I will not have the displeasure of encountering you again," the reply concluded. "But, if I do, I trust I will find

continued on page 6

your manners improved. You should not find that difficult to accomplish."

The letter to Ruzow began bluntly, without the use of the traditional "Dear" in the salutation — Urbano said the omission was "intentional."

#### Called 'Totally Inappropriate'

Ruzow's evaluation of the proposed regulations was contained in a letter sent to relocation commission Chairman Hawley Atkinson on Oct. 6. It consisted of two parts: A five-page critique of the procedures detailed in the proposed regulations and a 10-page, paragraph-by-paragraph correction of "unclear" or "awkward" statements.

The entire tenor of the regulations assumes that the population affected is Paradise Valley, Ariz., or New Ganaan, Conn., or Georgetown," Ruzow stated, noting these areas have populations "which are suburban, highly literate in English, possessing considerable wealth, and transient in nature. In the face of population described as poor rural, with little English language skills and a strong attachment to the land, the regulations are totally inappropriate."

#### Claims Shortcomings

Ruzow listed six specific points to support his assertion of the inadequacy of the regulations:

— Failure by the commission to accept responsibility to select sites to which relocatees are to be moved.

— Failure to comply with the provisions of the federal Uniform Relocation Assistance Act Governing moving payments.

— Failure to state how the commission will assure that water and sanitation facilities will be in place before relocation occurs at sites identified for the relocatees. (Federal land dispute legislation requires that such facilities be provided).

— Failure to discuss procedures under which the commission will acquire the land to which the relocatees will be moved.

— Failure to appreciate the problems of giving notice to a population, most of which do not speak or read English, and who lack telephone service, poor roads and no home delivery of mail.

— Failure to establish offices in the Joint-use Area to allow persons to be relocated to express their concerns and seek information.

#### Marks Low Point

The furor over the proposed regulations marks a new low point in the relations between the relocation commission and the Navajo tribe. The Navajos have been openly hostile to Urbano and Atkinson since the third member of the three-man commission, former Zuni Gov. Robert Lewis, two months ago announced his intentions to resign from the commission.

Shortly after Lewis' announcement, Marlin Scott, chairman of the Navajo Land Dispute Commission, issued a statement accusing Atkinson and Urbano of "ignorance and indifference."

Lewis has refused public comment, but sources close to the former Zuni governor say he found Urbano and Atkinson unresponsive to the needs of the some 3,500 Navajos who face forced relocation under terms of a federal court ordered settlement to the land dispute.

Lewis has not submitted a formal letter of resignation and will reportedly rejoin the commission if the Rev. Urbano and Atkinson are replaced.

#### Other Developments

In other related developments, Hawley Atkinson says he does not know if he will have to resign his commission post if he is elected to the Maricopa County board of supervisors Nov. 2.

"If I am elected and the matter I have been in office for a time that there is a conflict, I will do the right thing," said Atkinson. He declined to state what the "right thing" might be but admitted it would be difficult to resign from his elected position.

The president of the Maricopa County Republican Club, Atkinson is a candidate for the board of supervisors in heavily Republican Maricopa County. Although Atkinson is expected to win the election, he insisted he is "running scared."

The commissioners are paid on a per day basis at the GS-18 level — approximately \$140 per day.

OCT 21 1976  
QUA'TOQT

# NHA Millions

## 'Coming'

GALLUP INDEPENDENT

OCT 21 1976

By LAURIE BURNETT

WINDOW ROCK, Ariz. (Dine Bureau) — The new director of the Navajo Housing Authority (NHA) says he is confident the \$4 million owed to NHA by American Funding, a now defunct Los Angeles investment firm, will be fully recovered by Jan. 1.

Immediate sale of assets of American Funding is now being arranged by NHA attorneys. The assets, which include a casino in Las Vegas and a convalescent home and five story bank building in Los Angeles, are not controlled by the Navajo Tribe, as a result of a decision last March by the U.S. District Court in Los Angeles to place the investment firm in receivership.

"The \$4 million check must clear the bank before we agree to cancel our receivership or to again call off the public sales of the assets," said Richard Johnson, who was named NHA director two weeks ago. He added that American Funding assets are worth well over the needed \$4 million. The firm also owes money to other creditors, but according to the district court ruling, the tribe has first claim to the assets.

A public sale date for the assets had previously been set for Sept. 20. That was canceled, however, upon request by American Funding representatives who claimed the firm had acquired \$4 million from other sources.

"Our lawyers agreed in good faith to the cancellation," Johnson said. "But American funding never came up with any letter of intent to send the money to us."

So Johnson then requested the tribe's lawyers to set up a new sale date for the assets. That dates will be announced by the district court shortly.

The \$4 million owed NHA is the result of a more than \$13 million investment made by a former NHA head over a period of 18 months before the beginning of this year. After it was discovered that American Funding was unable to immediately return \$4.5 million of that money to NHA, which is funded by the

U.S. Department of Housing and Urban Development (HUD), the investment firm was placed in receivership. The tribe has been trying to collect that money since January.

### Trouble With Others

Meanwhile NHA is having trouble collecting other debts — those owed by reservation residents living in the low cost housing provided by NHA.

"The project directors report that people who are not paying their rent or mortgage are refusing because they don't think they should have to pay to an operation that made what they believe were improper investments in a California company," Johnson said.

Rent and mortgage payments to NHA have averaged 68 per cent of that owed for the past three months, compared to 80 - 110 per cent (including back payments) which has previously been collected by NHA each month, according to Johnson.

By not paying they are jeopardizing future housing on the reservation, said Johnson.

This year HUD is funding fewer housing units than in previous years, according to Johnson. This decrease is a result of both NHA's investments in American Funding and the lack of rent and mortgage payments he said.

For fiscal year 1977 HUD has supplied funds for the construction of 480 homes on the reservation. However, there is an estimated need for 12,000 more houses here, said Johnson.

Farmington Daily Times

OCT 20 1976

## Suit Seeks Ruling On Jurisdiction

WINDOW ROCK, Ariz. (AP) — A lawsuit filed in U.S. District Court in Phoenix, Ariz., contends Indian reservation residents cannot be jailed by municipal officers for minor traffic offenses.

The suit was filed by DNA, a legal services organization on the Navajo Reservation.

It alleges specifically that Flagstaff, Ariz., police officers violate the U.S. Constitution by arresting Indians for the offenses, when they don't arrest non-Indians. The DNA said the practice constitutes a denial of equal protection.

DNA attorney Bob Miller said normally when a person is stopped for a minor offense, he or she is allowed to pay the fine immediately or report later for a court hearing.

But Miller said Indians are not given the alternative of appearing in court at a later date. They either pay the fine, or are jailed, he said.

Flagstaff police say they follow the practice because Navajo police don't cooperate with them in efforts to serve warrants on reservation Indians who have not appeared for hearings or paid their fines.

Navajo Police Chief Roland Dart said last year in U.S. Civil Rights Commission hearings that his officers were ready to cooperate.

# Firm Paid Fees On Navajo Work

By HOWARD GRAVES  
Associated Press Writer

A California investment firm paid nearly \$500,000 in commissions to individuals associated with construction work on the Navajo Reservation, The Associated Press has learned.

Among those receiving finder's fees, or commissions, from American Funding Corp. were Pat Chee Miller and Leslie J. Hadden, both of Gallup.

The payments were both in cash and check, according to documents made available to a reporter by reservation sources.

In addition, \$44,464 was donated or contributed in 1975 to the Navajo Housing Authority (NHA) by the Beverly Hills company, the documents disclose.

Miller was executive director of the authority until he resigned last April.

