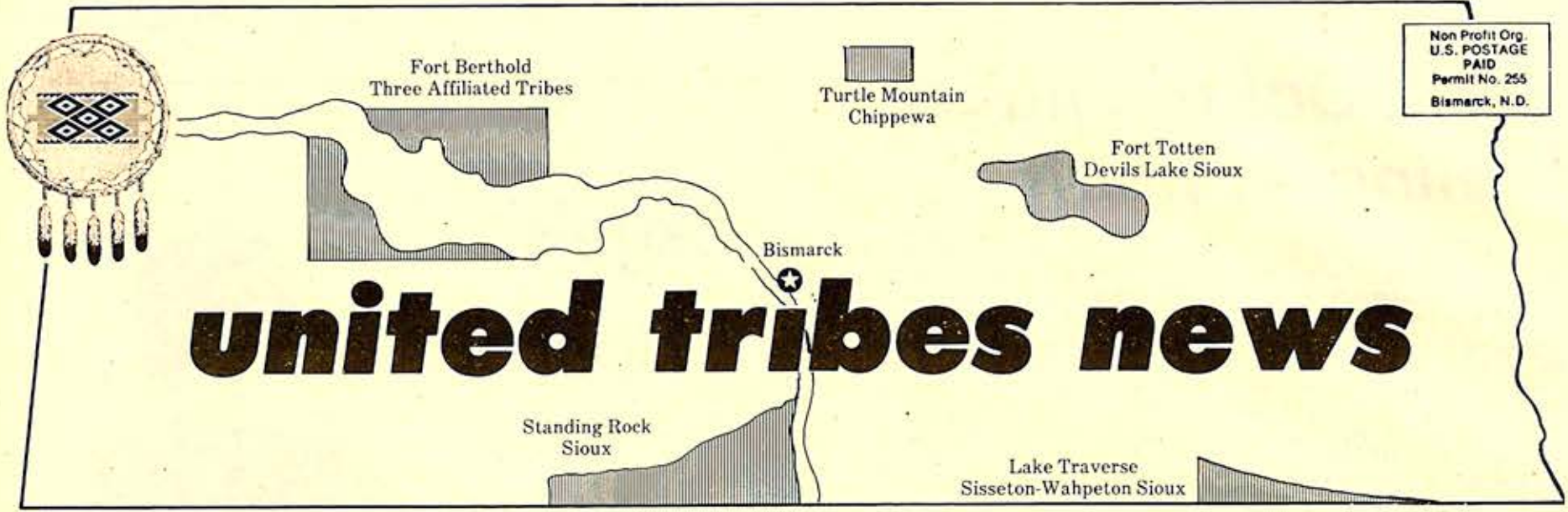


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Health programs may face lean year

Indian hospitals, clinics and medical services in the Aberdeen area and across Indian country may face a lean, belt-tightening year, as the Ford Administration's proposed 1977 fiscal budget for the Indian Health Service (IHS) contains no increases in program dollars and calls for reductions in overall staffing.

The proposed budget, submitted to Congress in January, requested \$314.6 million for the IHS in FY 1977, a \$39.8 million increase over the last fiscal year's budget.

Those additional dollars, according to Joe Kelly, Aberdeen area IHS finance officer, will go only for mandatory items such as cost increases, pay raises and annualization of programs begun in FY 1976.

(IHS staff positions reductions are shown in the chart accompanying the jump of this story.)

Submitted concurrently with the proposed budget was an Administration requested cutback

of \$5.3 million tacked on to the IHS's FY 1976 budget by Congress. The cutback, termed a "rescission," would reduce or cut 20 different Indian health programs nationwide. The *United Tribes News* learned late last week, however, that the White House requested rescission is unlikely to make it out of the House subcommittee on Interior appropriations.

House and Senate appropriations com-

mittee hearings on the full IHS budget proposal are scheduled for March 8 and 10, respectively. According to Howard Roach, finance manager in IHS's Washington, D.C. headquarters, the committees will be seeing "essentially the same budget as last year's."

It reflects President Ford's government austerity push," said Roach. "The Administration has taken the position that there are sufficient increases for existing programs to carry on."

Aberdeen area hospital and clinic directors are not as confident. Said Dr. Charles Tonemah at Standing Rock reservation's Ft. Yates hospital: "It doesn't look good. We get across the board increases to meet cost rises, but they're never enough. They never meet the rises."

At the Belcourt hospital on Turtle Mountain reservation, Dr. James Hughes advised that he "very well may have to cut back on services." The cutbacks, if the Administration's budget is approved, "could very well get to bed space," Hughes said.

"We've tried to economize where we could, but somewhere down the line it runs out and cuts will have to be made."

The medical clinic on the Ft. Totten reservation has no in-patient facilities and must contract with surrounding hospitals in order to hospitalize its patients. Increased patient loads and

[Continued on Page 3]

Reactions mixed on environmental survey

North Dakota Indian leaders appear to be of two minds on the issue of participation in a state effort to collect data for use in environmental assessments and projections.

The Regional Environmental Assessment Program (REAP) was set up by the State Legislature last year to help communities improve forecasting and set standards in such areas as air and water quality, population density, recreational opportunities, vegetation and animal life.

REAP will contract with specialists who will go into an area and gather data, which will be fed into a computer system. All information will be available to the public.

"Our job," REAP director Dr. A. William Johnson told *United Tribes News* "is to see that when environmental decisions are made, people make them from a fully informed position."

REAP has begun its work in the area to the south and west of the Missouri River. As part of that effort, Johnson has solicited the cooperation of the Standing Rock tribal council, and plans to contact the Fort Berthold tribal council.

Tribal Council Skeptical

Johnson's recent presentation before the Standing Rock tribal council met with considerable skepticism. The tribal planning group was wary of participating in the REAP effort, and urged the council not to do so.

Doubts were raised over whether the tribe could have adequate control of the gathering, storing and processing of information, and whether the tribe would jeopardize its sovereignty by participating in a state-funded effort.

"The council felt that what is ours, and should not be shared with the state," council chairman Pat McLaughlin told the *News*. "It seems like over the years Indians were always too fast to cooperate. We would be the ones to give and never receive."

He said the council has been asking the Bureau of Indian Affairs for assistance in conducting resource inventories. "First we want to find out ourselves what we have," McLaughlin said. "Then we'll bat around the idea of working with the state."

Sees No Threat

Johnson said he does not believe that cooperation in the REAP effort would threaten tribal control, because reservation developments still would be in the hands of the tribal council.

The tribes should exploit REAP, he said. In a recent "Declaration of Indians Rights to the Natural Resources in the Northern Great Plains," Indian officials called for the collection of scientific data so tribes would be fully informed when making environmental decisions.

"But I didn't see tribes gathering that information," he said. "I didn't see them having the

resources for it. We are financed so we are in a position to collect this data for them."

If tribes collect this information on their own, it might be difficult to "merge" it with REAP's data, he said. "There's a risk that we'll be trying to compare incomparables, since they probably would use different techniques and methodology in their effort."

Johnson told a recent meeting of the North Dakota Legislative Council's committee on resources research that he had approached Warren Means, UTETC executive director, and found him "very supportive" of tribal participation in the REAP effort.

Means told the *News* that if the tribes could monitor the REAP data-gathering, REAP need not be seen as a threat. "At some point the tribes are going to have to have this information, for such things as classifying their air and water," Means said. "If REAP can gather this information, with the tribes having vital input, great."

Johnson also contacted Juanita Helphrey, state Indian affairs commissioner, for advice. At the resource committee meetings, Mrs. Helphrey said she hopes that REAP and the tribes could cooperate, to the benefit of both groups, and asserted that not all of the Standing Rock tribal council shared the strong doubts expressed by the planning group there.

[Continued on Page 6]

North Dakota jigger: feeling no pain

Is the "North Dakota jigger" shown below offensive to you? It shows a slaphappy Indian drunkard, headband askew and feather drooping, who appears ready to topple into a snowdrift. On the side the glass is notched so drinks can be poured to suit a "papoose," "young squaw," "young buck," "warrior" and "big chief." Two, four, six, eight and ten ounces.

We were appalled when we saw a set of the jiggers on display amid the toys and trinkets in the Bismarck Airport gift shop. But we were even more surprised by the salesperson's reaction to our protestations. "Offensive?" she said. "We've been selling these jiggers for six or seven years, and you're the first person to complain. They've always sold well. We've even sold them to Indian people. They thought the item was cute."

opinion

Another smiling salesperson made the absurd claim that the cartoon drunkard doesn't have to be an Indian, but could be a white person wearing a headband.

Their ignorance was total. There was not a trace of remorse. Alcohol abuse is one of the most serious problems facing Indians, and society at large. Yet here at the same time we have a manufacturer (supposedly a foreign supplier) and store which for years have been insensitively peddling this racist item. We have a public which bought and enjoyed it. And worst yet, we have Indians who, rather than breaking the jigger or bitching about it, supposedly bought the thing because they thought it was cute.

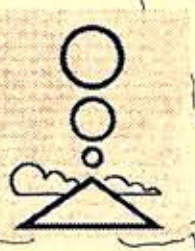
Are we alone in our complaints? Do people see the cartoon of a drunken "big chief" as funny rather than offensive? If so, we must conclude that people who are trying to combat Indian alcohol abuse, end the stereotype of the Indian as drunkard, and improve the public image and self-image of Native Americans, have an almost impossible task ahead.



A chance to be heard

Our Indian readers will have a rare opportunity to have direct input into national policy-making, if they attend the upcoming regional hearing of the American Indian Policy Review Commission's Task Force One. The public hearing, the only one scheduled thus far in North Dakota, will be held all day Wednesday, March 17, in the council chambers at Fort Yates. Task Force One deals with the federal-Indian relationship, treaty review and trust responsibility, but people will be able to testify on any area of Indian affairs during the afternoon, when several hours will be set aside for unscheduled witnesses.

The controversial AIPRC was created by Congress to study Indian affairs, to get grassroots advice, and to draw up what hopefully will be far-reaching reforms. The March 17 hearing will give people a chance to speak their minds on the system, and to see how seriously the AIPRC members are taking their jobs. We urge you to attend.



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Skye's Horizons



by harriett skye

The preservation of tribal governments and the reservation land base appears to be at stake. With all the reading I've done, everything seems to indicate that creating competition among Indian tribes for finances, maintaining separatism, keeping tribes divided, is all strategy to keep Indians irrational and all too often making wrong decisions.

The U.S. government is ready to set aside treaties and moral codes in order to grab what Indian tribes have left. After almost 100 years of "reservationization" the time has come for a refresher course in what tribal governments are and what must be done to keep what little Native Americans have left.

P.L. 93-638, the Indian Self-Determination and Education Assistance Act, in my mind, raises the question of termination. Laws or no laws, most Indian people are unprepared with any practical understanding of the causes and effects of P.L. 93-638 and what can really be done, so their new power is an illusion.

The question is simple—is the termination of Indian tribes just around the corner? As we all know, when the land base is gone, we are going to lose the very reason we are Indian. Every day we lose land, while Indians are weakened by those claiming to be non-violent and democratic.

Don't misunderstand, I do not advocate militancy with violence. My definition for militancy is NOT violence, although we need to get out in the streets more.

My militancy means devising strategies against racism and discrimination, working with all groups who are interested in the same things Native Americans are: the human and natural resources, preserving our land base, keeping that base in trust status, the young people, the aged, the unborn, with determined emphasis on education for everyone. Keeping rip-offs (tribal lawyers included) from preying on Native Americans; "watch-dogging" the courts and prison reform.

Efforts must be made to stop the perpetuation of stereotyping and learning to use the system from the inside out. But most of all the erosion of our treaties must be halted immediately.

Below is a Chicago Tribune column by Sidney Harris I came across recently. In many ways it holds significance and wisdom for Native Americans:

A WINNER says, "Let's find out."; a loser says, "Nobody knows."

A WINNER makes a mistake and says, "I was wrong."; when a loser makes a mistake, he says, "It wasn't my fault."

A WINNER credits his "good luck" for winning—even if it isn't good luck; losers blame their "bad luck" for losing—even if it isn't bad luck.

A WINNER knows how and when to say "yes" and "no"; a loser says, "yes, but" and "perhaps not" at the wrong times and for the wrong reasons.

A WINNER isn't as near afraid of losing as a loser is secretly afraid of winning.

A WINNER works harder than a loser and has more time; a loser is always "too busy" to do what is necessary.

A WINNER goes through a problem; a loser goes around it and never gets past it.

A WINNER makes commitments; a loser makes promises.

A WINNER shows he's sorry by making up for it; a loser says, "I'm sorry," but does the same thing next time.

A WINNER knows what to fight for and what to compromise on; a loser compromises on what he shouldn't and fights for what isn't worthwhile.

A WINNER says, "I'm good, but not as good as I ought to be."; a loser says, "I'm not as bad as a lot of other people."

A WINNER listens; a loser just waits until it's his turn to talk.

A WINNER would rather be admired than liked, although he would prefer both; a loser would rather be liked than admired, and is even willing to pay the price of mild contempt for it.

A WINNER feels strong enough to be gentle; a loser is never gentle—he is either weak or pettily tyrannous by turns.

A WINNER respects those who are superior to him, and tries to learn something from them; a loser resents those who are superior to him and tries to find chinks in their armor.

A WINNER explains; a loser explains away.

A WINNER feels responsible for more than his job; a loser says "I only work here."

A WINNER says, "There ought to be a better way to do it."; a loser says, "That's the way its always been done here."

A WINNER paces himself; a loser has only two speeds, hysterical and lethargic.

AIPRC sets hearing March 17 at Ft. Yates

AIPRC is a joint Congressional commission created last year to study the major problems in Indian affairs, and to submit recommendations for Congressional action. Field work for the 11 member commission is being done by 11 task forces.

In January, the task force teams began holding hearings around the country, to collect sworn testimony and written statements. The hearings will continue through March, after which the task force members will analyze the information they have gathered and prepare their reports to the full commission.

Besides the March 17 hearings, AIPRC members have made several on-site visits to the United Tribes Educational Technical Center, and Pat McLaughlin, Standing Rock tribal chairman, said that members of Task Force Six, on Indian health, and Task Force Seven, on reservation resource development and protection, will make an on-site visit to Standing Rock March 24 to 26.

The United Tribes board of directors also proposed earlier this month that a meeting of the full

commission be held in Bismarck. The commission includes six members of Congress and five Indians, and is chaired by U.S. Sen. James Abourezk (D., SD).

Adams said that about two dozen witnesses could be expected to testify at the Fort Yates hearing, which is the seventh session to be conducted by Task Force One.

He and fellow task force member John Echohawk will solicit testimony on issues of the federal trust relationship with Indians. Primary topics, Adams said, will be the quality of federal management of Indian natural resource property, as well as treaty issues, jurisdiction problems and land use questions.

The Fort Yates site was selected, he said, because "we wanted to center in on one Sioux reservation."

Task Force One, he said, is conducting research in several areas which pertain to Standing Rock, including violations of the 1868 Fort Laramie Treaty and possible misappropriation by past Congresses of reservation trust funds collected from mineral leases and allottees.

The American Indian Policy Review Commission's Task Force One has scheduled a regional hearing Wednesday, March 17, in the council chambers at Fort Yates, capital of the Standing Rock Sioux reservation.

During the first portion of the all-day hearing, Indian leaders from the Dakotas are scheduled to testify on problems in the subject area of Task Force One: the federal-Indian relationship, treaty review and trust responsibility.

Anyone else will be able to testify in the afternoon, when several hours will be set aside for unscheduled witnesses.

The hearing is the only one scheduled by AIPRC so far in North Dakota. U.S. Sen. James Abourezk, chairman of the Task Force One, said that members of Task Force Three, which is studying federal administration and the structure of Indian affairs, also are scheduled to sit in.

Legal aid: overburdened and underbudgeted

By David Roach

Back in 1973, an Indian man from White Shield, ND, on the Ft. Berthold reservation took a bus and \$600 south to Bismarck to buy a car. The car he picked out cost a little more than \$600. The price sticker said \$823. A loan would be needed. "Leave the \$600 for deposit," said the car dealer. "We'll run a credit check. Come back in a week."

A week passed. Another bus ride south. "Sorry. Your credit's no good," advised the dealer. "Your \$600? That's what the credit check cost us \$600." Persuasion and argument to no avail.

Back at Ft. Berthold, the man placed a call to the North Dakota Legal Services Corporation. "I got a problem. . . ." A second call was placed: from the legal services to Bismarck. "You have 10 days in which to return \$600 or we'll see you in court." The money, all \$600, was returned.

Another man, an Indian from Killdeer, took an expensive pistol he owned to a pawn shop to hock it. Days later, upon returning to redeem his gun, he was told: "Sorry, our shop was broken into and that gun of yours was stolen." Skeptical, he called the local police. "No, there was no break-in or theft reported." Back to the pawn shop. "I want my gun. I've been to legal aid and I'll sue."

He had not been to legal services. He had not called them. But the "missing" gun turned up and was returned.

These are two of innumerable cases attorney Judy Atkinson recalls from her practice at the North Dakota Legal Service Corp. in New Town on the Ft. Berthold reservation.

They represent to Atkinson, now a private attorney in New Town, the pressing need among indigent people,

especially Indians, for free legal assistance.

Legal service, itself, means more than the skill of a lawyer in the courtroom. According to Jane Bickford, UTETC staff attorney, legal service for the poor may and usually does include out-of-the-court assistance such as drafting "official looking letters, making needed telephone calls to creditors or government agencies, deciphering legal forms and jargon or simply offering legal advice.

"Many times," said Bickford, "just the power or weight of a legal office or an attorney's title is all that's needed."

Heavy With Cases

Attaining that assistance in North Dakota, if you are poor and unable to meet an attorney's fees, may prove difficult. There is a virtual void of free legal counsel for indigent urban Indians and while there are legal service offices on two of North Dakota's four reservations, those offices are heavy with cases and short of funds for expansion.

"If you're an urban Indian and need legal help but can't afford it," according to Liz Hallmark, executive director of the Dakota Association of Native Americans, "there's no place to go. No place."

"They have nowhere to turn. If they get a traffic ticket or have a bad check, they may skip the court hearings. Then there'll be a warrant for their arrest," said Hallmark.

Aid for Elderly

Indigent urban Indians over 60 may, however, receive free legal assistance from the Legal Services for the Aged office in Bismarck. Directed by Milton Moscow and now in its third year of operation, the office also has branches in Fargo and Minot. According to Moscow, it often serves as an intermediary

between clients and government agencies, solving Social Security, veteran's assistance, food stamp and welfare problems.

There are two legal aid offices on the state's reservations which can help needy clients. At New Town on the Ft. Berthold reservation there is the North Dakota Legal Service Corp., the first legal assistance office for the poor established in North Dakota. Directed by Tom Shoppert, the New Town office has been handling cases for the indigent for over four years, funded presently through the national Legal Services Corp. and prior to that through the Office of Economic Opportunity.

Handling 120 cases a month (largely consumer and domestic oriented), Shoppert's office concentrates its services on the Ft. Berthold area. "We have handled a few cases from Standing Rock," said Shoppert "but we don't really have the money to travel." Neither, said Shoppert, is there money for expansion and establishment of regional offices, a plan the New Town legal service staff would like to look forward to.

Devils Lake Office

There are two attorneys working out of a Community Action Program supported office in Devils Lake and taking cases on both the Turtle Mountain and Ft. Totten reservations. Legal service director Linda Catalano, a VISTA attorney, and attorney Kate Diete, a CETA, "have more clients than we can handle," according to Diete. A year and a half old, the legal office comes up for renewal of funding at the end of this year and finances are uncertain, said Diete.

But financing for legal services nationwide apparently are also uncertain. The national Legal Services Corp., located in

Washington DC, and disbursing funds to state and urban legal service offices, has no monies available for any project expansions, said Virpi Kairinn, assistant public affairs officer for the Legal Services Corp.

"We went to OMB (Office of Budget and Management) requesting \$140.3 million for FY 1977," said Kairinn. "We came out in Ford's proposed budget with \$80 million. That's less than last year's. We had \$88 million in FY 1976."

Program Expansion

Kairinn said of the \$52.3 million increase the corporation had requested, \$26.4 million had been planned for program expansion, with the remainder to be fed back into programs to offset inflation.

If the Administration's request stands, according to Kairinn, many legal service programs will have to be re-evaluated and some cut.

Financing legal service programs, however, is a problem apparently well recognized. Standing Rock tribal leader Pat McLaughlin, who hopes to secure an ACTION (VISTA) attorney for his reservation advised: "The problem of the lack of legal services has long been in my mind. But funds are a problem. Where do you go for funding?"

That may be one of the stickier points discussed at an upcoming meeting between representatives of the national Legal Services Corp. and the North Dakota State Bar's committee on the indigent. According to Kent Higgins, chairman of that committee and former Bismarck public defender, such a meeting is tentatively scheduled for some time in March. Assessment of the legal need of the poor in North Dakota, said Higgins, will be the thrust of that meeting.

Health budget

[Continued from Page 1]

limited IHS funds for such contracting make for a difficult situation. "Prices and hospitalization rates are rising and our money for contracting is limited," said clinic director Dr. Rupert Clark. "We only get so much, and it won't meet the rises."

"I've been told," Clark added, "that there is a freeze on staff positions. When a position becomes vacant, it'll remain vacant."

"The cost of health care has shown the greatest price index increase," said Joe Kelly of the IHS at Aberdeen. "Yet Indian health facilities are operating on only 48 percent of the resources needed to properly handle medical needs."

Kelly said that percentage was derived from a study of Indian medical facilities and resources, using standards of handling and care established by the National Joint Committee for Accreditation of Hospitals.

One program that may be lost is the

maternal-child health program which has operated through IHS on monies from other government programs since 1970. Apparently, in the proposed FY 1977 IHS budget, those monies will no longer be available.

"Reservations and areas that have had the program," said finance officer Bill Wasen in the Aberdeen IHS office, "will either have to pick up the costs themselves or go to HEW and fight for it."

According to Andrea Fast Wolf, the Four-State Indian Health Board may send representatives to Washington, D.C., to lobby for IHS money. Fast Wolf, executive director of the board which serves as an advisory panel for Indian health facilities in North and South Dakota, Nebraska and Iowa, is concerned over the potential rescission of the \$5.3 million added by Congress to the FY 1976 IHS budget.

(The Budget Impoundment and Control Act of 1974 authorizes the President to recommend to Congress cancellation in part or total of appropriated funds, or deferral of their use. Congress must take affirmative action in the form of an enacted "rescission" bill if the funds are to be rescinded. Both the Senate and House must complete action on the bill within 45 calendar days or the funds will be made available for obligation.)

The House subcommittee on Interior appropriations, chaired by Rep. Sidney Yates (D.-Ill.), held hearings on the rescission request (House Document 94342) last week. The measure is not expected to clear the subcommittee.

Dan Beard, staff member for Yates, told *United Tribes News* that "the consensus among committee members after the hearings was that rescission was unlikely."

The Senate hearings on the rescission request are scheduled for March 11, before the subcommittee in Interior appropriations. According to Beard, the deadline for Congressional action is March 19.

Indian Health Service staff positions

ACTIVITY	POSITIONS		
	FY 1975	FY 1976	FY 1977
Patient Care	3,906	3,787	3,772
Hospital Care	40	39	39
Contract Care			
Preventive Health and Ambulatory Care			
Sanitation	476	461	459
Dental	504	489	487
Public Health Nursing	283	274	273
Health Education	100	97	97
Field Medical Services	424	411	409
Ambulatory Care	2,247	2,179	2,171
Program Management	128	124	124
TOTAL	8,108	7,861	7,831

LAWSUIT:

New Town case could set trust precedent

By Steve Forsberg

A lawsuit that could decide whether an Indian, living within the city limits of a reservation community, has the right to transfer land to tax-free trust status and still receive municipal services, will be coming to trial soon in U.S. District Court in Minot.

Mrs. Beulah Chase, a native of the Ft. Berthold reservation, is seeking \$100,000 in punitive damages from New Town's Mayor Roland McMasters and City Councilmen Jack Smith, Jr., Wayne Turner, Arlyn Wadholm and Russel Pederson for denying her water and sewer hook-up. New Town is located on the reservation.

The defendants say Mrs. Chase's lot was not tied into New Town's water and sewer system because she transferred her property to the trusteeship of the federal government.

Tax-Exempt Land

Trust land is, in effect, under the administrative care of the federal government, and, as such, is tax-exempt.

As a Native American living on a reservation, Mrs. Chase has the legal right to transfer her land to trust.

Mrs. Chase, represented by Thomas Shoppert, North Dakota Legal Services attorney from New Town, claims the city has refused to connect water and sewer into her lot solely because she is an Indian.

In an interview Mrs. Chase said, "I have never in my life run into a place as prejudiced as this." Her attorney concurred.

Judge Disagrees

At a preliminary hearing in Minot, however, U.S. District Court Judge Bruce Van Sickle was not convinced that prejudice was at issue.

Van Sickle said to Shoppert: "You claim you are entitled to relief because of the fact that your clients have been injured as a matter of racial bias. And the defense is that the injury, if there has been one, isn't a matter of racial bias; it is a matter of assuring that the developed lot carries its share of the burden of urban costs. Whether the city's action

was reasonable depends upon whether it has an alternative basis to get its fair collection for the benefits acquired by the lot."

Beulah Chase and her 60-year-old husband, John, a non-Indian, returned to the Ft. Berthold reservation last summer after living and working for almost 20 years in California. They purchased Lot 16 of Block Three in the Highland Village Addition of New Town, with plans to eventually build a house.

The Chases intended to finance their home through the Ft. Berthold housing authority, which administers local housing and urban development loans. Chase, disabled and on a fixed income, said he originally purchased the land and then put the property in Mrs. Chase's name so she could transfer the lot to trust for economy and on the assumption that such action was a prerequisite for a HUD loan on their house.



Ralph and Beulah Chases' 25 x 8 foot trailer on the edge of New Town.

Cooperation Required

HUD denied it imposes such a requirement, but did say cooperation between the municipality and the local HUD agency is necessary before they will approve the placement of units on trust or free land in a city. The purpose of the agreement is to assure that the units are provided municipal services.

Mrs. Chase apparently did not receive any assistance from HUD because there is only a single lot involved. HUD deals with blocks or large tracts of land where there are plans for a number of housing units.

The Chases are presently living in a 25 x 8 foot trailer parked on their lot. They still do not have, and probably will not have, water and sewer until the court reaches a decision on the lawsuit. A neighbor is providing water.

Shoppert says Mrs. Chase is clearly being discriminated against, and there is no justification for New Town's refusing her water and sewer.

Chase paid \$1,102 for the lot, of which \$702 were for special assessments including water mains, sewer mains and other municipal improvements.

Shoppert argues, that since the water hook-up fees have already been paid, the Chases are entitled to service as long as they pay their water bill. Shoppert likened Mrs. Chase's trust property to that of the Post Office or BIA.

The defendants, represented by Dickinson attorney Tom Beyer, deny prejudice as a motive for their refusal to grant the Chases water and sewer service.

New Town Mayor Roland McMasters said he could not ask the rest of New Town's citizens to pay for trust land services when there is no legal means of enforcing special assessments. McMasters said doing so would amount to reverse discrimination.

Judge Van Sickle said at the preliminary hearing that he did not see an issue over fact. In an attempt to clarify the issues, Van Sickle said to Shoppert, "The assertion made by you is that the distinction is based on racial bias and the argument made by you is that the distinction is based on failure to honor a special privilege which goes to federally held land."

Neither side can really afford to lose the case.

The Chases, on a fixed income with plans to build a house, cannot afford the additional financial burden of property taxes.