Hadden and Miller both are under investigation by a federal grand jury in Phoenix, Ariz., and the U.S. attorney's office. The jury, assisted by a special Justice Dept. task force and the Federal Bureau of Investigation, for months has been investigating alleged financial irregularities on the reservation.

Miller, according to federal court documents, transferred \$13,297,162 in U.S. Dept. of Housing and Urban Development (HUD) funds to American Funding. The monies were to have been invested in short-term government securities.

The Housing Authority was established in 1963 to handle HUD funds for construction of low rent, low income housing on America's largest Indian reservation.

All but \$4,399,327 has been recovered from American Funding, which was placed in receivership by a federal court order last March 22.

U.S. District Court documents in Los Angeles show Miller first reported his placement of the HUD funds with American Funding until last February.

NHA has filed suit in Los Angeles to recover money owed it by AFC.

On June 18, 1974, Miller issued a \$3,797,162 check to American Funding for investment purposes. On Dec. 13, 1974, the investment firm received \$7 million in cashier's checks drawn on NHA's account at Great Western Bank in Window Rock, Ariz., the Navajo capital. On Jan. 31, 1975, another \$2.5 million in cashier's checks were issued American Funding from the NA account and with Miller's authorization.

American Funding paid NHA \$704,069 in interest on the loans, according to a May 21, 1976 report to the court-appointed receiver from the Los Angeles accounting firm of Elmer Fox, Westheimer & Co.

The certified public accountant's report shows that American Funding paid \$451,419 in commission expenses to various individuals and companies.

Among companies with whom American Funding made loans or made payments was Window Rock Constructors, Inc., incorporated in Arizona on March 5, 1973.

Hadden was listed as vice president and secretary. Leonard Arviso, a Navajo from Window Rock, was listed as president-treasurer.

Arviso is an uncle of Miller's wife. He also is a fulltime tribal employe.

On March 2, 1973, Tribal Chairman Peter MacDonald wrote a HUD official in Los Angeles recommending Window Rock Constructors to undertake home construction on the reservation.

MacDonald's letter said the firm was 75 per cent Navajo owned and controlled. The letter also said the company had arranged "adequate financing and bonding to \$14 million."

Fox-Westheimer's report showed American Funding had paid \$11,207 between March 18, 1975, and June 10, 1975, to Window Rock Constructors for various services. Included in that amount was an April 11, 1975, dated check listed as "Finder's fee - F. National Bank."

The accountant's report also shows American Funding's senior vice president, A. Gordon Eldred, arranged for \$3,000 to be paid in cash to Hadden.

The report also shows that "Shi-prock Investments L. Hadden" received \$50,825 in commission expense. Window Rock Constructors also was listed as receiving \$6,209, Eldred \$78,847 and Miller \$5,850.

The report listed under commission income "\$47,015, Loan No. 606, Window Rock." There was no further explanation.

A Harvey Sitzer, identified only as an attorney, received nearly \$20,000 from AFC for services in connection with Window Rock Constructors.

A William Goldberg, also identified as an attorney, received nearly \$35,000 for services and commissions in connection with Window Rock Constructors.

A May 22, 1974, dated check was paid by AFC to Miller for "Finder's fee - Farmington National Bank, loan No. 958."

An Aug. 15, 1975, dated check listed \$2,000 payment to Miller for "Finder's fee cons. loan - San Juan Bank, loan No. 958."

Tobie D. Hall, Farmington National's president since January 1975, said, "I can't know anything about any of these things."

Hall also said, "We have no records at all of him (Miller) ever borrowing from us."

Miller was an organizer of San Juan National Bank in Farmington. He resigned as a director earlier this year, according to a bank source.

The source, who declined public identity, said no San Juan National Bank directors ever received loans from American Funding.

At some time in 1975, the source said, American Funding loaned \$75,000 to the bank. But the bank's then president, Homer Starr, returned the money to AFC. The source said this money was to have been used for operating expenses until San Juan National received its federal charter. The bank opened for business early this year.

The source said this might have been in reference to the Aug. 15, 1975, finder's fee check to Miller.

# Tribe Says 'No' To Police Power

By **BILL DONOVAN**  
WINDOW ROCK (Dine Bureau) -  
The Navajo Tribal council decided Thursday that the tribe is not ready yet to take over all law enforcement protection on the 25,000 square mile reservation.

The council voted 42-5 to table a resolution which would have supported a tribal takeover of the special law enforcement program of the Bureau of Indian Affairs.

According to the debate on the floor, many members of the council were wor-

ried about what would happen to those Navajo employees working in the BIA Law Enforcement Program.

A spokesman for the Navajo Police Department, which would have taken over the duties of their BIA counterparts, told the council that the 17 special law enforcement officers for the BIA would have to join the tribal police department as patrolmen.

The police spokesman said that it would not be fair to officers now working for the police department nor would it help morale to allow BIA personnel to take over high ranking positions when vacancies occur.

The tribal police force currently has jurisdiction only over misdemeanor cases, leaving felony cases to the FBI and the BIA. However, according to Navajo Tribal Police Supt. Roland Dart, the tribe has had to do most of the felony investigations as well, since the BIA is understaffed to handle that function.

A BIA official said Friday that normally when a tribe takes over supervision of a formerly-BIA program and does not want the employee, the BIA makes every effort to relocate the employee in another BIA position.

The normal procedure is to review the employee's qualifications and then try and find a position within the area that would match these qualifications. In some cases the employee may have to be downgraded (go to a lower GS rating at a lower salary) if there were no job openings at his GS rating.

Another possibility although one not used very often, would be to transfer the employee to a similar position in another area, if there was a position open in that area.

"In any case," the BIA official said, "the BIA bends over backwards to make sure that the employee does not suffer because of the tribe's decision to contract the program."

GALLUP INDEPENDENT

OCT 22 1976

# Shiprock Factory

## Plans Are Off

By JERRY KAMMER

WINDOW ROCK, Aiz. (Dine Bureau) - Officials of the General Dynamics Corp. have decided not to establish an electronics assembly plant in Shiprock, choosing instead a company-owned plant in Arkansas, the head of the Navajo Tribe's legal department said Tuesday morning.

Lou Crowder said General Dynamics officials, in announcing the termination of negotiations with the tribe had found Shiprock "very attractive."

"The deciding factor was that they had a plant lying unused in Arkansas

and they felt it was more economically sound to locate there," Crowder said.

Representatives of the Office of Program Development had been meeting with General Dynamics officials for several months to discuss the establishment of a plant in Shiprock. Optimism was high in Window Rock as recently as late September that the deal would go through.

An economic planner for the Office of Program Development said late last month that the plant would have provided work for several hundred persons, most of whom would have been electronic assemblers.

Had the deal gone through, General Dynamics would have located in the tribally-owned building formerly used by the Fairchild Semiconductor Corp. Fairchild closed operations in Shiprock in March of last year following an eight day takeover of the plant by rifle-carrying members of the American Indian movement (AIM)

The AIM members were protesting layoffs at the plant as well as alleged low salaries and poor working conditions. The shutdown left some 450 Navajos without jobs.

Crowder emphasized that General Dynamics officials voiced "complete satisfaction" with the facility they operate in Fort Defiance. He also held out hope that a second General Dynamics facility might be established on the reservation some time in the future.

A General Dynamics official said that some 270 persons are employed at the Fort Defiance facility. He said approximately 95 per cent are Indian.

GALLUP INDEPENDENT

OCT 12 1976

# Navajos Win

## in Apache

### Supreme Court Denies Reapportionment Appeal

GALLUP INDEPENDENT  
OCT 19 1976

By ROSS BECKER

ST. JOHNS - With a one-sentence statement, the U.S. Supreme Court ended the legal battle surrounding Apache County reapportionment, Mitchel Platt, a St. Johns attorney, told the county board of supervisors Monday.

The court had denied a county appeal of a federal court ruling that placed two of the three board districts within Navajo Reservation boundaries.

Before reapportionment, two of the districts were located in the off-reservation southern portion of the county. That area includes about one sixth of the county's population of almost 42,000 persons.

Platt, who has represented the county in the more-than-three-year battle, received a letter from the Supreme Court last week, he said. The only addition to the form letter he received denying the appeal was a statement that "the judgment of the panel is affirmed."

That decision by a panel of three federal judges insures that the new board which takes office on Jan. 1, will be controlled by reservation Navajos.

#### It's All Over Now

The legal battle is "all over," Platt told the board. The court's decision was a "convenient way to avoid the issue," he said.

Although no further possibility exists for a legal solution favoring the southern portion of the county, Platt said other long-term solutions to the issue of who controls the county are possible.

These remedies, according to Platt, are changing either state or federal legislation that allows persons who are not responsible to county laws or taxes to vote in county elections or the establishment of a separate non-reservation county.

"I think it's conceivable that if you want to spend \$50,000 on a lobbyist or two" during a two to three year period laws could be changed, he said during the meeting.

#### Sees Sympathy for South

During a recent Arizona Town Hall meeting, Platt learned that there is "a lot of sympathy all over the state" for the Apache County situation, he said.

Although some legislators are sympathetic to the problem, none said they would fight the issue for the southern county residents, Platt said.

If the matter is brought before the state legislature, Platt predicted, Legislators would dodge the issue by claiming that the matter had already been determined by the courts.

"Everyone keeps trying to pass the buck between one branch (of government) and the other," he said.

Because two-thirds of the reservation voters would have to vote in favor of a

county split, Platt said he visualized little chance of that alternative succeeding, he said.

#### Sees Tribe Opposing Split

A split "would solve our problem, even though it doesn't change the rony of the law," Platt said.

But the biggest difficulty in changing county boundaries would be the Navajo tribe, Platt said. The tribe "can engage in anything they want to whether legal or not if they don't want (a county split) to pass," he said.

Platt said that during a recent Washington trip he met with White House and Department of the Interior officials to discuss the reapportionment

case. "They were astonished" when they learned of the federal panel decision, he said.

Brad Patterson, a special presidential assistant for Indian Affairs and Kent Frizzel, of the Interior Dept., identified by Platt as the officials, could not be reached for comment.

Platt said he told Patterson and Frizzel that there are two solutions for the Apache County situation. One solution is to "get rid of reservations entirely," Platt said.

Another solution would be to either make reservation residents responsible to county laws or cancel any participation in county affairs for persons living on reservations, Platt said.

"You're not going to terminate reservations without strong opposition from the tribe," he said.

The two government officials "didn't express opinions one way or another" about the reapportionment Platt said.

#### 'Want Money for Reservation'

Throughout the lengthy court battle Platt has said that Navajo Reservation residents should not have an electoral voice in county government because they are not subject to county taxes or laws.

He also said that an Indian-controlled board of supervisors will drain county tax dollars from the tax paying off re-

# Navajoland like Third World country

By ANN IMSE

MONUMENT VALLEY, Utah (AP) — 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 three of the United States: 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.

## Live in hogans

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.

## Travels for water

Susie Black must travel 30 miles over rutted dirt and sand roads for water and supplies.

Many houses of Navajoland are not much better than Susie Black's hogan. Only 18 per cent 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.

## Few roads paved

The chief form of transportation is the pickup truck, often battered into premature old age by the rugged roads. Only four per cent 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 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 investigations of the tribe's finances.

## Do not own land

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.

There 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 religious ceremony, part medicinal and part social.

## Medicine men

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.

One of the sings is designed to cure Navajos of afflictions brought on by contact with nonNavajos.

Progress is moving into Navajoland, bringing such attendant problems as pollution and alcoholism. The ceremonial sings will probably survive, for like Polish weddings, everyone enjoys them.

But there is much more to being Navajo. And while these people want to live in the more comfortable, modern world, they do not want to become aggressive enough to go out and grab it.



**A POW WOW**—Two American Indians listen to A. David Lester, president of the United Indian Development Assn. The nonprofit organization provides assistance to Indian businesses.

Times photo by Joe Kennedy

## Ownership Called Key to Solving Indian Problems

BY NANCY YOSHIHARA

Times Staff Writer

A. David Lester, a Creek Indian and president of the United Indian Development Assn. (UIDA), says the solution to the poverty and unemployment that continues to plague most American Indians is ownership.

When Indians wanted to do something that required economic resources, they had to go out of their community because there were no Indian banks for business development groups.

"There was little progress as long as we had to depend on non-Indians. So we decided to create our own eco-

nomie base," Lester said in an interview at UIDA's office in Los Angeles.

To provide the resources and expertise necessary to build that base, members of the Indian community throughout California launched UIDA in 1970, a private, nonprofit organization, funded by donations from Indian businessmen and individuals and federal grants from the Office of Minority Business Enterprise and the Bureau of Indian Affairs.

Since then, more than 33 large corporations such as Atlantic Richfield Co., Bank of America, IBM Corp. and Xerox have joined the program, providing support through donations, volunteers for UIDA management assistance and contracts for Indian business owners.

The organization, with offices here, in Oakland and Escondido, assists Indian businesses in acquiring loans and help with contract procurement and management. Lester says UIDA has helped boost the number of Indian-owned businesses in California to 400 grossing about \$30 million from 220 grossing \$8 million in 1972.

Like other minorities, Indians have to deal with myths and stereotypes. Lester says people think the Indian is a primitive man with little understanding of modern society, and Indian businesses as small shops turning out turquoise, silver and beadwork.

That is not so today. Tom Warner, a Cherokee, for example, owns Aircraft Engineering in Paramount, which successfully won a \$900,000 contract to do work on the Space Shuttle for Rockwell International's space division in Downey.

Ted Wiley, an Alaska Indian of the Tlingit tribe, heads Bonded Pavers, an asphalt paving contractor based in Westminster. His firm recently was selected for a Santa Monica City School contract. And Edna Cooke, a Mohawk, is the proprietor of Cordon Bleu, a French restaurant in Glendora.

While some Indians are making progress in the private sector, Lester says that as a group, they are still not well known outside of the reservations. There are no Indian enclaves in the urban areas, yet there are 60,000 to 70,000 Indians in Los Angeles County—the nation's largest Indian concentration—but the Indian problems here have virtually no visibility.

Lester also points out that Indians probably are the poorest of all minorities. Unemployment among Indians

is 50% nationally and 40% in California. Three-fourths of the Indian population lives below the poverty line of \$4,000 for a nonfarm family of four, according to the UIDA executive.

Lester contends Indians are poor because they have always been systematically excluded from the American system.

Lester says UIDA's short-term goal is to firmly establish an economic base from which Indian businesses can grow. He believes the organization has shown that Indians can run an economic development group and profitably operate business enterprises."

Lester believes this will provide the groundwork for UIDA's long-term goal of preparing the Indians to develop their own lands.

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'BAD INFORMATION' TARGET

# Indian Teens Protest Textbooks

A group of Indian teen-agers plan to appeal to the state Textbook Committee Wednesday for the elimination of "bad information in school books" regarding Indians.

Theresa Powell, a spokesman for the Oklahoma City Indian Youth Council, said at a press conference Tuesday descriptions of Indians such as "hostile savages" and "uncivilized" appear in many texts and create "negative images in the minds of all students using them."

The textbook committee is meeting at the state capitol Wednesday for final approval of a list of books that may be purchased with state funds over the next four years.

Miss Powell said the group also will seek a committee to review school texts used in elementary school and up.

She said objectionable sections "could just be marked out" without eliminating the text.