The city of New Town faces a similar predicament. The city fears a favorable ruling for Beulah Chase would set a precedent leading to bankruptcy.

Beyer, does not think the case will be easy to decide. Beyer says he has been unable to find any precedents for this type of trust suit.

With a date not yet set for the trial, Chase said, "I've only got about five good years left and I'm not about to back out now."

Mrs. Chase added, "100 years ago the government said 'we'll give you this and this and this if you stay on this spot and stay out of our way.' Well this is my spot, and trust is my right."

Tempers rise as water pressure drops

The Standing Rock reservation is considering a moratorium on new housing units until water problems that have been plaguing residents there are corrected.

Tribal chairman Pat McLaughlin said some residents have been without water and sewer for weeks and that similar problems have existed on the reservation for years. McLaughlin said those without water are now hauling it from as far away as Ft. Rice and Bismarck.

Wilford Skinner, tribal councilman from the Bullhead district, said his constituents are irate over the lack of water, and that in areas where there is water such as Cannon Ball, it tastes so bad residents will not drink it.

Lack of Maintenance

The lack of water is the result of a lack of maintenance. Since the wells were dug by the Public Health Service a little over a year ago, none have been serviced unless the pump was still under warranty.

The PHS was also authorized funds to train and equip local people for a reservation utilities commission to maintain the water systems. Revenue for the utilities commission was supposed to come from a monthly water fee. The federal government pays the bills for all BIA, PHS and Housing Authority units and individual home owners are supposed to pay their own bills.

Dan Stock, chief of sanitation facilities construction for the PHS, said that the PHS and the Standing Rock tribal council signed an agreement whereby the PHS would install the wells and the tribe was expected to maintain them.

But the tribal council cropped the utilities commission because they didn't think it would pay for itself. McLaughlin said the commission was not economically feasible because many of the individual homeowners could not afford the monthly \$2 water bill.

Tribal Challenge

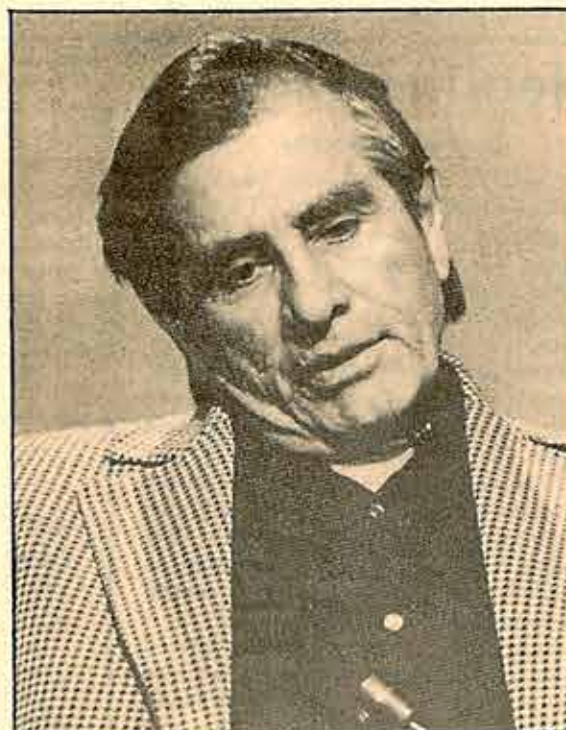
So Standing Rock is challenging the Public Health Service's policy of not providing maintenance.

McLaughlin contends the responsibility of maintaining the water systems rests with the PHS.

The PHS claims they have neither the funds nor, according to the general counsel of the Department of Health, Education and Welfare which provides funds for installation, the legal authority to provide maintenance.

McLaughlin says he would like to see a pipeline erected from Lake Oahe that would carry water to reservation residents, but does not yet know where he can get funds for such a project.

In the meantime, many residents at Standing Rock will probably continue to haul their water.



Pat McLaughlin

State highway department plans minority program

The North Dakota Highway Department has been awarded a \$40,000 grant from the Federal Highway Administration to develop a program for minority contractors.

Walter Hjelle, state highway commissioner, said that short-range goals of the program are to identify minority enterprises and to offer them training sessions throughout the state on government regulations and procedures for contracting or subcontracting federally aided construction projects.

The eventual goal, he said, is to "assimilate" minority contractors and subcontractors into the list of firms that are regularly awarded contracts from the highway department.

Indian enterprises are expected to be the principal target of the new program. Dwayne Ostenson, Equal Employment Opportunity coordinator at United Tribes, said that of the some 80 Indian enterprises in the state, at least 28 could be directly involved with highway programs.

Hjelle said that personnel from his department will try to locate possible minority contractors by visiting minority organizations, businessmen, community action agencies, reservations and community colleges.

In all bid lettings, he said, the department will designate specific "mini-contracts" on which smaller minority contractors will be able to bid competi-

tively.

He said he did not know if minority contractors could be given preferential treatment in contracting.

At present, a federal highway provision requires that before a highway department can award a project to a contractor, the bidder must indicate whether any portion of the contract work is to be subcontracted, and to produce records of contacts with minority enterprises interested in sub-contracting.

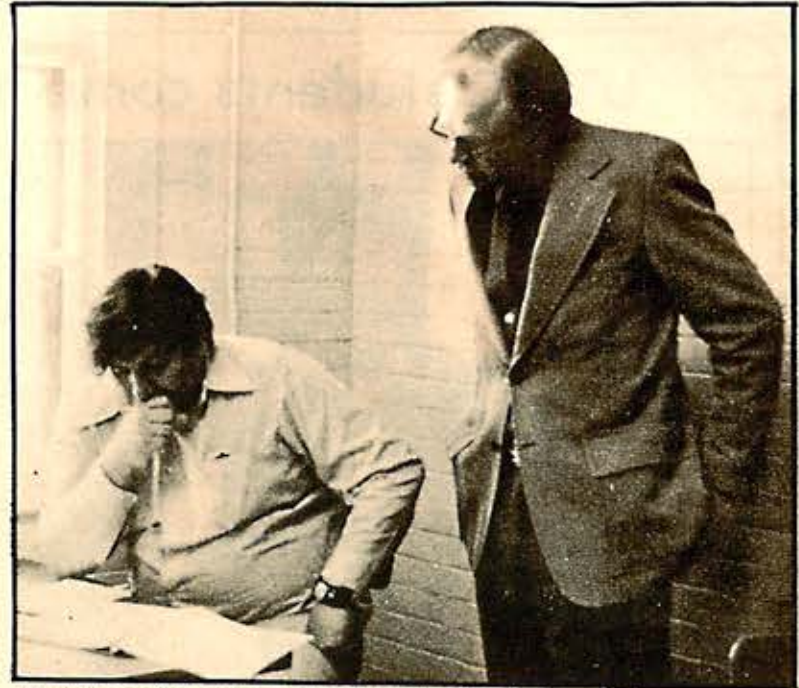
United Tribes Applies

In a separate move, Ostenson also is seeking funds to assist minority enterprises that are possibly eligible for highway contracts.

Through his office, United Tribes has applied to "sublease" from the state highway department a \$12,000 grant earmarked for minority enterprises. The \$12,000 was included in an \$82,000 supportive services grant awarded to the department earlier this year by the Federal Highway Administration.

The remaining \$70,000 of the grant is to be used to stimulate the hiring and training by contractors of minorities, disadvantaged persons and women. Ostenson sublet this service in 1975, and said that he placed 44 of the 54 persons hired last year under the program.

This year, Ostenson again hopes to sublease the hiring and training program, as well as the new minority enterprises service.



An over-the-shoulder look at Indian education by Rep. Quie.

Rep. Quie visits United Tribes

February was the month for Rep. Albert Quie (R.-Minn.) to learn about Indian education. After an informal conference with UTETC director Warren W. Means, Rep. Quie, the ranking member on the House education and labor committee, took a guided tour of the educational facilities at UTETC.

Appearing with Means on Harriett Skye's TV show "Indian Country Today," Quie remarked that "UTETC students eventually leave the school with a marketable skills that potentially can be used on reservations or in urban areas."

Quie's visit ended with a trip to Standing Rock reservation and a tour there of the community college in Ft. Yates.

Residents stick to claims of local prejudice

By Sandra Steger

Despite intense questioning from skeptical prosecutors, six Bismarck residents have stuck to their assertions that prejudice against Indians is extensive in this area, and would make it difficult for accused American Indian Movement activists Russell Means and Thomas Poor Bear to get a fair trial here.

The testimony was heard Feb. 12 during a pre-trial hearing in the federal assault case of Means and Poor Bear.

The charges against the two stem from an incident last June 7 on the Standing Rock reservation, during which Means was shot in a scuffle with BIA Police Lt. Pat Kelly.

The pre-trial testimony was heard in Bismarck before U.S. District Court Judge Bruce Van Sickle.

The six witnesses were among nine local residents subpoenaed, who had filed affidavits in October in support of a defense motion to move the trial from Bismarck.

To Be Continued

The remaining three witnesses will be heard March 1 when New York attorney and sociologist Sidney Haring testifies about a recent telephone survey of area residents which he supervised for the Means-Poor Bear defense team. The survey found a "pervasive" prejudice against Indians in the region from which jurors would be drawn.

Irvin Nodland, defense attorney for Poor Bear, said that the nine subpoenaed witnesses stand a chance to be harmed socially or economically by testifying. They are electing to act as the 'community conscience,' he said.

An example is Eric Gajeski, who said he will not run for city commission next time because of the comments he has received. He ran in the last city election and placed third of six.

Government attorneys repeatedly asked the witnesses for specific instances which would show the area was prejudiced. They asked questions such as, "How many people do you know in Bismarck? Of that number, how many of those would you say are prejudiced? Can you truthfully say that the handful of prejudiced persons you know make a community of 40,000 prejudiced?"

None of the witnesses could lay claim to knowing all of Bismarck. But they insisted that prejudice exists in Bismarck and elsewhere in the southwest district of the North Dakota federal districts, and claimed that the defendants could not get a fair trial

in Bismarck.

Several witnesses said that their opinions had been formed over a period of years, and maintained that it was impossible to cite all the dates, names, and incidents from years past.

It is a tricky business, said defense lawyer Richard Baer, to try to pin down a preconceived community opinion about Indians when limited to cold facts, "because we are dealing with an undercurrent of subtle, pre-shaped ideas which a whole geographic area may subconsciously express."

As Dorothy Rolfstad, court reporter for Burleigh County Court, put it: "I didn't realize there was prejudice against Indians in my hometown until I moved back to North Dakota after several years as a court reporter in Minneapolis-St. Paul." She grew up in Williston, ND, which is seven miles from Trenton, a predominantly Chippewa Indian settlement.

Harold Rambo, pastor of United Church of Christ and former part-time human services instructor at United Tribes Educational Technical Center, admitted that some members of his own congregation were prejudiced and could not be impartial jurors.

He said he was not sensitive to Indian concerns while living in LaMoure County, and consequently observed little prejudice in his eight and a half years there. However, he said he has noticed much prejudice in Williston and Bismarck, where he has lived for three and four years, respectively.

Rambo said most prejudicial incidents he knew of were told to him by students at United Tribes, and therefore didn't qualify as first-hand observation. His opinion that prejudice exists here was formed from instances, attitudes and conversation.

Edgar Brinkerhoff, director of the Charles Hall Youth Services for Indian youth, which maintains two group homes of eight persons each, cited many instances of personal observations of prejudice in the area. Among them was a time he was called in after an Indian girl beat up her teacher. Brinkerhoff said he found out from classmates that the teacher had been calling the girl "squaw" for several months.

In another incident, he said, one of his charges had been wrongly accused of shoplifting in an area store. When Brinkerhoff suggested that the manager apologize, the manager was said to reply, "I don't apologize to Indians."

Brinkerhoff said he received 10 to 15 telephone calls when he filed an affidavit charging the area with prejudice. Some hung up when he offered to discuss it. And two southwestern district churches withdrew

monetary support from the group homes.

Brinkerhoff said he is not able to completely rid himself of subconscious prejudices. He recalled an instance when he saw an intoxicated Indian stumble out of a bar, and caught himself thinking, "There goes another drunken Indian". He testified that he would not give a second thought to a drunken white man staggering out of a bar.

James Sorenson, service mission director for the Dakota districts of the American Lutheran Church, has lived in North Dakota for 19 years. He testified that organizations receiving ALC grants are carefully checked out to make sure that no AIM members may benefit.

He said that 'Indian Concerns Task Forces' are examples of prejudice. They should be called 'White-Indian Concerns.'

'Do You Get Drunk?'

Gajeski, a city and regional planner who was born in Panama, could be mistaken for an American Indian because of his dark complexion. He testified that he often is taken for an Indian and has been discriminated against because of it. He told of having a hard time finding housing, with potential landlords asking questions such as "Are you Indian? Do you get drunk?" Only after convincing one woman that he wasn't Indian was he able to rent an apartment from her, he said.

Gajeski has taught at Bismarck Junior College, Mary College, St. Mary's High School and Jamestown College.

When asked if he believed that a change of location of the trial would produce a different outcome, he said that "a more cosmopolitan city would have more variety of people to draw from."

"Acceptance in the Bismarck area relies on permanence rather than moving around," Gajeski said. "And the American Indian has a tendency to move back and forth."

Juanita Helphrey, North Dakota Indian affairs commissioner, was born and raised in New Town, ND and has lived in Bismarck since 1968. She cited numerous accounts of discrimination against herself and others connected with her. She said that a certain store manager in town told her he didn't give credit to anyone, but she said she personally knew whites who did have credit there.

Helphrey has traveled around the country, and agreed that the defendants could get a fair trial in a metropolitan community.

UTETC students come and go



Seven students started classes at UTECTC this month. Shown from left are Kenneth Rabbit Head, Marlene Vondall, Stephen Harrison, Victoria Conklin, Herman Holbrook, Peggy Wanatee and Johannes Wanatee.