She said the group of about 30 city Indian students are not aware of a text that puts Indians in proper perspective. She told of one text that teaches "Indians wouldn't adjust to the pioneers'

way because they were basically completely lazy."

The junior from Douglass High School said she isn't sure how receptive the committee will be but the group will "pursue this matter until we've won."

Bob Gardiner, with the American Indian Training and Employment Board, said school books fail to point out Indian culture.

Non-Indian students reading texts with such objectionable descriptions tend to "turn around and relate to the Indian (classmate) as a savage," he said.



Theresa Powell

TULSA, OKLA.  
SOUTHSIDE TIMES  
WEEKLY

SEP 29 1976

# Okie in Washington

By SEN. DEWEY BARTLETT

In early 1975 Congress approved legislation creating the American Indian Policy Review Commission, designed to review federal policies and programs for Indian people. I offered an amendment to this legislation directing the Commission to undertake a management study of the Bureau of Indian Affairs, in order to determine ways to reduce the costs and improve the services of the BIA.

Now, 20 months later, the Commission has issued its report on the management study of the Bureau of Indian Affairs.

The report includes 23 recommendations for improved management activities in the Bureau of Indian Affairs. Full implementation of those recommendations would amount to annual savings of \$112,800,000 in the Bureau's budget, and a one-time savings of \$20,000,000, according to the Commission's report.

I considered this report a genuine landmark in the struggle for greater efficiency and

economy in the operation of the federal government. Since the successful Hoover Commission, which conducted studies and issued recommendations for economy in government in the 1950's, everyone has talked about further measures to improve the efficiency of our government, but not until today has anything positive been done about it. The report by the management study team provides hard evidence that sound business principles can be applied to government, with tremendous rewards in better services, lower costs, and renewed public faith in the process of government. It is now up to Congress, the President, and the Bureau of Indian Affairs to see that the recommendations of the management study are implemented.

Meanwhile, I plan to continue my efforts to apply the management study concept to other operations of the government. I will reintroduce in the next session of Congress legislation I proposed earlier this year to provide for a series of management studies throughout the Federal Government.



# How a college reached its Indian students

## Not 'This is what you must do,' but rather, 'Tell us what you need'

By Helen Ellsberg  
Special to  
The Christian Science Monitor.

### El Cajon, California

One of the most successful native American programs in California began when the Grossmont College administration's attitude toward its Indian students changed from "This is what you must do" to "Tell us what you need and we will try our best to provide it."

Grossmont Community College, with an enrollment of more than 16,000 and located on a scenic mesa near the city of El Cajon, has seven small Indian reservations in the area it serves. Yet from its opening in 1961 until 1974, only one degree had ever been awarded to a native American. Year after year, Indian students registered, attended for a time, became discouraged, and dropped out. Actually, they were eager to learn and to stay in school but felt alienated and isolated.

### Own counselor chosen

When Erv Metzgar was appointed president in 1970, he determined to reach this segment of the college's potential students. With faculty members chosen for sensitivity, patience, and cultural awareness, he met with the Indians to discuss mutual problems and to assure them of the school's desire to provide meaningful edu-

cation for them. The doors of communication were open.

First, the students requested their own counselor and submitted the name of Muriel Muller from the Viejas Reservation. Mrs. Muller, Seneca Indian from New York, wife of then Viejas tribal spokesman Joe Muller, was vitally interested in Indian education as was her husband. She readily accepted the position of native American coordinator at the college.

The whole atmosphere changed dramatically.

With transportation a major problem and many prospective students still shy about braving the college campus, Mrs. Muller suggested in the spring of 1973, that college courses be held in the evenings on the Viejas Reservation.

### Graduation program

The administration agreed to try it for one semester with basic, noncredit courses. The Indian Education Advisory Board was invited to Grossmont to interview teachers. These were chosen for their understanding and empathy toward the Indians.

Enthusiasm and retention were so high in the reservation classes and the results were so gratifying that the college and Mrs. Muller applied for funding for college-credit courses. The funds were granted, and the reservation program now got under way in earnest.

In June, 1974, Grossmont College held a special graduation exercise in the local Alpine School auditorium for the first three Viejas graduates. There were congratulatory speeches by members of the faculty and advisory boards, and afterward refreshments and dancing - all in an atmosphere of pride and friendliness.

Says Dr. Julio Garcia, Grossmont liaison administrator for the Viejas project, "Seventy students are now enrolled in reservation or campus classes. There have been 20 graduates. Twenty percent are now employed, 28 percent are continuing their education. This percentage should increase noticeably in the next few years as the program continues. There is an expanding job market for native Americans, but they need to be trained."

During the drafting of a proposal applying for funds from the Office of Economic Opportunity (OEO) for a recreational vehicle park on Viejas Reservation, spokesman Joe Muller discussed with Grossmont administrators the possibility of having training classes in business management for reservation personnel so that they could operate the campground facility themselves.

The college enthusiastically supported his

idea. Courses were scheduled in small business management; campsite planning and organization, and related subjects.

### \$1 million awarded

This staunch support by the college was literally worth a million dollars to the Indians of Viejas, for \$1,750,000 was awarded by OEO for the recreational vehicle park. John Williams, coordinator and program evaluator for OEO, stated that despite the reservation's small size, the Viejas proposal was one of only seven approved because of the Grossmont College agreement to train Indian personnel in campground management.

Next, the Viejas project hopes to begin pre-training students for professions such as law, medicine, and engineering. Plans are being made for an educational consortium that would make it possible to expand classrooms and provide transportation for students from other reservations.

It will not be simple. There are always problems. But after three increasingly successful years, Grossmont College and the Viejas native Americans are both prepared to say that with genuine cooperation, understanding, and concentrated effort between schools and reservations, anything is possible.

The Christian Science Monitor  
BOSTON, MASS.  
D. 131,704

OCT 12 1976

# Former Indian agency director files suit alleging discrimination

Jack Carson, relieved of his duties as superintendent of the Horton Indian Agency in April 1975, filed suit Tuesday alleging he was the victim of racial discrimination because he is white.

His suit, filed in U.S. District Court here by Robert E. Tilton, Topeka attorney, names as defendants Morris Thompson, commissioner of the federal Bureau of Indian Affairs; Charles James, area BIA director, and three members of the Kickapoo Tribe of Kansas.

The three tribal members named are Ralph Simon, Amos G. Goslin and Clifford O. Steve Cadue.

Carson's petition says he is white and all five defendants are Indians.

The suit seeks actual and punitive damages which "trial shall indicate as justified," but asks no fixed amount.

Carson does not demand reinstatement in his petition, but asks for a jury trial in Topeka.

"Defendants have conspired to destroy plaintiff's career in the government service because he is a white man and they are Indians," the petition says.



The suit also contends Carson can't get another BIA assignment because of government rules which require jobs go to Indians if they meet minimum qualifications.

It also contends the alleged conspiracy continues to the present day, claiming Cadue as late as Oct. 6, 1976, told James' replacement under no circumstances would Indians accept Carson's reinstatement, even though leaders of five-sixths of the Indians at Horton had demanded his reinstatement.

Carson has remained at his home in Horton, drawing full salary but with no duties to perform since being relieved by James on April 10, 1975, the petition adds.

The suit alleges Carson, a veteran of 21 years in government service, has been the object of a conspiracy to remove him since early 1974.

"Defendants, through a series of agreements and acts, have conspired to have plaintiff removed from his duties and office as superintendent of the Horton agency of the Bureau of Indian Affairs," it says.

In April and May 1974, the suit contends, Simon, Cadue and Goslin "met and agreed to intimidate and threaten plaintiff" in order to secure his removal as superintendent.

Later, those three met with Thompson "in furtherance of their scheme," it

adds.

On June 14, 1974, the petition contends, Simon and Goslin "threatened to physically take over the Horton agency" if Carson wasn't removed.

That same month, it is further alleged, Simon libeled Carson in statements made to the news media.

Goslin and James asked for an investigation of Carson in a telegram sent to the BIA in Washington on Nov. 4, 1974.

Two months later, in January, 1975, it further states, Goslin mailed "libelous and slanderous newsletters" to members of the Kickapoo Tribe.

Other meetings followed, the petition alleges, and in February, 1975, James went to Washington, D.C., conferred with Thompson about Carson, and on Feb. 12, Thompson advised James he concurred in a decision to oust Carson.

Three days later, the petition continues, James met with Indian leaders and said Carson would no longer have any influence over Indian programs in his new assignment in Arapaho, Okla.

On April 9, 1975, the suit says, Indians led by Simon illegally occupied the Indian agency offices in Horton and "illegally, falsely imprisoned plaintiff," issued demands and would not let Carson leave.

The next day, James removed Carson as superintendent.

"As a result of the unlawful conduct of defendants," the petition says, "plaintiff has suffered indignity, embarrassment, nervousness, fright, humiliation and insult and is entitled to actual and punitive damages."

OCT 19 1976

## Tulsan seeks Cherokee tribal post

The only Tulsan among 43 Cherokee Indians seeking one of the tribal council posts during the current campaign is Mrs. Lucille Maish, a niece of the late Robert S. Kerr.

Mrs. Maish, a halfblood, has served the past year as an appointed council member at the request of Chief Ross Swimmer. The mail balloting is going on this month and results will be announced in mid-November.

The Cherokees will elect a deputy chief and 15 council members in accordance with a new tribal constitution approved last summer.

Mrs. Maish is the widow of the late Fred A. Maish, a longtime engineer for Williams Companies who was killed accidentally on a project in Nigeria in 1969.

Her father was O. W. Kerr of Vinita, an engineer for the state of Oklahoma and rancher, and brother of the late Oklahoma governor and U.S. senator. Her mother was a fullblood Cherokee.

MRS. MAISH said if elected she will work toward settlement of the Arkansas River bed ownership matter, implementation of the Indian Self-Determination Act, increase of tribal land and housing, development of a legal program for all Cherokees and financial assistance for Cherokee business development.

She also plans to raise the question of intra-tribal problems concerning the so-called Cherokee Delawares, a controversy that has simmered in the tribe for more than 100 years.

"I know this won't make me popular among the Delawares but I believe it is time we get them out of the Cherokee tribe and into their own tribe," she said.

(The federal government arranged a treaty between the Delawares and Cherokees in 1867, allowing the Delawares to purchase land and tribal membership from the Cherokees. The Delawares placed themselves under

Cherokee jurisdiction except for a business committee to pursue claims and other tribal interests.)

MRS. MAISH said she realized the federal government would have to become involved in such a separation of tribes but contends it would be better for both eventually.

She emphasized she is an independent candidate, despite having served as a Swimmer appointee. She also is active in the Council of American Indians, Tulsa County Cherokees and the Ohoyohoma Club. She is on the Cherokee tribal finance committee.

Mrs. Maish was employed seven years in the income and withholding division of the Internal Revenue Service and also has worked as a rate analyst for International Business Machines.

Tulsa County Sheriff Dave Faulkner is seeking the deputy chief post along with Tulsan James L. Gordon, a candidate for chief last year, and R. Perry Wheeler, mayor of Sallisaw.



MRS. LUCILLE MAISH  
... Kerr's niece

## Gene Locklear Featured In Pre-Series TV Show

PEMBROKE — Gene Locklear, the Lumbee Indian from Pembroke who joined the New York Yankees late in the season and was thus not eligible for the World Series, came out as a winner even though his teammates lost last night.

The reason: In Joe Garagiola's pre-game show, Locklear and his art work were featured.

The program gave about 10 minutes of world-wide publicity to the Lumbee Indians and Pembroke, both of whom Locklear mentioned. With the vast viewing audience of the World Series, it was a public relations bonanza for the Lumbees.

The National Broadcasting Company, in fact, sent a film crew to Pembroke to film Locklear's mural in the Lumbee Bank of the Lumbee Indians' struggle for self-realization, including a close-up view of Indian Normal School, now Pembroke State University. As the TV camera moved slowly across the mural and

Locklear's other paintings, there was accompanying music in a well put-together show.

Locklear commented on how he became a painter, mostly through his own efforts and with no formal training.

Several close studies of his work was shown on the Garagiola show, including paintings of Locklear's good

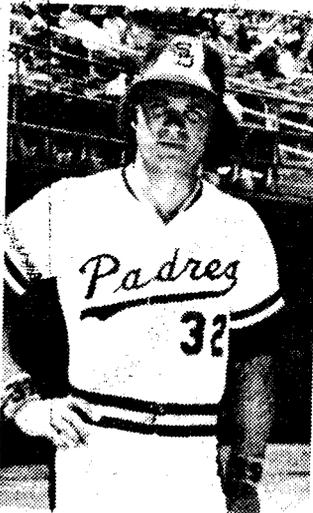
friend, Pete Rose, with whom Locklear played while with the Cincinnati Reds.

Paintings were also shown of old farm houses and tobacco barns in the Pembroke area, and Locklear explained them to host Garagiola.

The final painting on which a close study was done by the RV cameras was Locklear's interpretation of the past Yankee greats: Joe DiMaggio, Mickey Mantle and at the focal point of the painting — the legendary Babe Ruth.

Locklear pictures himself, too, in this painting as a youngster looking up to these all-time Yankee stars, perhaps envisioning himself in similar roles.

One thing for sure. The Yankees' pinch hitting, which was woefully weak in the World Series, could have used a bat like Locklear's. He has been a perennial .300 hitter in both the majors and minors — when he received a chance to play.



GENE LOCKLEAR

OCT 15 1976

## Indian leader raps bureau

The federal Bureau of Indian Affairs (BIA) has been heavily criticized, "and it deserves it," a national Indian leader said today.

Charles E. Trimble, executive director of the National Congress of American Indians (NCAI), said the BIA has failed to properly represent the interests of Indians.

He cited recent BIA-negotiated contracts with coal mining companies to mine coal on reservations in the Rocky Mountains as an example.

"The tribes will get money, but when the coal is gone, all that will be left is a big hole in the ground," Trimble said.

No provisions were made for long-term economic gains, such as partnership agreements or projects to develop employment for local residents, he said.

Indian lands in the West are in an area of rich energy resources, and Indian policies of the future must take this into consideration, he said.

Trimble is in Utah for the 33rd annual meeting of the NCAI, which will draw representatives of 20 different Indian governments next week.

One of the issues to be considered at the conference is a proposal to abolish the BIA and replace it with a super agency to administer all Indian affairs on federal lands, Trimble said.

During the Salt Lake meeting, the NCAI will take a close look at President Ford and Jimmy Carter.

"Carter's policies regarding Indians are not yet known," he said, and President Ford's administration recently has been departing from past policies.

However, Trimble praised the President for signing a \$480 million Indian Health Care Improvement Act. Indian leaders had feared he would veto it as inflationary.

The NCAI lobbied very hard to get the act through Congress and regard the measure as "an important step toward improving the everyday life of Indians," he said.

Only 12 of the 57 Indian health care facilities in the U.S. can presently meet federal fire safety standards. And the accreditation status is just as bad, he said.

Among other issues to be discussed at the NCAI convention will be Indian treaties, tribal government, legal jurisdictions and federal administration.

Sessions of the convention will be held Monday through Thursday at the Salt Palace. Also featured will be Indian handicrafts and a downtown parade on Wednesday.