Four students graduated from UTECTC at ceremonies Feb. 19. They were Hoskie Pinto, automotive; Pauline Pinto, food services; Edward Belgarde, police science; and Barbara Belgarde, business clerical.

Incentive awards for the month of January were also given at the graduation ceremonies. Steve Points At Him was named student of the month.

Vocation awards went to Herbert Dini, auto body; Mary Ann Grey Owl, automotive; Orville Cloud, building trades; Bernita Jordan, business clerical; Sharon Wise Spirit, food services; Glorietta Reeds, human services; Julienne Cotony, nurse aide; Elwood Silk, painting; Steve Points At Him, police science; and Merle Red Bear, welding.

Berthold split on per capita

The tribal business council of the Three Affiliated Tribes of Fort Berthold has encountered stiff opposition to its proposed formula to distribute the proceeds of an \$8.2 million land settlement award.

The council had recommended that 68 percent be distributed as per capita payments to the some 5,400 tribal members, and 32 percent be earmarked for specific tribal programs.

However, at a hearing earlier this month in New Town, some 160 tribal members spoke in favor of giving themselves the maximum per capita allowed by law, 80 percent. Anson Baker, BIA superintendent at New Town, said the 80-20 endorsement was unanimous at the meeting.

The BIA, which must prepare a report on the matter, also has received letters and petitions urging an 80-20 split.

'Never Like This'

"We've never had this much opposition to a council plan," said Frank Annette, director of tribal government services for the BIA in Aberdeen. "We've never gotten petitions like this before. The people want the money."

Under an Indian judgement fund act passed in 1972, P.L. 92-134, the secretary of the Interior will decide, based on BIA recommendations, which of the two plans to forward to Congress for consideration.

There the proposed will be taken up by the Senate Interior committee. If it is not sent back for revision within 60 days, it automatically is approved. The BIA is authorized to disburse the funds based on the final plan.

Under P.L. 92-134, the tribal council is responsible for drawing up the tribe's distribution proposal, with community input.

Council Proposal

In December, said council member Austin Gillette, the business council adopted a resolution calling for 32 percent of the judgement funds to be spent for tribal programs. The council hoped to match those funds with federal grants, he said.

The resolution proposed that 68 percent of the total, or \$5.7 million, be distributed per capita.

Of the remainder, 9.4 percent, or \$78,000, would be for tribal court and council salaries over five years; 8.3 percent, or \$700,000, would be for the purchase of tribal land; 2.4 percent, or \$200,000, would be for "legal contingencies" and tribal attorney's fees; and 11.9 percent, or \$1 million, would be for various reservation programs such as agribusiness development, parks, recreation, public facilities, a wake service and a relending program.

Annette said that if the 80-20 split wins out, the same tribal programs will probably be funded, but to a lesser degree.

Awarded in June

The Three Affiliated Tribes received the settlement award from the Indian Claims Commission last June, to cover the full cost and interest on 356,000 acres taken by settlers at only partial cost under the 1910 Homestead Act. Involved was land sold near Roseglen, Parshall and New Town, areas since ceded back to the reservation.

The commission awarded \$9.1 million. Ten percent was taken off for attorney's fees, leaving \$8.2 million.

Gillette said that \$8.4 million will be received, the extra money representing interest on the rate of government investment.

Indians question REAP effort

[Continued from Page 1]

She also said she believed the Fort Berthold tribal council would be more interested in cooperating. (Austin Gillette, Fort Berthold council member, said that Johnson has not yet met with council members, and said the council has not discussed the issue.)

Mrs. Helpfrey said Indian leaders wondered why there were no Indians on REAP's governing board, and why Indians are rarely represented at the planning stage of programs such as REAP.

Others Assisting

REAP is one of a number of government bodies which has offered to work with tribes in environmental planning. The chairman of the North Dakota Natural Resources Council, Ike Ellison, recently told the *News* that he would invite Fort Berthold tribal

leaders to participate in the development of an environmental impact assessment covering western North Dakota. The state hopes to coordinate its plans with the U.S. Bureau of Reclamation and the Bureau of Land Management.

The Old West Regional Commission, an intergovernmental planning agency based in Billings, has hired a consultant, Bill Manning, who is visiting reservations in the Upper Great Plains to learn tribal resource needs, and who was expected to submit a report by the end of February telling the commission how it could assist tribes.

The Environmental Protection Agency has sent out air quality specialists to western reservations to explain the different classifications of air quality, and to urge tribes to set air standards "so surrounding areas will have to conform."

Indian warns delegates to water parley

"We will resist and take every legal step necessary to halt or delay any allocations of our water, with the hope that our white brother will learn to curb his wayward and expensive habits," Carl Whitman, executive director of the Tribal Industrial Development Office at the Fort Berthold Reservation, told delegates at the North Dakota water conference Feb. 19 in Fargo.

Whitman's speech came as a surprise to a conference primarily concerned with the use of water from the Garrison Reservoir. While the other speakers, including North Dakota Gov. Arthur Link and Secretary of the Interior Thomas Kleppe, discussed the need for water for agriculture and coal development, Whitman made it clear that Indians have a prior legal right to the waters of the Missouri.

Whitman cited a number of court decisions that supporting his contention, and said, "it is self-evident that any major diversion for any purpose would constitute encroachment upon Indian water rights. All federal agents, agencies, states, private parties or organizations are put on notice that any diversion or use of such tribal waters shall be at their own risk."

Kleppe Reassures

Kleppe reassured Indians that their water rights would be protected when he said in his keynote address, "I can assure the tribal leaders that our department will certainly avoid any infringement of Indian water rights."

"If and when the tribes are ready to use the water, their prior right would take precedence."

But Whitman didn't buy Kleppe's assurances that Indian water rights would be protected. He believes that Kleppe was simply trying to appease Indians with the statements.

Whitman would like to see Fort Berthold issuing all water permits instead of the North Dakota State Water Commission.

Judicial Responsibility

If the Three Affiliated Tribes did have control of the Garrison Reservoir within the reservation boundaries, Whitman did not foresee the tribe denying water to others. "We of this generation have a judicial responsibility to future generations, and at the same time offer the best opportunity to actualize human capabilities no matter what race or ideology is involved."

Whitman also addressed himself to water and coal development on reservations in his speech, entitled "An Indian Perspective on Water Use." He said with population growth on the reservation and land remaining stable, Indians need long-range planning for water use. They must use water for farming to help establish an economic base on the reservation.

Turning to coal development, the Fort Berthold industrial director said Indians would eventually develop their resources if a blocking directive issued by former Interior Secretary Rogers C.B. Morton were lifted by Kleppe.

Whitman stipulated, however, that Indians would need a great deal of capital for development. By developing themselves, the tribe can prevent irreversible damage making sure their lands are restored. "We cannot expect a foreign corporation to do this for us," he said.

Understanding 'Evaporated'

Whitman criticized North Dakota's citizens and government. "The past proved a co-existence was possible," he said. "Differences could be settled. Indians wrote their own laws. But today the understanding for the minority has almost evaporated."

Whitman warned that if the state and tribes can't get together today, "they will be exploited by big business and glib politicians intent on progress."

Finally, Whitman made it a point to remind the conference why the energy problem exists in the first place. The avaricious American life style is forcing the government to scramble to meet the high cost of living society demands, he argued.

He chided the country for not having any long range plans, pointing out that the coal reserves were limited and other ways of producing energy must be developed.

Whitman said, "The U.S.'s dependence on an annual increase in the Gross National Product is an outdated classical idea." He considers it imperative for Americans to reassess their life styles.

"The honeymoon is about over, baby. The real test of your technical ingenuity is ahead."

tunaahé.

It is good. Mary College team preserves Native tongues

By Jim Remsen

Tucked away in a basement at Mary College, the Catholic school on a bluff south of Bismarck, in a cramped, windowless cinderblock office, are two people who are saving the dying Indian languages of North Dakota.

They are not Indian. Douglas Parks has a doctorate in linguistics; he is a student of languages. Janet Beltran is a curriculum developer. They both came here from southern California.

But through research, outreach and a solid academic approach, they have provided an invaluable service to the Indian population of the state, and especially at the Fort Berthold reservation.

So far the project which they head up, the Mary College Title 3 Linguistics Program, has produced an orthography, or writing system, for Hidatsa and Arikara. These two languages were in danger of extinction since they were not written. Now, with the help of a system of phonetic pronunciations, students at Fort Berthold are being taught to speak and understand those tongues.

Once they further develop the Arikara system and refine the Hidatsa curriculum, the two plan to bring in a person familiar with Mandan so they can start on that language, and to simplify a Lakota curriculum which was developed for Sioux people by two men at the University of Colorado, Dr. Allan Taylor and Dr. David Rood.

In Third Year

The program is in its third year. Funding is under Title 3 of the Higher Education Act of 1965. Parks said the annual budget is \$32-34,000. They've also applied for money from the National Council for the Humanities.

The thrust of the program has changed since the beginning, Mrs. Beltran explained. The originator, Sister Elaine Jahner, who's no longer at the school, planned to do research in the Indian languages of the Dakotas, Montana and Minnesota, and to develop a curriculum to train teachers on the college level.

Now they're concentrating on North Dakota, and are developing curricula for elementary and secondary levels as well as for college students.

Sister Elaine developed a rough orthography for Hidatsa, and put together an experimental teacher's guide and student material for use at Fort Berthold Community College, Mary College's unaccredited sister school.

Phyllis Howard, coordinator of Fort Berthold Community College, said the orthography has been helpful in Hidatsa language classes since it is the only text available. She said it should be revised since there are few lesson plans and people have disagreed with some of the words. Mrs. Beltran is planning just such a revision.

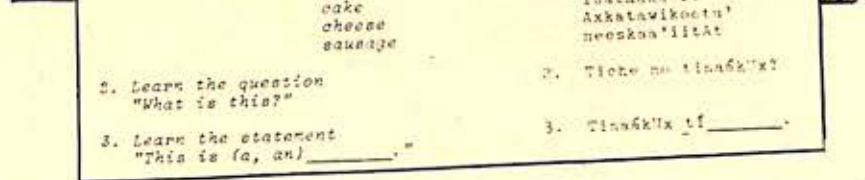
Arikara Curriculum

Mrs. Beltran also has been hard at it developing a beginning curriculum to teach Arikara. She has drafted an introductory semester course, entirely oral, to use in grades one to six, and is designing a second-semester curriculum which is being written to the different grade levels and may include some reading and writing lessons.

To do this, she is drawing on her experience as a teacher of English to Spanish-speaking students in Los Angeles, and is consulting guides on teaching second languages. Her beginning curriculum calls for numerous visual aids and games like bingo and tic-tac-toe to teach children such things as how to count to 100, name foods and animals and the elements, exchange greetings and ask simple questions.

The curriculum is being field-tested in the elementary school at White Shield, a predominantly Arikara section of the Fort Berthold reservation. On a voluntary basis students are being taught in 15-minute daily "enrichment" classes. Parks and Mrs. Beltran are providing assistance to teachers at monthly workshops.

The curriculum is part of a new White Shield project under Title 7 of the Emergency School Aid Act.



Janet Beltram and Douglas Parks, and a page from their Arikara curriculum.

Delilah White, Title 7 project secretary at White Shield school, said that since the beginning curriculum was introduced in November, nearly all of the some 70 children in grades one to six are participating. They are learning quickly, she said, and the school hopes to get a high school curriculum, another of Mrs. Beltran's projects.

Before Mrs. Beltran could develop any curriculum, she had to have the orthography. That has been Parks' job as linguist.

Where missionaries of the last century assembled a rough phonetic translation of Arikara, Parks devised a complete orthography, using the standard phonetic alphabet, which includes all sounds, subtle and guttural, of that tongue. For example, devoiced, or whispered sounds, are indicated by capital letters while, apostrophes indicate glottal stops.

Parks said he was familiar with Arikara because of his work as a doctoral

candidate in transcribing Pawnee. Both are included in the Caddoan family of native languages.

Parks set down his orthography and vocabulary through hours of field work with Arikara elders. One summer he spent in Garrison by night and the White Shield area by day, spending hours listening to elders talk and explain their tongue. Some of them have since died: Mr. and Mrs. Matthew White Bear, Dan Howling Wolf, Clara Perkins. Others remain and still receive him: Ella Waters, Nellie Yellow Bird, Mary Gillette.

Some elders resented Parks' approaches. "They remember when the BIA would wash out their mouths with soap if they spoke Arikara," he said. "And now they are being paid to speak it. They didn't understand."

Others helped willingly. "They knew they would be gone soon. They didn't want the language to go with them. They knew what was at stake."

Indian studies sparse in state's colleges

By Sandra Steger

Of the 13 colleges in North Dakota, only two have a degree program in Indian studies. The University of North Dakota at Grand Forks initiated an Indian studies minor in 1971, said Art Raymond, director of Indian Studies at UND, and is working toward getting a major now. Mary College in Bismarck has a new minor in Native American studies, with 24 credit-hours being offered so far.

Six North Dakota colleges have no courses at this time in Indian studies. And five North Dakota colleges have one or two courses, usually listed under history, anthropology or sociology, pertaining to Indian culture, history or minorities.

Raymond said that while he believed the colleges and universities in North Dakota have an obligation to offer Indian studies, "the fault (for not offering it) is not with the individual colleges but with the State Board of Higher Education, because if colleges were given some direction in this area it would be easier to offer Indian studies classes. As it is now, colleges have to fight to get these classes."

State Board of Higher Education Commissioner Kenneth Raschke would only reply that he had given approval to every Indian studies proposal that had come to him.

Serve as Supplement

As the Mary College brochure states, Indian studies can serve as a supplement to general studies in the social sciences or humanities area.

Deb Broker, director of Native American studies at Mary College, said that about 65 students have attended his classes this year, most of them Native Americans. He hopes to have the program fully operational in three years.

Among the classes offered at Mary College are

Introduction to Indian Studies, Contemporary Indian Societies, Native American Culture and Language I and II, Native American History, Religion or Literature, Indian Languages - Hidatsa, Arikara, Sioux (Lakota) and an open studies option.