# Traffic Down At Reservation

Special to The Sentinel

Langlade, Wis. — Automobile traffic and business is reported down along Highway 55, which follows the Wolf River through the Menominee Indian reservation.

Businessmen and resort operators north of the reservation report that traffic fell off in 1975 and this year.

Some blame unrest on the reservation for the decrease. Others point to low water in the Wolf River as another factor.

The 1976 rafting season on the Wolf is considerably down from previous years.

According to George W. Steed Jr., owner of the River Lodge here, his raft rentals dropped 25% to 40% this year from 1975 levels.

There are no firm figures on Highway 55 traffic because the State Division of Highways did not count vehicles on 55 as they have on some other major routes leading to the northland.

Such counts must be requested by local units of government, and no such request was made for 55, said Joseph Jopek, Langlade County resource agent.

Estimates of the falloff in traffic range from 75%, claimed by a Langlade tavern operator, to lesser amounts by other merchants.

The reduced traffic has cut business at the service station owned by Michael Klimoski at the corner of Highways 55 and 64 here.

"There has been a significant drop in traffic here," Klimoski said. "You can see what the people are doing. They're taking Highway 32 or 45."

In many cases, he said, motorists driving north are using Highway 64 running east-west across the state to intersect with 55 north of the reservation, thus avoiding a drive through Indian country.

Some businessmen in the Langlade-Pickerel area were reluctant to comment on the situation, saying that the more news coverage the issue received, the more trouble Menominees might cause on the reservation.

Jopek said that the Shawano Chamber of Commerce has sometimes advised motorists of possible trouble in the reservation.

People rafting or canoeing into the reservation from Langlade County were sometimes pelted with stones and asked for money by Indians.

However, no such troubles were reported in recent months along the main routes through the reservation. Those routes are Highway 55 between Houghton and Langlade and other points north, and Highway 47 through Neopit to the juncture with Highway 45 south of Antigo.

The situation on 55 is made all the more irritating to businessmen along the highway because traffic is up on other routes to northern Wisconsin.

Herman W. Smith, resource agent at Rhinelander, said traffic in July of this year was up 6.1% on Highway 45 at Antigo and 3.88% on Highway 32 at Laona. Other highways also showed increases, he said.

The situation is especially controversial in the Langlade area, just north of the reservation.

Herbert Buettner, owner of the Wild Wolf Inn just north of the reservation on Highway 55, and other Langlade County raft outfitters were charged a much higher fee by the Indians than in other years to send rafters into the reservation, which has some of the most thrilling rapids and whitewater.

All of the raft renters decided last summer not to send rafters into the reservation unless customers wanted to go.

OCT 18 1976

## Payment for land Indians collect millions in settlement of claim

TAMA, Iowa (AP) — After 30 years of legal pow-wows, the Mesquakie Indians have collected \$6.6 million from Uncle Sam as settlement of a century-old debt for 17 million acres of land.

The tribe that lives in Tama's pineforested hills got the money for land it once owned in Iowa, Missouri, Illinois and Kansas. The U.S. government acquired it in 10 treaties between 1804 and 1867.

"The government is very slow when it comes to Indians," Frank Pushetonequa, the tribal planner, said in an interview. President Ford signed a bill appropriating the money last year, after the tribe won a court suit.

### Divided by tribe

The tribe decided to divide 80 per cent of the money — \$5,267,738 — among its 902 members now and put the rest into a trust held by the federal government. If the Mesquakie want some of that \$1,316,395 or its interest, they must say how they intend to use it.

"People think we're getting so much money, but they don't realize how small the individual payments are," said Pushetonequa.

Per capita payments were \$5,840. The tribe's 329 minors get their shares when they reach age 18.

"That kind of money is nothing today," said a Mesquakie housewife, who spent most of her \$5,840 on bills.

### Sales increase

Merchants in this central Iowa town reported increased sales to the Indians after the windfall arrived last month, especially of household appliances, television sets and clothing.

Several Mesquakie bought cars and

trucks, new and used, "and they're still coming in," said auto dealer Ruth Kasal. "A lot have invested their money and will borrow to buy the vehicles."

The Mesquakie, whose nation is known as the Sac and Fox of the Mississippi in Iowa, don't feel the government gave them the money as a goodwill gesture or apology.

"We sued them for it and we beat them," Pushetonequa said. "We've had to battle them for everything we have."

### Filed in 1948

The suit was filed in 1948 but didn't even get to court until 1956. The long battle was fought for the Indians primarily by Lawrence Mills, a Chicago attorney.

"The blankety-blank government found all kinds of excuses," Mills said. "They don't like to see the Indians get what's coming to them."

## Area Non-Indian Group To Meet in Wolf Point

A Fort Peck Reservation non-Indian group which met as "Concerned Citizens for Equal Rights" at the end of July has scheduled a meeting Sept. 20 in Wolf Point at the Elks Ballroom.

determined.

After joining with a state group composed of representatives from Montanan's six other reservations Aug. 14, the group now calls itself "Montanans Opposing Discrimination."

The diversified group of farmers, ranchers, city land owners and bankers came together a little over a month ago because of a fear of Indian control with regards to land and law enforcement jurisdiction on the reservation.

Primary concern of the group centered on a bill currently before the United States Congress which could give tribal governments criminal and civil jurisdiction over non-Indians living on Indian reservations.

Wolf Point's Keith Johnson—a temporary state organization delegate from this area with Poplar's John Nordwick, and secretary of the local chapter—said Sept. 20's meeting in Wolf Point would be concerned with five items:

—A report from 11 persons who attended the state "Montanans Opposing Discrimination" meeting in Great Falls.

—Election of a local board of directors and officers.

—Election of two delegates to represent the Fort Peck Reservation non-

Indians at a state meeting scheduled for Oct. 2.

—Discussion of which specific problems the group should attack first.

—And the formation of a committee to meet with the Fort Peck Tribal Executive Board.

A meeting with the Fort Peck Assiniboine and Sioux Tribes was one of the group's objectives when it met in July.

"No meeting has been held yet," Johnson said. "At the Sept. 20 meeting we're going to try to decide a couple of issues to concentrate on and meet with the tribe. If we work together, I hope we can get some of the problems worked out.

"We're not a militant group," he cautioned. "We were formed for the purpose of protecting the rights of non-Indians on reservations."

Johnson said the three priority issues which would be discussed Sept. 20 are law and order, land leasing and jurisdiction. He added that the two elected delegates would meet with delegates from the other Montana reservations Oct. 2 to "pick up a problem and take it as we go, through the courts or through tribal councils."

Fort Peck's chapter of the state organization has "in the neighborhood of 125 members," Johnson said. "We're going to start a membership drive after the September meeting—going house-to-house and farm-to-farm to get as many new members as we can."

## MOD Lists Basic Problem Areas

Editor's note: After Sept. 20's meeting of the Fort Peck Reservation chapter of Montanans Opposing Discrimination [MOD], some people questioned why specific problems encountered by non-Indians on this reservation weren't discussed at length.

Tom Reid, a member of the group [not vice president, as incorrectly reported last week], touched on a few of the non-Indian group's concerns, but the remainder of the two hour meeting was devoted to speakers from reservations in western Montana and South Dakota. Consequently, some members of the Fort Peck Tribes voiced the opinion that, "I hear a lot of problems on other reservations, but none here."

In addition, officials of the group had indicated before the meeting that they were going to discuss four specific

agenda items. Apparently, that wasn't the meeting's purpose. "Purpose of the meeting was for information," Richard Reid, a member of the group, said last week. "We wanted to try to draw people into this organization - discuss problems occurring today and in the future."