About 354 Native Americans enroll in the UND courses each year, said Raymond, with about three times as many non-natives taking the classes. Raymond said he is the only teacher in the 50 to 60 credit minor, but the department also has cross-listings with the departments of anthropology, sociology, fine arts, and history. UND developed the Indian studies minor with state-appropriated funds.

Federal Funds

Raymond may seek federal funds to set up a major in Indian studies, and may try again at the 45th state legislature next year.

North Dakota State University in Fargo has a new Indian student affairs officer, Larry Dauphins, who said NDSU has only one anthropology course relating to Indians at this time. However, he is trying to get in a faculty member with a master's in Indian studies to teach some classes.

NDSU has an Indian studies committee but no money to do anything, Dauphins said. He said the former Indian student affairs officer had a budget, but never set up any classes.

Meanwhile, the approximately 40 Indian students at NDSU must take Indian studies courses through the Tri-College University program by enrolling in classes at Moorhead State University or Concordia College in Moorhead, MN, Dauphins said.

Dickinson State College has one course entitled 'Minorities' which includes Indians, and they are working on an expanded course of studies for next

year. United Tribes Educational Technical Center had promised to help develop the curriculum, said Dr. Paul Larson, vice president for academic affairs. There are 22 Native Americans enrolled at this time.

Two Courses

Valley City State College has two courses, one listed under history entitled History of the American Indian, and one under sociology, entitled Minorities, said Dean Sam Rankin. VCSC would like more Native American students to enroll at the college, he said. They currently have no more than 10 Native Americans enrolled.

Minot State College has two courses, American Indian Culture and American Indian in U.S. History, with 32 Indian students enrolled at the college.

NDSU-Bottineau Branch has a course called Indian History listed under the history department.

Wahpeton State School of Science has a course entitled Minorities, and an ethnic social club. The school has several dozen Indian students, but they are all busy in the technical courses and couldn't use an Indian studies class for their majors, claimed the registrar's office.

Lake Region Junior College has no Indian studies on campus, but if a student wished, arrangements could be made to take a course at Little Hoop Community College at Fort Totten, said the business office.

Both UND-Williston and Jamestown College have had special courses on Indian studies offered in the past, but are not offering them this year, spokesmen said.

Mayville State College and Bismarck Junior College spokesmen said that neither of the two colleges have had any kind of Indian studies course.

P.L. 93-638: Self-Determination, education



Public Law 93-638
93rd Congress, S. 1017
January 4, 1975

An Act

To provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians; and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Self-Determination and Education Assistance Act".

CONGRESSIONAL FINDINGS

SEC. 2. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

SEC. 3. (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

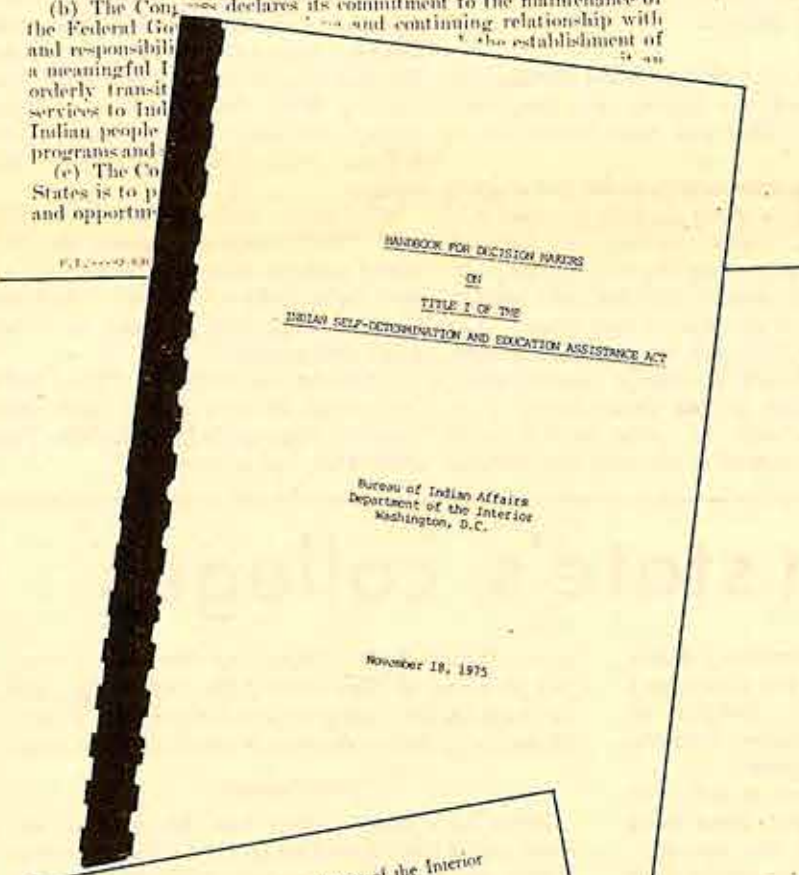
(b) The Congress declares its commitment to the maintenance of the Federal Government's continuing relationship with Indian people and its responsibility for the establishment of a meaningful and orderly transition of services to Indian people.

(c) The Congress declares its policy to support Indian people programs and activities which are consistent with the purposes of this Act.

(e) The Congress is to provide and opportunity for Indian people to participate in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities.

Indian Self-Determination and Education Assistance Act. 25 USC 450 note. 25 USC 450.

25 USC 450a. 88 STAT. 2203 88 STAT. 2204



HANDBOOK FOR DECISION MAKERS
ON
TITLE I OF THE
INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Bureau of Indian Affairs
Department of the Interior
Washington, D.C.

November 18, 1975

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
MEMORANDUM FOR THE DIRECTOR
DATE: FEB 10 1976
TO: All Superintendents, Aberdeen Area
FROM: Office of the Area Director
SUBJECT: Contract pursuant to Public Law 93-638
A determination has been made that all contracts with tribes and tribal organizations will be pursuant to Public Law 93-638 authority. Contracts for Bureau of Indian Affairs programs of services for FY 1976 were previously contracted in FY 1976 under Roy-Indian 231.21 of CFR, Title 25.
Guidelines for submission of documents for contract proposals are currently being developed that will provide 90 days on contract procedures and will be provided at a later date.
The following procedure will be initiated in the routing of contract under P.L. 93-638.
APPROPRIATE RESPONSIBILITIES: No contract of great significance will be submitted to the superintendent for his comments. The superintendent should review this with the P.L. 93-638 coordinator and then prior to submitting to the Area Director.
1. Area Director
2. P.L. 93-638 coordinator who has responsibility of reviewing their request and requesting additional information, if needed.
3. The Program Activity will coordinate all funding with budget, reviewing budget to ensure each proposal.
4. Contractors will be responsible for negotiation and finalization.

By Jim Remsen

President Ford called the law a milestone for the Indian people.

Standing Rock Sioux Tribal Chairman Pat McLaughlin considers it a snake which may be poisonous.

Toby Moran, information officer for the Bureau of Indian Affairs area office in Aberdeen, said it "potentially is the most important act affecting Indian people and Alaskan Natives since the Indian Reorganization Act of 1934."

Carl McKay, Devils Lake Sioux tribal chairman, said that tribal members voted at a general assembly last fall to reject the law.

The BIA has proclaimed that the law "specifically recognizes the right of Indian people to direct their own destinies, while at the same time preserving their special rights and trustee status with the federal government."

Chuck Trimble, executive director of the National Congress of American Indians, believes that it's produced "a lot of threatened bureaucrats" in the BIA who are advising tribes not to use it.

It, the object of these conflicting emotions, is Public Law 93-638, the Indian Self-Determination and Education Assistance Act of 1975. Six Thirty-Eight, as it is called, is one of the most significant, multi-faceted and confusing laws to come the path in years.

The act includes two separate sections. Title I (Self-Determination) gives tribes the right to contract with the BIA and the Department of Health, Education and Welfare for the operation of reservation programs, with BIA or HEW funds, and authorizes the Interior secretary to award grants to strengthen tribal government. Title II (Education Assistance) requires a greater participation of tribes and Indian parents in the contracting of Johnson O'Malley funds to public schools enrolling Indian students, and authorizes new programs of BIA assistance to public schools for school construction, and to Indian-controlled community colleges for development and administration.

Focus on Title I

Attention is being focused on Title I of 638, and particularly on the mechanics of getting grants and contracts.

The practice of tribes contracting with their BIA agencies to operate some reservation programs is not new, especially in the Aberdeen area, where some \$25 million of the area's \$60 million annual appropriation is subcontracted by tribes. But this practice was never explicitly sanctioned, and contracts could be arbitrarily denied by the BIA superintendents.

Six Thirty-Eight throws the weight of the law behind contracting, and sets up a system whereby a tribal council or authorized organization could contract, if it wished, to operate virtually any existing or authorized BIA service. Operational funds, personnel and technical assistance are supposed to be provided by the BIA.

Tribal councils also will be able to contract with the secretary of the Department of Health, Education and Welfare to operate health programs, with funding provided by the Indian Health Service. And the HEW secretary is authorized to make grants to tribes so they can evaluate or improve their capacity to enter into health contracts.

Tribal governing bodies, which are recognized as the sole voice of a tribe on self-determination matters, can assume that their requests to contract will be granted. But tribes cannot be compelled to contract for programs, and if they wish to return a program to BIA operation, they can do so at no penalty.

If a tribal council elects not to contract, other tools are available to assure that BIA programs conform with tribal priorities.

Grants are another key area of 638. The BIA is authorized to provide grants to tribes for four purposes:

1) the strengthening or improvement of tribal government, in such areas as planning, financial management and merit personnel systems, and the development or operation of tribal facilities or resources;

2) the planning, training and evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract;

3) the acquisition of land to facilitate these goals;

4) the planning, designing, monitoring and evaluating of federal programs serving the tribe.

These are some of the heady principles of 638. The law is designed to carry out the Nixon and Ford Administration's stated policy of "Indian Self-Determination Without Termination," and is supposed to be just what the tribes have been seeking.

Little Rejoicing

But don't strain to hear the cheers. If tribal leaders say anything, it is likely to be to complain about a lack of funds for 638 grants. And while they realize that they will have to renew many of their existing contracts under the new 638 guidelines, they will do so with doubts. They worry that if their people operate a program well, officials in Washington might feel justified in gradually terminating federal support. Although this is not the intent of 638, many tribal leaders see no safeguard against it.

The law, with all its provisions and regulations, is still very abstract, and BIA people acknowledge that they don't know if 638 is workable. Questions and problems are constantly arising, and the regulations are expected to be revised.

Although 638 was signed into law Jan. 4, 1975, it did not go into effect until last Dec. 4 with the publication of the final regulations in the *Federal Register*. The first BIA grant funds are not expected to be available until May.

To familiarize the tribes and BIA personnel with the many provisions of 638, the BIA has directed each of its 12 area offices to assign a 638 orientation team. At Aberdeen, the 638 coordinator is Frank Annette, director of tribal government services. Three other Aberdeen people have been dispatched to work full time on 638, and have been traveling to sessions throughout the area.

In a 65-page "Handbook for Decision Makers," the BIA lays out what it considers the six key principles of Title I of P.L. 93-638. They are:

1] The tribal governing body is the sole authority for the tribe in regard to Title I of the Self-Determination Act. No tribal organization may use the provisions of the act unless specifically authorized to do so by the governing body of the tribe.

2] The act and regulations impose no compulsory requirements on tribes to use the tools provided by the regulations or to establish self-determination programs.

3] The act is not a cure-all. The act and regulations do, however, provide tribes with four "flexible and innovative tools" to help them meet their needs. Rigid requirements are avoided, permitting tribes to adapt the tools to their own situation. These tools are: grants to tribal governing

ation assistance, government regulations

laden with pamphlets, booklets, reports and filmstrips.

Each agency office also has a coordinator who is expected to lead sessions on 638. In North Dakota, they are John Danks at Fort Berthold, Wayne Trotter at Fort Totten, Gary Heitman at Turtle Mountain and Richard Beams at Standing Rock.

In Washington, BIA Commissioner Morris Thompson has created an Indian self-determination staff in his office to interpret 638 and advise him on its application, and has created a division of self-determination services in the Office of Indian Services, administered under Theodore Krenzke, to coordinate the BIA's training, technical assistance and grant activities.

Annette said that he's been working on 638 daily, and often has to call Thompson's people for a legal opinion. "The law is vulnerable to dual interpretation, although I think it's finally starting to stabilize," he said.

Tom Stangl, a program analyst detailed to Thompson's 638 staff, said the staff has had many inquiries from tribes about grants. "We've told them to think about their priorities, draw up a proposal and come back to us in May."

By then the BIA expects to get an \$8.25 million allocation which was wrangled with some difficulty from the Office of Management and Budget as a part of the BIA's supplemental appropriation for Fiscal Year 1976. The money will be the first allocated to implement 638, and the Administration has requested another \$32.9 million for self-determination services during the 1977 fiscal year, which begins Oct. 1. Of this sum, \$16.5 million is for grants, and \$13.5 million of that is to be distributed through a grant formula which the BIA has devised.

The formula is based on a reservation's population, and calls for a declining share per capita: \$50 for each of the first 2,000 enrolled members, \$40 for each of the second 2,000, \$30 for each of the third 2,000, and so on up to 10,000, after which \$3 would be granted for each additional enrollee.

Each federally recognized tribe may apply for its share of these formula grant funds. However, while the burden of proof in turning down a contract application is on the BIA, the awarding of grants is discretionary with the secretary of the Interior and is subject to available funds.

With contracts, if the secretary of the Interior declines to approve a tribe's application, he must state his objections in writing in 30 days within 60 days after receipt of the tribe's proposal. He

then must provide assistance to overcome the objections, and provide an appeal hearing for the tribe.