In order to present specific obstacles they believe non-Indians living on the reservation should be familiar with, MOD members and county officials met with the Herald-News' editor Monday morning. Following are a few of the problems they're concerned with. Next week, we hope to present comments from members of the Fort Peck Tribes.

MOD members outlined seven specific problem areas:

—Civil and criminal jurisdiction in the courts.

—Water rights.

—Hunting on deeded land without permission of owners and in complete disregard for personal property on the reservation.

—Accretion land control, or change in river flow adding additional land along the river.

—Disruption of the tax system.

—Litter and garbage spread throughout all parts of the reservation.

—Land rights.

Roosevelt County Atty. James McCann spoke on the jurisdictional problems he faces, explaining that there are four different jurisdictions for criminal activities on the reservation—federal district court, state district court, justice court and tribal court.

He said federal district court has exclusive jurisdiction over major crimes committed by or against Indians

within boundaries of the reservation. The state has jurisdiction over felonies and juvenile crimes committed by non-Indians "If not against Indians." Justice courts handle minor crimes and traffic offenses, and the tribal courts handle minor offenses committed by Indians against Indians and non-Indians.

In the 1920's, the state courts exercised jurisdiction over some Indian offenses on reservations and brought them to justice courts, McCann said. "If the Indian person didn't object, we'd go ahead and prosecute," he said. "That went on until 1970. Then various groups began to make Indians wise to the fact that state courts didn't have jurisdiction."

Since then, McCann pointed out, "I haven't had a successful prosecution of a case with non-Indian committing an offense against an Indian, because the state doesn't have jurisdiction over Indians either way. Tribal courts say they can't handle it when one's committed by a non-Indian. Also, there's been virtually no prosecution against offenses committed by an Indian."

MOD is also concerned with a proposed Senate bill in Congress which would allow tribal jurisdiction over: all criminal offenses committed by an Indian against a non-Indian, and criminal offenses committed by non-Indians against Indians, or by non-Indians against non-Indians.

On disruption of the tax system, County Tax Assessor Walter Greufe spoke about impacts from a recent state decision declaring reservation Indians exempt from paying county taxes on their motor vehicles.

"Not taxing cars is going to hurt the county," Greufe said. "The amount of money lost doesn't sound like much, but it hurts, and taxpayers will have to make it up."

McCann added that all county attorneys on Montana's seven reservations

have joined together to go to Atty. Gen. Robert Woodahl, hoping to set aside the decision.

"(We believe) that as long as Indians live on the reservation, they don't need plates," he said. "But if they leave, they should pay taxes the same as everybody else."

MOD members maintain, according to Richard Reid of Poplar, that "if you have land on the reservation you have basic rights with the water on that land.

"We feel we have the same benefits with land on the reservation as if we had land off the reservation," he said. "Some tribal members say they own all the water that runs over, under, around or through the reservation. We take exception to that statement and contend we do have water rights."

On land rights, MOD claims they are not guests on the reservation, but rather "we're citizens on this reservation and we're going to act and stay as citizens," Reid said.

He said homesteaders came onto the reservation

through the auspices of the federal government and the Homestead Act.

"The federal government opened this reservation for homesteading, not white men," he said. "We did not steal this land, as the tribe implies. We paid the price of the day, and Indian parties are still getting the going price. After the Homestead Act, the U.S. government issued patented land allotments, settlers paid the price of the day to individual tribal members and everybody was satisfied at that point."

At Monday's meeting, MOD members emphasized that violence is not one of the organization's objectives.

"Not one of us haven't had fairness in mind," said Robert Sweeting of north Frazer. "That's the groundwork of our organization, or we wouldn't be here. There were a lot of people (at the Sept. 20 meeting) who indicated we had a very fine meeting and were on the right track. It will be to our benefit if we keep going in this direction."

"It's easy for them (tribal members) to say we don't have problems on this reservation," another MOD member said. "I don't think they can possibly believe that in their own minds."

Local MOD members say they plan to send delegates to a state MOD meeting in the first part of October.

They'll hold an organizational meeting some time in October to adopt by-laws, elect officers, elect a board of directors and set up a priority of objectives.

# Tribal Members Respond to MOD

(Editor's note: Last week we outlined seven areas that the Fort Peck Reservation chapter of Montanans Opposing Discrimination (MOD) felt non-Indians living here should be concerned about.

Specific problem areas mentioned by MOD members were: civil and criminal jurisdiction in the courts, water rights, hunting on deeded land without permission of owners and in complete disregard for personal property, accretion land control, disruption of the tax system, litter and garbage spread throughout all parts of the reservation and land rights.

Since we believe everyone should be allowed their say on the issues, the Herald-News conducted interviews with members of the Fort Peck Assiniboine and Sioux Tribes last week. Here's what they think about the matters in dispute and MOD itself.)

It is the basic contention of Fort Peck Tribal members that MOD will create a lot more heartaches and problems as it goes along than find solutions.

"The first step they should have taken," said Norman Hollow, Fort Peck Tribal Chairman, "was to contact the tribal council and schedule private meetings with them to discuss some of these issues before going to

a general public meeting.

"Because they didn't, I think MOD will create a lot of problems," he said.

Ranney Lambert, a member of the tribal executive board, added that instead of forming an organization like MOD, interested persons should have gotten together and sat down with the tribal council first and said, "Here, we've got these problems. But it kind of makes it rough when they form this group and go ahead and bring in outsiders who don't know the problems.

"I've always felt we've gotten along good with everybody until they came up with something like this," he continued. "It's going to cause a lot of hard feelings; people will begin to take sides if they continue to carry on the way they have been. Already, there are some bad feelings on both sides. They could have avoided it by sitting down with the council to work something out. But it may be too late, because people are getting stirred up and it's pretty hard to undo that."

Tribal board member Jesse Kirn said "they're (MOD) making it harder for us to get along and live together."

"I don't even pay attention to those guys," tribal board member Stanley Yellowrobe said. "They're



Norman Hollow

just trying to stir up a stink around here—that's all. We're just living up to what's in our treaties. And they're talking about discrimination. What if they came on this earth as an Indian, then what would they do?"

Hollow admits there is a problem concerning jurisdiction, "not on offenses committed against non-Indians, but on offenses committed against Indians.

As an example, he pointed out that if an Indian writes a bad check, merchants have

the recourse to bring it to tribal court. "But if money is owed to an Indian, there's no way he can collect.

"And if an offense is committed against an Indian, it can be taken to federal court if it's serious enough. On minor offenses they won't take jurisdiction. There are ample provisions in the law to take care of non-Indians.

"They're also concerned with the fact that various tribes have passed ordinances to assume jurisdiction over non-Indians," Hollow said. "This tribe hasn't done that. The only reason we haven't done it at this point is that we don't want to create ill feeling between non-Indians and Indians. There is no reason we can't have a meeting of the minds to arrive at a solution acceptable to both groups."

Hollow also feels that, as a result of treaty provisions, the tribe has the right to exercise rights of hunting and fishing.

"The tribes do have this prerogative—this is our land," he said. "Other reservations allow only their own members to hunt and fish. We've been real lenient with non-Indians here. We allow them to hunt and fish on the reservation, providing they have a state license and a tribal permit."

Clark Madison, executive director of the Fort Peck

*Cont'd.*



**BARNEY LAMBERT**

Planning District, added, "The Indian has exclusive rights to hunt within the exterior boundaries of the reservation, subject to tribal code. That's a pastime of Indian people—to hunt on their land.

"I don't think they (MOD) have a thing to stand on concerning that deal," he said. "That's something Indian people are proud of—their hunting rights."

On land rights, Hollow pointed out that the Supreme Court has ruled that reservations include all areas within the exterior boundaries of the reservation, "so if we want to exercise that right we have the prerogative to do so."