These are the regulations being explained over and over by the 638 teams, and which tribes are pondering. As Aberdeen's Moran said at a recent session with BIA personnel in Bismarck, "638 is designed for down the road. It won't happen next week or next month. I hope tribes go slow on it. There are still a lot of questions to be answered."

Six Thirty-Eight is the product of almost 10 years of effort, two Congresses and numerous hearings and consultative sessions with Indian organizations. Thompson testified that Title I is "an amalgamation of three proposals for Indian self-determination suggested by President Nixon in his 1970 Indian message: a proposal providing for Indians to assume control of federal programs established for their benefit; a proposal whereby federal employees who accompanied programs transferred to the tribes could retain their civil service benefits; and a proposal to amend the Johnson O'Malley Act by adding Indian tribes themselves to the list of parties with whom the secretary of the Interior can contract out the education of Indians."

To implement this policy, the BIA had revived two old Indian laws: the Buy Indian Act of 1910, which authorized the secretary of the Interior to employ Indian labor and purchase products of Indian industry, and an 1834 law which, loosely interpreted, gave tribes authority to direct the employment of federal personnel in Indian service. With the passage of 638, Stangl said, the only contracts renewable under the Buy Indian authority are those providing for supplies and supportive services. Direct services must be renewed under 638.

If necessary, the secretary of the Interior will waive provisions of federal contracting law so tribes can contract immediately under 638, Annette said.

Personnel Available

Six Thirty-Eight permits tribes to look for qualified personnel wherever they are - tribe, federal government, outside - to help plan or operate contracted programs. These people can be picked up under the Direct Hire Authority, which enables tribes to hire present BIA employees, with the employees eligible to retain certain federal fringe benefits; the 1834 Act, which permits the tribes to direct activities of BIA employees, while still being employed by the Bureau; and the Intergovernmental Personnel Act, under which BIA or other federal employees could go on temporary assignment to the tribes (for two years, with a possible two year extension).

Stangl said that 638 jeopardizes many BIA jobs, since there almost certainly will be a reduction in force, with workers with a low ranking "separated," or laid off. But he said that if a program were returned to the Bureau, people might be rehired.

If the secretary of the Interior finds gross negligence or mismanagement of funds, or a violation of rights or threat to the welfare of anyone under a tribally operated program, he may rescind the contract and reassume control. He can retain control of the program until he is satisfied the problem is corrected.

Under Title II, the secretary of the Interior will not contract with a local school board unless it has a majority of Indian members. He will contract for education services through a tribal education board. Local tribal units will have the power to establish own school boards to further their own educational interests.

Indian boarding school students attend-

ing a public school system will entitle that school system to reimbursement from the federal government.

Six Thirty-Eight also authorizes the secretary to contract with any state agency or school district for the purpose of assisting in the site acquisition for the construction and renovation of facilities, including all necessary equipment.

Problems with all of these provisions are being sighted daily. The regulations don't specify the life a grant. Some regs refer to programs serving any Indians; others refer only to enrolled Indians.

The regs say some tribes can contract for a part of a program. What is functionally divisible?

Because of tribal spoils systems, BIA employees may be reluctant to go over to tribes, fearing that they may be displaced with administrations.

The law didn't provide for re-employment rights for federal employees who went to the tribes under direct hire. The Civil Service Commission is reportedly developing re-employment regulations.

Giving Indian education boards the ability to contract for programs raises the question of dual authority for school operation. It is expected that school districts will challenge this regulation, charging that it usurps their power to make policy for their institutions.

Tribes Laying Back

Faced with the many questions about 638, many tribal councils are laying back on it. The sentiments of North Dakota tribal chairmen are probably typical.

As Standing Rock's McLaughlin said, "We'll examine it for a while, like you would a snake. If a snake is found to be poisonous, you leave it alone."

"There is nothing in the law that says the government has to continue funding. I feel like if we take over a program and do okay, when budget time comes along the people in Washington will see that we're doing it without the Bureau, and will fund us 50 percent, then 10 percent..."

McKay, of Fort Totten, said his council "is not pursuing it at this point. We'd just as soon let some other tribes try it first."

"Eventually we'll use it because we want to pick up some new programs. But there are still a lot of questions unanswered."

Fort Berthold tribal chairwoman Rose Crow Flies High said her council has not yet taken a position on 638.

Jim Henry, tribal chairman at Turtle Mountain, said his council "hasn't decided finally. We're moving cautiously."

"We intend to sit down with the superintendent and go over how they administer services. If we think that we can't do it better than them, we won't contract."

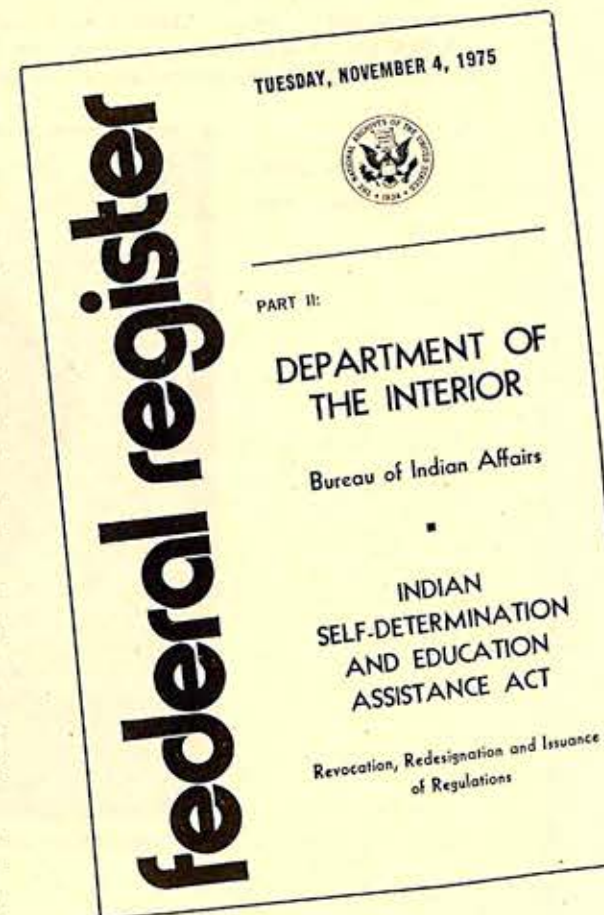
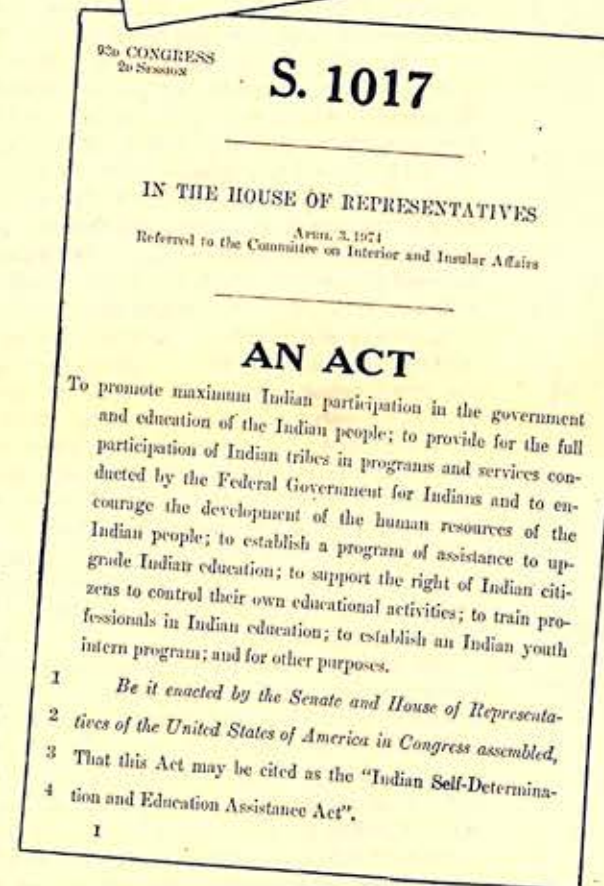
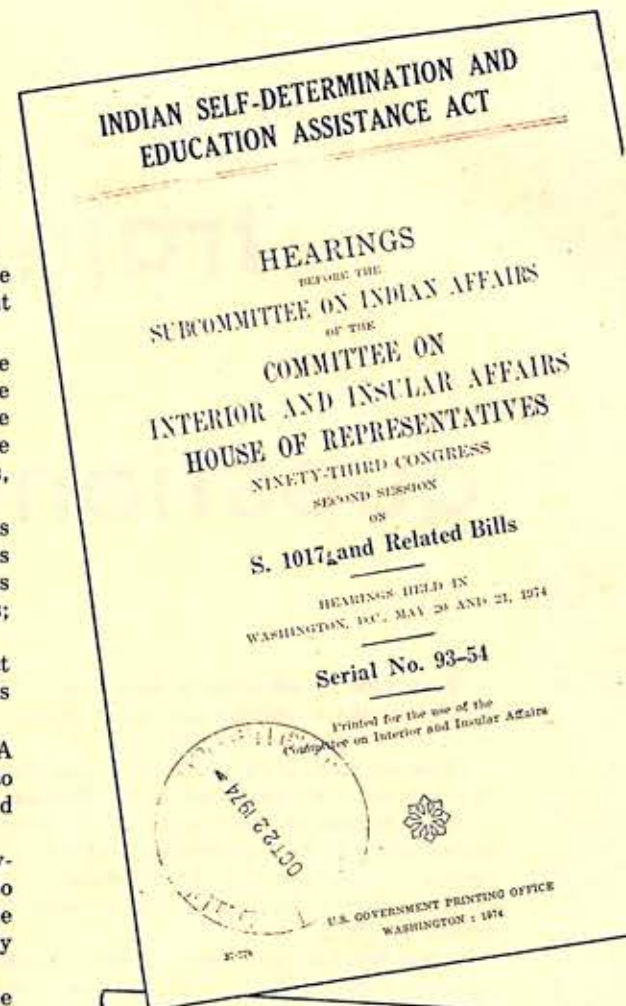
But there is movement at Sisseton. Muriel Powers, tribal executive director, said that the council has passed a resolution urging that a contract with IHS be pursued for two positions in the Sisseton social service unit. Negotiations with IHS began this month.

"I see this as a challenge, not a threat," she said. "You can be suspicious to the point where you never do anything."

"You can't always hope that the government will pay for you. We accept that this law is gonna be with us, and we want to use it as a tool to strengthen ourselves, make us self-sufficient."

Annette said that the tribes' general wait-and-see attitude "is good business practice, to know what you're getting into."

"But it's pretty exciting to us. We want to see more opportunity for the reservations. This puts tribes on a co-equal status with the Bureau. This is good."



bodies; contracting of BIA programs; planning and designing programs that the BIA continues to operate; and options to retain federal personnel.

4) The burden of proof for turning down a contract application is on the Bureau. When a tribal organization approved by resolution of the tribal governing body submits a contract application, the BIA must approve the application unless the Bureau can demonstrate by substantial evidence that specific grounds exist for declining to do so.

5) The act and regulations mandate fundamental, new or expanded responsibilities and missions for the BIA: to provide technical assistance to tribes, to assist tribes to obtain assistance from federal and state agencies upon tribal request, and to monitor self-determination contracts and grants.

training for questioners



Russell Red Elk and Dr. Donald Schwartz explain to interviewers the objectives of the questionnaire and the lignite manpower project.

"What kind of job training have you had?" "Would you be willing to take a training course?" "Would you be willing to relocate for a good paying job?"

These are some of the questions being asked Indian residents on reservations in North Dakota and Montana.

The questions are part of a survey being conducted by an Indian lignite manpower project sponsored by United Tribes. The project is studying closely the job market which will be opening up with energy development in western North Dakota and eastern Montana.

Russell Red Elk, manpower specialist for the project, said the purpose of the survey is to find out how many people would be interested in these jobs, the types of skills they have and if they would be willing to take training for skills they do not have.

At a training session for perspective interviewers on the Turtle Mountain reservation, Dr. Donald Schwartz, director of communications at North Dakota State University and project research consultant, explained that ten percent of the population on seven reservations in North Dakota and Montana would answer the survey questions, and that the names were picked at random from tribal enrollment. Dr. Schwartz will summarize the answers in a report which the project staff will use in working with the lignite industry, unions and training schools.

In opening statements at the training session, Red Elk said his research revealed that 600 to 1,000 jobs would be created during the construction phase of an electric generation plant and permanent jobs in the coal mine alone would be about 200.

Construction of a coal gasification plant will need about 2,200 people for three to four years and permanent jobs in the coal mine and the plant would be approximately 900. He added that the lowest paying job was \$6.50 per hour.

The survey is now under way at Ft. Totten, Turtle Mountain, Ft. Berthold and Ft. Peck. Workshops for interviewer training are scheduled for Standing Rock on March 1 and 2 and for Crow Agency, Montana.

The project, based at United Tribes Educational Technical Center, is funded through a \$104,833 Economic Development Administration Title II technical assistance grant.

The one main goal is securing jobs for Indian people in the energy industry. To do this the project has set for itself several underlying goals. One is finding out the skills and the needed skills of Indian people. This is being done through the survey.

Another goal is to develop a working relationship with lignite industry and labor unions to find out just what types of skills will be required and to obtain the cooperation and support of energy companies and unions in connection with recruitment.

A final goal is to find what vocational training is available and to implement programs where they are needed.



Dr. Schwartz reviews survey questions with interviewers, stressing objectivity and ways of not suggesting answers to interviewees.

Story and photos
by Karen Hilfer



Two interviewers practice techniques and approaches by asking the survey questions to each other.

around INDIAN COUNTRY

Tribes eligible

BISMARCK, ND - The North Dakota State Highway Department is accepting applications for "rural transportation demonstration projects" designed to increase the mobility of persons in rural areas who are often deprived of mobility because transportation is inadequate or nonexistent.

Reservations are eligible. Proposals should include a lengthy description of the proposed transportation project, proposed routes, potential ridership, needed vehicles and equipment, cost, data support and project justification.

Criteria affecting the selection of project sites include: innovative project features that have potential for nationwide application; the likelihood of continuation beyond the two-year federal assistance period; provisions for service to elderly and handicapped persons; and reasonableness and justification of estimated demand.

Funds requested for operation should not exceed 33 per cent of the total operating and capital costs requested.

Proposals should be sent by March 22, 1976, to:
Transportation Services Division
State Highway Department
Capitol Grounds
Bismarck, ND 58505
(Phone 224-2512)

Indian desk set up

WASHINGTON - Earl Butz, secretary of the U.S. Department of Agriculture has appointed the USDA's Office of Equal Opportunity to serve as an Indian desk. The office will coordinate all USDA activities involving Indians and will help Indians utilize USDA services and programs.

The office will be assisted by a newly created Special Task Force for American Indian Affairs, consisting of top officials from various USDA agencies.

The Indian desk can be reached by contacting Richard Peer, Room 4119-A Auditor's Building, USDA, Washington, DC 20250. The telephone number is (2)2 447-7327.

Basketball finals set

SEATTLE, WA - The Ute tribe will host the National Indian Activities Association third national men's basketball championships in April.

The tournament, to be held in Fort Duchesne, UT, on April 6-10, will feature 32 teams from throughout the nation along with Canadian and Alaskan champions. This marks the first time a reservation has been selected as a NIAA basketball tournament site. Previous championships were held in Albuquerque and Bismarck.

A full week's activities are planned for the 300-plus players and coaches, with an anticipated banquet featuring a nationally known speaker kicking off the tournament.

'Telecourse' on Indians

GREAT FALLS, MT - A two semester-hour credit television course on Montana Indian culture was first aired Feb. 1 on the Montana Television Network and will continue for thirteen Sundays, from 11 to 11:30 a.m.

George Horse Capture, curriculum researcher, said the project is precedent-setting because "it's the first statewide telecourse on Indians, and it's the first time such a broad range of topics has been explored and explained by Indians themselves."

Indian art show set

PINE RIDGE, SD - The eight annual Red Cloud Indian Art Show will open here June 8.

Any American Indian, Eskimo or Aleut of North America, 18 years or older, is invited to participate.

Details and entry forms can be obtained by writing to the Red Cloud Indian Art Show, Red Cloud Indian School, Pine Ridge, SD 57770.

Cheyenne get grant

LAME DEER, MT - The Northern Cheyenne Landowners Association, Inc., has received a \$40,000 grant from the Northwest Area Foundation, St. Paul, MN.

The grant will be used to match a \$60,000 award

from the Campaign for Human Development to establish a pilot program for irrigated farming on the reservation, said Dave Robinson, Sr., of Lame Deer.

The program is designed to help train farmers in how to use all types of irrigation methods, provide employment and establish farm-related businesses on the reservation.

AIPRC invites comments

WASHINGTON - The American Indian Policy Review Commission, a special Congressional commission, urges all Indians, Indian tribes and Indian organizations to participate in its two and a half year study of issues unique to Native Americans.

If you are an Indian and want your views on record, write the American Indian Policy Review Commission, Code A, House Office Building Annex Two, Washington, DC 20515.

job scene

Bacone gets silversmith



Herbert Brown teaching

MUSKOGEE, OK - Bacone College has hired a 1952 alumnus as a silversmithing instructor. A full-blood Acoma from Albuquerque, NM, Herbert Brown has worked professionally in silversmithing for approximately five years. His father also was a professional silversmith.

Brown came to Bacone from Saracota, FL, where he was involved in management training for the United Southeastern Tribes.

Meiers moves to Minot

NEW TOWN, ND - David Meiers, former business manager for the Three Affiliated Tribes of Fort Berthold, has started a new job as executive director of North Dakota Seniors United at its Minot office.

He had been business manager for the tribes since 1973. Marie Wells of Parshall, tribal clerk, is acting business manager.

Yakima get Olney

WASHINGTON - Hiram E. Olney, an enrolled member of the Yakima tribe, Toppenish, WA, was appointed superintendent of the Bureau of Indian Affairs' Yakima Agency on Feb. 15. He had been superintendent of the Fort Hall Agency in Idaho.

First Indian in post

WASHINGTON - Carl M. Dupuis, an enrolled member of the Confederated Salish and Kootenai Tribes, has been appointed chief of the Bureau of Indian Affairs' division of facilities engineering.

He is the first Indian to hold this position in the Bureau.

Dupuis will be stationed in Albuquerque, NM, and will be responsible for all BIA construction of buildings and utilities.

suits & settlements

Compensation for land

WASHINGTON - The Samish and Swinomish

tribes of western Washington state have been awarded \$5,754 and \$29,000, respectively, as additional compensation for land taken as a result of the Point Elliot Treaty of 1859.

Plans call for the per capita distribution of the funds to lineal descendants of members of the tribes as they existed in 1859.

Court rebuffs Choctaws

JACKSON, MS - The Mississippi Band of Choctaw Indians is not a part of Indian Country, according to an opinion handed down by the Mississippi Supreme Court.

The court reached that decision in considering the appeal of Leon Tubby, a Choctaw who had received a five-year prison term for arson. Tubby had appealed on grounds that his original indictment was invalid, and that county court had no jurisdiction over crimes committed on reservations.

The high court reversed Tubby's conviction on technical grounds, noting that the grand jury's term had expired before it returned the indictment. Presiding Judge Henry Lee Rodgers ordered Tubby released from custody.

However, Rodgers ruled against the jurisdiction claim. He said that Choctaw land is not part of Indian country since all Choctaw land was ceded to the United States under terms of the 1830 Treaty of Dancing Rabbit Creek. He said that since that time the state has assumed civil and criminal jurisdiction over Choctaw land.

Choctaw tribal officials reportedly will attempt to have the jurisdictional portion stricken from the high court opinion.

Alaska rolls reopened

WASHINGTON - Alaska natives have been given a second opportunity to be enrolled under the Alaska Native Claims Settlement Act, Morris Thompson, commissioner of Indian Affairs, has announced.

Thompson said that legislation (P.L. 94-204) enacted Jan. 2, 1976, re-opens the rolls for one year for those persons who missed the original deadline of March 30, 1973.

"Almost 2,000 persons submitted applications after enrollment had been closed," he said. "This new legislation makes it possible for them and other Alaska natives to be enrolled and to receive benefits under the Act."

The Settlement Act, signed into law by Richard Nixon on Dec. 18, 1971, granted Alaska natives 40 million acres of land and close to \$1 billion dollars.

Persons enrolled under the new legislation will receive stock under the Settlement Act and a pro rata share of all future distributions.

Cherokee fund

WASHINGTON - Regulations governing the enrollment of Cherokee Indians who will share in the per capita distribution of \$1 million are being published in the *Federal Register*.

The \$1 million is part of an award made by the Indian Claims Commission to the Cherokee Nation as additional compensation for lands taken between 1872 and 1893.

According to the regulations, only those Cherokees who were alive on Nov. 5, 1975 and whose names appear on one of eight final rolls of the tribe are eligible for enrollment.

Fort Peck per capita

POPLAR, MT - A per capita payment will be made to enrolled members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation out of the \$2.8 million Submarginal Land Act funds.

The tribal executive board designated Dec. 31, 1975 as the cut-off date for the distribution of \$1.5 million. Anyone born after that date will be ineligible for the per capita payment.

The payments will be paid out after the tribal rolls are updated, Tribal Chairman Norman Hollow said.

Hollow said that approximately 7,500 tribal members would share in the payment.

Fort Peck Agency statistics indicate about 8,000 enrolled members in the Assiniboine and Sioux Tribes.

our lore



Be as the eagle

The following is an excerpt from "Circle of Life," one of the five books comprising the American Indian Curriculum Development Program's junior high school teaching kit. The text was written by Jane Kirchmaier, with artwork by Butch Thunderhawk.

When the Europeans came, Indian tribes on the east coast were forced westward. Soon the tribes crossed the Mississippi, and we who had lived here for many years began to fight the approaching tribes. We raided our neighbors even more often because we needed horses to protect our land. War increased.

Our men began to regard war as a challenge to protect our people and our land. We carefully prepared ourselves, physically, mentally and spiritually, for warfare. When we were young boys we gathered in two groups and fought mock battles. As teenagers we anxiously trained for our first battle. When the warriors finally accepted us into their ranks, we worked hard to prove ourselves capable warriors.

Before a battle, all the people gathered for a ceremony to ask the Great Spirit for victory. The medicine man prayed for our safety. (Later, while we were at battle, he called out our names at camp to remind the people of each of us who was fighting for their protection.)

Medicine Bundle

We left before dawn and each carried a medicine bundle. In the sack were articles relating to our visions. A vision was our way of talking with the Great Spirit and the medicine bundle was a

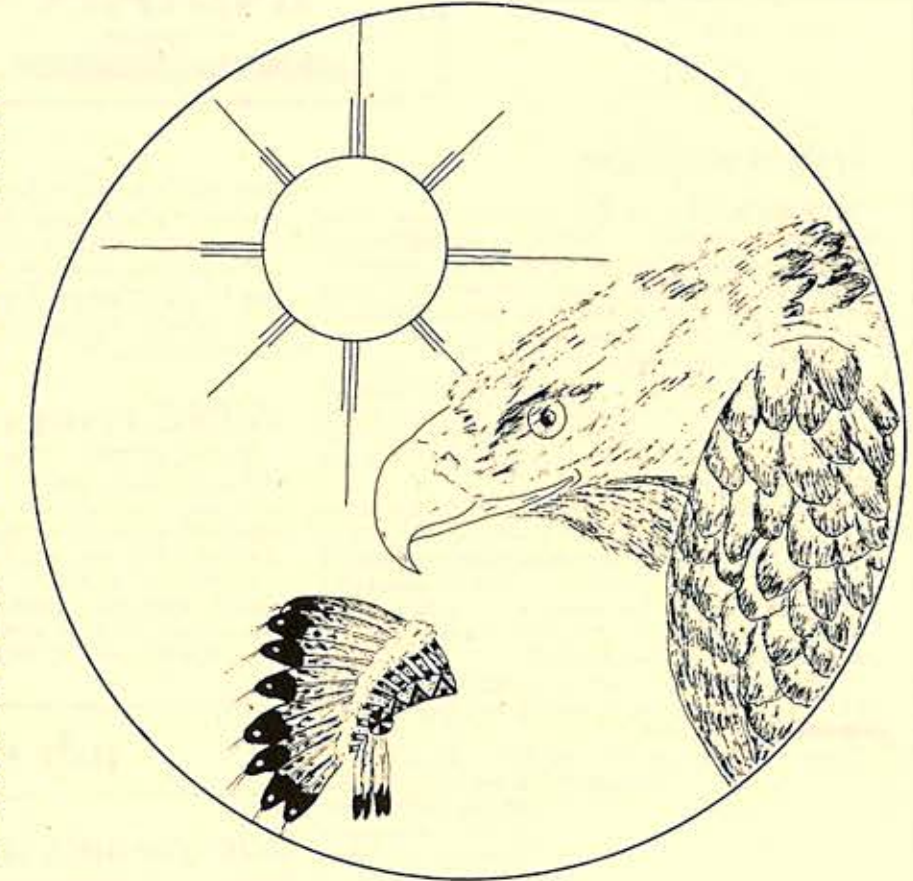
reminder to us of that communication. Also, we painted our bodies, using special signs that reminded us of the Great Spirit and the protection he would give us. We took food, clothing and weapons--enough for the long trip.

We traveled single file. The war party was led by the experienced men and followed by the younger men. Two men were scouts, and they usually traveled at night so they could reach a good, high lookout by dawn. They returned to us periodically to report their findings. We traveled in ravines and coulees so we could not be seen. All along the route we communicated with hands and smoke signals so the enemy would not hear us.

When we finally came upon the fresh tracks of the enemy we made camp. We stored all food and extra equipment and made ready for battle. Each of us carried war clothes. We put them on, not just for protection or as a costume. Every single thing we wore was important. The clothes reminded the man of his past achievements. They made him think of the power of the Great Spirit and they alerted the enemy to the warrior's strength.

Counting Coup

The highest war deed was to "count coup" (pronounced *coo*). A warrior went close enough to the enemy to touch him with a coup stick held in his hand. We thought this was a brave act because it took much skill to ride right up to an enemy, strike him and escape without being killed. The tribe recognized our bravery by awarding us a golden eagle feather for each coup. We wore the feather from the "sun bird" proudly in our hair and on our shields.



When a warrior earned enough feathers to make a warbonnet, he called his friends together and as they attached each feather to the base, the warrior told the story of each coup. We thought the eagle was the most courageous of all birds. He flew above all other creatures.


We considered his feathers to be rays of the sun. We placed the right tail and wing feathers on the right side of our warbonnets, and the feathers from the

left side of the bird on the left side of the warbonnet.

We believed we were like the eagle (which was like the sun) when we wore our warbonnets. This is the only one example of the significance of our war clothing.

After battle we returned to camp and presented the scalp locks of our enemies to the mourners of the dead. They would be comforted by knowing the enemy had suffered, also.

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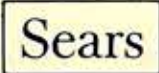
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Crow adopt coal, zoning, jurisdiction codes

CROW AGENCY, MT - The Crow Tribe plans to post signs soon at each roadway entering their reservation, warning that all people on the reservation are subject to tribal law.

This act, which Tribal Chairman Pat Stands calls "an exercise in inherent tribal sovereignty," follows the recent adoption by the tribal council of a controversial law and order code which sets up a tribal court claiming jurisdiction over everyone, Indian and non-Indian, on the reservation.

The code was passed unanimously at a recent council meeting attended by 400 persons. Tribal members also approved two other far-reaching measures, a coal taxation code and a land use zoning ordinance.

The law and order code replaces the BIA's Court of Indian Offenses with a three-judge tribal court. Tribal judges will be allowed to officiate in all cases except where the federal government has the first right of prosecution, and to levy fines up to \$500 and/or six months in jail.