"They're forgetting that it's tribal land in the first place set aside for members

of the tribe to make a living," Madison said. "They (MOD) can see it's slowly going back to Indian people,

where it belongs anyway. It's slowly squeezing out some of the white ranchers, which seems to be the basis

for MOD."

Madison said that during the 1960's, the tribe lost an average of 7,000 acres of land per year when Indians sold it to non-Indian farmers and ranchers.

"The tribe was gradually losing its land base to the non-Indians," he said. "That's why we obtained FHA funds so the tribe could buy land from individual lottees. When the non-Indian guy didn't have the option of buying it, he complained to the tribe."

Madison believes the issue of water rights shouldn't have been raised by MOD.

"This tribe is just as worried about water rights as the non-Indians are," he said. "I believe that in the future the Fort Peck Tribes will bring it to litigation. So if MOD makes some definite statement about what their water rights are it's wrong, because it hasn't been in litigation. Whereas the Indian people have a treaty with the American government."

MOD also shouldn't be concerned with accreted land, Madison said. "It has nothing to do with the tribe—it has to do with the courts because it's a matter currently under litigation."

On the matter of litter and garbage spread throughout the reservation Kirn said, "I don't know what MOD's talking about. In the last couple of years the tribe's made some real good progress in cleaning up the reservation. Plus it's all tribal land that these towns are using for dump grounds."

Hollow contended that "we haven't dealt with non-Indians here as the other tribal councils have, because we want to have good public relations with the general public. But this public relationship has got to be a two-way street. This tribal council has been pretty broad-minded toward an effort to improve relations.

"If we wanted to, we could start our own grocery or clothing stores, and take away some of their business," he continued. "We could also tax every business on the reservation, including farms, ranches and merchants in their respective towns. We could also go as far as to require that liquor establishments secure permission from the tribe before they have the right to operate and sell liquor on the reservation.

"But we haven't," Hollow said. "Would this be the right approach to take? It seems to me that individuals are using this organization (MOD) to try to get individual problems solved, and

they're using them as broad policy statements of the organization."

"The way I see it," Lambert said, "the Indian is just beginning to stand up for himself. Indians have been in the dark all these years and are finally beginning to realize how they're being ripped off, and this is what MOD doesn't like. It's as simple as that."

"There are some hot tempers," Hollow concluded, "but it's never too late to sit down and discuss some of the issues."

# Rancher Charged \$500 For Violation Of Trespass Law

In a major test of the Fort Peck Tribes' recently enacted Livestock Trespassing ordinance, which went into effect Aug. 15, John Gribble was charged \$500 last week for letting his cattle roam at large in the south Oswego area.

The action came as a result of complaints the Bureau of Indian Affairs (BIA) and Fort Peck Tribes received from both non-Indian and Indian ranchers in the area.

About 141 head of cattle were impounded by the tribes' rangerider Thursday afternoon and corralled on a patch of land just southeast of Oswego. Gribble, who owns a farm in the Prairie Elk area south of the Missouri River, had to pay fees for rounding the cattle up, guarding them overnight from Thursday to Friday and for feed and care of the livestock.

Gribble trailed the cattle to another piece of land he has east of Oswego after paying the charge.

According to an FBI official, he is also liable for civil action on any damage that occurred before the impounding.

Non-Indian ranchers involved in complaining to authorities were Vincent Wolff and Dewey Forsness.

Indian ranchers were Lionel Flynn, Mable Fourstar, Carl Fourstar, Dusty Archdale, Gladys Jackson and Joe Day.

They claimed that Gribble's cattle ate up three oat fields, including 20 acres which belong to Tom Nickels and 40 acres of Forsness' fields. They also say that the cattle ate winter feed, were trespassing on winter grazing land and trampled some of Day's irrigated alfalfa fields.

"We finally got tired of it and complained to the authorities," Joe Day said Friday. "We figure he (Gribble) had one cow for every acre of legally leased land. He has about 140 acres leased from the tribes."

Because of the number of cattle Gribble grazed south of Oswego compared to how much leased land he has, Dave Allison, BIA soil conservationist and acting range conservationist, said Gribble "was greatly exceeding his limits. The number of cattle he had (141) greatly exceeded the proper stocking rate for that area. He's been in there all summer with various bunches of cattle, and was using as much free grazing land as he could."

In a telephone interview Tuesday, Gribble said he

hauled most of these cattle south of Oswego, about 100 head, two weeks ago.

"I don't lease all of the land in the pasture," he admitted, "but I feel the local people around there left the gates open; made it a point to throw them open.

"It's absolutely not so that I heavily overgrazed the area," he continued. "Anybody can see that there is all kinds of feed down there. They should have notified me that the cattle were out, so I could get the cattle in and take care of them. But they didn't."

Gribble said he plans on getting set up "so I don't need none of their Indian land so I can give it back to the Indians."

Allison noted that the livestock trespassing ordinance was approved by the Tribal Council and the BIA.

"It's a great ordinance," he said. "People are going to have to start controlling their livestock and this ordinance is one way it's going to get them to do it. As far as the BIA's concerned, we are short staffed and the ordinance has greatly reduced our running around on trespasses, because the ranchers are watching their cattle a lot closer."

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# Maine Indians up suit from \$300M to \$25B

By EARY MARCHAND AND THOMAS SULLIVAN

AUGUSTA—Damages sought in an Indian lawsuit against the State of Maine may be increased from \$300 million to \$25 billion, it was learned yesterday.

The disclosure came out of a five-hour meeting last Thursday attended by Gov. James B. Longley, Asst. Atty. Gen. John Patterson and Atty. Thomas Tureen, counsel for the Passamaquoddy and Penobscot Tribes, and chiefs of the tribes.

Tureen informed the state officials the Indians may expand their suit by seeking damages back-dated 100 years, it was learned.

When the Indian suit was filed in 1972, the litigation sought only monetary damages. It was alleged the two tribes were wrongfully deprived of land amounting to almost two-thirds of the state.

But an expanded suit would seek actual title to a large chunk of this land and up damages from the original \$300 million to an estimated \$25 billion.

On Nov. 15, the federal government, which represents the Indians, is scheduled to appear before Federal Judge Edward Gignoux in Bangor to explain its intentions in behalf of the Indians. At this time, it is expected, some indication will be given on whether the Indians' suit will be amended or expanded.

In the meantime, bankers in Maine are mapping plans on how to deal with the potential impact of the staggering lawsuit.

Top administrators from every Maine regulatory agency will meet at the Federal Reserve Bank in Boston to discuss the effects of the suit on bonds, tax anticipation notes and mortgages.

Scheduled to attend the session are Maine Banking Supt. Arthur Burton, William Bullock Jr., head of the governor's financial advisory council studying the suit and representatives of the Federal Reserve Bank, the Federal Deposit Insurance Corp., the Federal Home Loan Bank and the U.S. Comptroller's office.

Heightened concern about the suit has caused the indefinite postponement of a \$27 million bond sale by the Maine Municipal Bond Bank, leaving numerous communities across the state desperately short of cash.

Concern about the suit also threatens to tie up real estate transactions and home building throughout the affected area.

"It is almost a joke, but it is so damn serious," said banker Frederick Newman, chairman of the board and president of the Northeast Bankshare Assn.

"We don't like the situation one bit, but we are still taking mortgages," he added.

The court case, which may take years to resolve, has clouded title to forests and land in numerous communities.

The actions of the Farmers Home Administration, the single largest provider of loans for new homes and farms in the state, are being closely watched by Maine bankers.

In many respects, the suit is similar to one filed by the Mashpee Tribe of Wampanoag Indians to regain most of the 16,700 acres of the Town of Mashpee, Mass.

A major difference, however, is that the federal government—the Interior and Justice Departments—are bringing the action in the Maine case.