Implied Consent

The basis of the code is an "implied consent" provision warning that anyone on the reservation "shall be deemed to have impliedly consented to the civil and criminal jurisdiction of the Crow tribal court."

The code also calls for a legal defender and prosecutor who are to be fluent in both Crow and English.

The coal taxation code authorizes a 25 percent levy on coal extracted from the reservation. Coal producers will be required to file quarterly statements on gross yield and market value of coal mined. Failure to file the statements or pay the tax will draw a 10 percent penalty plus interest.

Coal tax revenues "will allow the tribe to upgrade and improve governmental services needed to insure against damage to the total social, cultural, economic and environmental well-being of the Crow Tribe that may occur as a result of the extraction of coal."

Because of legal questions arising from conflicts with the state's 30 percent coal

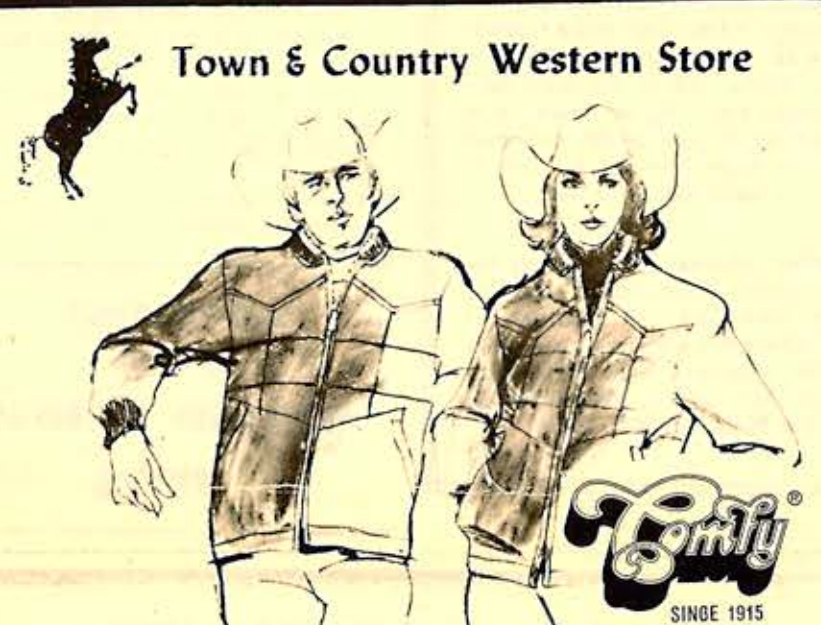
severance tax, a resolution was passed to allocate \$35,000 to retain legal aid.

Pages of Regs

The land use zoning ordinance which was passed includes 42 pages of regulations on land categorized as agricultural, residential, commercial, industrial and reservation-restricted (for use in customary tribal activities only).

Zoning appeals are to be made to a seven-member Board of Adjustments which was to be elected by districts this month.

The tribal council has stated that all provisions of the code will apply to non-Indians as well as Indians on the reservation.



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State Indian scholarships

*Prepared by
The North Dakota Indian Affairs Commission*

The North Dakota Legislature in 1963 enacted a law and appropriated money for college scholarships for Indians. A maximum of \$1,500 per year is available to each Indian student chosen by the state Board for Indian scholarships, based primarily on financial need and probable and continuing success as a student.

The state Indian scholarship may be used to pursue any full-time undergraduate course offered in a regular academic year by any institution of higher learning in North Dakota. It is not available for summer school or graduate school.

The grant must first pay any costs due the college or university. Anything over that may be used by the student for other expenses. Upon notification the student has enrolled in school, a state warrant for the part of the grant for the fall quarter or first semester is sent to that institution to be used in consultation with the student.

State warrants for like amounts will be sent at the beginning of each subsequent quarter or semester upon notification that student has maintained a C average or better for a full-time course of study the previous quarter or semester, and has enrolled full-time for the subsequent quarter or semester.

Scholarships may be continuous from year to year. The student must maintain a C average or better for a

full-time course of study in the spring quarter or second semester of the previous year and show a continued need to remain eligible. In addition, a student already receiving the scholarship must send a letter requesting that it be renewed and completed budget form for the following academic year.

This grant may be used in conjunction with any other help available to students and, whenever possible, students and their parents are encouraged to provide whatever help they can. Effort is made to assist each student, in cooperation with his school financial aids office, to be fully funded through assistance from various sources available.

To be eligible for consideration, a candidate must be of at least one-fourth degree Indian blood and a resident of North Dakota, or be an enrolled member of a tribe now resident in North Dakota. He or she must have been accepted by an institution of higher education in North Dakota and must be of good health and good character. All application papers are due by June 1. Scholarship board action is taken soon after that.

Applications and further information regarding the North Dakota State Indian Scholarships may be obtained from college counselors and financial aid offices, high school principals or counselors, or directly from Juanita J. Helphrey, secretary of the State Board for Indian Scholarships, care of the Indian Affairs Commission, State Capitol, Bismarck, ND 58505.

Native recipes

Baked hominy

(Makes 4-6 Servings)

- 4 cucumbers, peeled and quartered lengthwise
- 2 tablespoons butter or margarine
- 1 teaspoon salt
- 1 teaspoon dill seed, crushed
- 1/4 teaspoon fresh ground pepper


1. Place a layer of cucumbers in the bottom of an 8"x8"x4" baking dish and dot with half of the butter or margarine.
2. Mix together the seasonings, and sprinkle half over the layer of cucumbers.
3. Add a second layer of cucumbers, dot with butter, and sprinkle with remaining seasonings.
4. Bake, uncovered, in a hot oven, 400 degrees, for 1 hour. Stir cucumber lightly once, pushing the top layer to the bottom and lifting the bottom cucumbers to the top. Serve hot.

[From an Indian recipe book compiled by the staff of the United Tribes Educational Technical Center. Copies of the book are available for 75 cents each from the Office of Public Information at UTETC, 3315 S. Airport Rd., Bismarck, ND 58501]

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Banks free, but may be extradited

SAN FRANCISCO - American Indian Movement leader Dennis Banks is still free on bail while awaiting a hearing by Gov. Edmund Brown, Jr., on whether he should be extradited to Oregon or South Dakota.

Attorney Dennis Roberts said no date has yet been set for the hearing by the governor's extradition secretary.

Banks' defense is attempting to have all proceedings against Banks moved to San Francisco.

Banks had been a fugitive from South Dakota for six months when arrested last Jan. 24 at the home of Leonard Brightman in El Cerrito, CA. Brightman, a Sioux Indian and director of Native American Studies at Contra Costa College, pleaded innocent in federal court Feb. 11 to charges of concealing Banks. March 15 has been set for the trial of Brightman, who could get a maximum five-year sentence and \$5,000 fine if convicted.

Banks, 38, was indicted in South Dakota for a February 1973, clash with law officers in front of the Custer Courthouse in a protest of a manslaughter charge instead of murder in the slaying of an Indian by a white man. Banks faces a maximum 15-year term.

A warrant was issued for his arrest last July when he failed to appear for sentencing.

A federal indictment Dec. 22 in Oregon charged Banks with allegedly possessing and transporting destructive devices and firearms.

Eagle Butte death

EAGLE BUTTE, SD - A 14 year-old-Indian, Ralph Mendoza, was found dead in Eagle Butte High School Feb. 9.

The body was discovered by Paul Swenson, high school band director, in his office Monday at 7:50 a.m., hanging from an amplifier cord attached to a metal shelf.

Mendoza had been at the school the day before practicing for a music contest, and was last seen alive at 4:30 p.m.

Louise White, BIA special officer is conducting an investigation into Mendoza's death for the BIA and FBI.

Shot from behind?

SHAWANO, WI - A leader of the Menominee Warrior Society, Michael Sturdevant, claimed Feb. 8 that two Warriors were shot in the back and killed while attempting to flee officers the first week in February.

Shawano County District Attorney Richard Stadelman denied the charge, saying that the results of an early investigation were that the slain men "were not shot in the back trying to run away from officers."

The state department of Justice is investigating the shootings.

Mounties hold 2 men

EDMONTON, ALTA. - The Royal Canadian Mounted Police were holding two Indian men this month who are wanted in connection with the shooting of FBI agents. The Mounties said Leonard Peltier, 31, a Grand Forks, ND, native who is one of the FBI's 10 most wanted persons, and Frank Black Horse, 27, of Cherokee, NC, were arrested during a routine check in rural Alberta on Feb. 6.

Peltier had been indicted for murder in the killing last June of two FBI agents on the Pine Ridge reservation. He also is charged with attempted murder of a Milwaukee policeman in 1972 and an

news briefs

attempted murder in Ontario, OR, last November.

The FBI claims that Black Horse was allegedly involved in the shooting and wounding of an FBI agent at Wounded Knee, SD, during the celebrated 1973 occupation.

A Mounties spokesman said the two men had been the subject of Canada-wide warrants.

Peltier was being held pending a hearing in Vancouver on possible extradition to the United States. In Vancouver, American Indian Movement leaders urged Canada not to extradite Peltier, claiming that to do so would mean certain death for him.

"We demand the Canadian government support our brother's plea against extradition and show the world that it (Canada) is a just society unlike the American system" said AIM spokesman Ken Dennis.

Black Horse was being held under an immigration warrant, with the government charging that he had overextended the time allowed a visitor from the U.S.

Barry Chivers, counsel for Black Horse, argued that the warrant contravenes the 1974 Jay Treaty, which guaranteed the free movement of American Indians over the U.S.-Canada border.

Fort Peck alarmed

POPLAR, MT. - The Fort Peck tribal executive board has expressed alarm over possible pollution from a Canadian power plant north of the Fort Peck reservation.

The Saskatchewan Power Corp. is building a 300-megawatt coal-fired generating plant some 40 miles north of the reservation as the first stage in the development of a 1200-megawatt plant. The plant will use water from a dam on the East Fork of the Poplar River for a flow-through cooling system.

The tribal board is worried about damage to the Poplar River system as well as about air pollution.

An international joint task force has been organized by the Souris-Red River Engineering Board to make recommendations on equitable water apportionment of the East Fork of the Poplar River.

The tribal board is arguing that all questions concerning pollution must be answered before an apportionment is allowed.

Task force dissolves

HELENA, MT - An eight-member Task Force on State, Tribal and Federal Responsibilities voted to dissolve itself 5-2 in early February.

The decision came after three of the seven Montana reservations; Blackfeet, Rocky Boy and Fort Belknap, withdrew from the group.

The task force was established to look into jurisdictional problems common to all seven reservations, even though the three that withdrew did not have any representation on the state organization.

In addition, two reservations that had backed the task force, the Crow and Northern Cheyenne, threatened to rescind their support if it investigated the sensitive issue of water rights and natural resources.

The fact that none of the three reservations that withdrew their support had a representative on the task force was also significant to the task force's

downfall, said Norman Hollow, task force co-chairman and tribal chairman at Fort Peck.

Gov. Thomas L. Judge had intended to appoint an Indian from each reservation and a commissioner from a county near each reservation, said Steve Brown, Helena, but was talked out of the idea by Montana's congressional delegation. Instead, four Indians and four non-Indians, all with broad backgrounds, were appointed.

Even though they voted to disband, all task members expressed a willingness to meet with Judge to consider alternative solutions.

Charge injustice

GLASGOW, MT - The Fort Peck tribal executive board has authorized Tribal Attorney Marvin Sonosky to file suit against the Federal Bureau of Investigation and Montana District Court in Glasgow.

The tribes oppose the manner in which three Indians of the Fort Peck reservation were apprehended, transported, confined and denied civil rights when they were arrested on a federal warrant from North Dakota.

The defendants, Lavern W. Alfrey, 29, Louie Youpee Jr., 28, and Lynn Birthmark, 31, are being held in the Valley County jail in lieu of bond. Bail has been set at \$20,000 each.

The three allegedly burglarized a farm home near Wildrose, north of Williston, ND, on or about Jan. 20.

The tribal executive board unanimously passed a two-page resolution listing eight violations of civil rights, in support of the defendants.

A crowd of 80 Indians showed up at the Valley County courthouse to view a preliminary hearing on a writ of habeas corpus filed by Birthmark. Attorneys for Alfrey and Youpee filed similar writs the same day.

One of the alleged violations involves establishing an excessive amount of bail. The tribal executive board charged that two non-Indians appeared before Judge Richard Lee in Justice Court in Glasgow, about the same time as the defendants, and bail was set for burglary at \$1,000 each.

Crow refile suit

CROW AGENCY, MT - The Crow Tribe has refiled its lawsuit seeking to cancel existing coal prospecting permits and mining leases on the reservation.

The suit was filed Feb. 5 in the federal district court in Billings rather than in Washington, D.C., where the original suit was filed.

That suit was thrown out of the federal court in Washington because it failed to name the four coal companies involved as defendants. Those companies are Shell Oil, AMAX Coal, Peabody Coal and Gulf Oil, said Arthur Plenty Hawk, chairman of the Crow minerals committee.

The complaint charged the defendants with failure to exercise their trust responsibility in granting the leases and permits, granting leases and permits that do not comply with the Code of Federal Regulations and issuing permits and leases that do not meet requirements of the National Environment Policy Act.

Gets 30 years


FESSEDEN, ND - Herbert O. Jensen, Minot, has been sentenced to two concurrent 30-year terms in prison by Judge Fredericks in Wells County District Court.

Jensen had been convicted in December on two counts of second-degree murder in connection with the shooting deaths of Ernest Vivier, 51, Belcourt, and Dale Abraham, 32, St. Michael.

Pleads guilty

GRAND FORKS, ND - William Joseph Johnson, 24, Belcourt, ND, pleaded guilty Feb. 20 to a charge of involuntary manslaughter in U.S. District Court in Grand Forks.

Johnson will serve a five-year sentence for the manslaughter of his wife, Theresa Ann Johnson, Dec. 3 on the Turtle Mountain Reservation near Belcourt.



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