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Indian law strategy sought

By Steve Forsberg

DENVER - For the first time, the Indian community will attempt to coordinate its strategy in the courtroom, through a national litigation committee organized by the National Congress of American Indians.

Tribal chairman and Indian leaders representing 43 tribes showed unanimity in approving the concept of the committee, at a national litigation conference called by NCAI here March 22 and 23.

The committee is to be composed of 19 volunteer members: 11 tribal leaders, five attorneys and three members at large. Their task is to review existing and potential lawsuits, advise tribes on the strengths and possible outcome of the suits, and to point out alternative means of resolving the problems, such as through administrative or legislative channels.

(An explanation of the structure and purpose of the committee appears on page 14.)

Mel Tonasket, NCAI president, told the same 200 delegates at the conference that the development of a national litigation strategy is urgently needed, since many seemingly ill-advised and poorly researched Indian lawsuits are going to court, only to lose and set bad precedents for other tribes.

'Not Fighting Together'

"We're all fighting for the same thing, but we're not fighting together," Tonasket said. "We've been running around like chickens with our heads cut off. A lot of poorer tribes don't even know where to go to get an attorney with certain expertise or funds for a certain problem."

Wayne Ducheneaux, Cheyenne River tribal chairman, noted that "Indian tribes are notoriously independent. There have been efforts for years to get them together. And when they have, it's been a marriage of convenience, getting together for awhile and then splitting after the danger has passed."

"The danger of losing jurisdiction to the states will not go away. We have to cooperate."

The sense of cooperation resulted in large measure from the shared perception that Native Americans are being assaulted on all sides.

"We're being surrounded," Tonasket warned. "Not by bullets or cannons, but by the law."

Opponents Perceived

The opponents are 'rednecks' and states, with the federal government hardly an Indian ally, Tonasket said.

Among the organizations listed by Tonasket as 'redneck' were the Civil Liberties for South Dakotans, Inc., and the Inter-state Congress on Civil Rights and Responsibilities.

The organizations are by their own admission against tribal governments expanding their jurisdiction. Jack Freeman, a South Dakota rancher and a member of both groups, said, "We believe they (Indians) should think in terms of termination--and a lot of Indians are beginning to believe this because it will be both of economic and social benefit--not immediately but maybe 10 or 15 years in the future."

Tonasket also claimed many bureaucrats and Congressmen are against tribes. "We can prove there has been political pressure from the Hill on the Interior Department," he said.

But when Tonasket introduced Peter Taft, assistant U.S. attorney general for land and natural resources, he told the assembly that he was impressed with Taft.

Taft said he endorsed the litigation committee completely. "If there's a conflict between what you're

doing and what we're doing, we'll back off and let the tribes continue," he said.

Urges Compromise

Taft advised the tribes to compromise where necessary. He explained that in disputes, lines are drawn between tribes on the one side, and non-Indians, counties and states on the other. "These lines harden in litigation, and afterwards you have to live with these people for years to come, no matter what the outcome," he warned.

He went on to explain how tribes could improve their odds in litigation by following four principles.

The first involves statutes. Taft said "if you embody what you want in laws statutes, it is to the tribes' advantage when it goes to court."

Second, "don't boycott committees and fact-finding groups. Get your thoughts and words in. Courts look at and heed the policies set by these committees."

Third, Taft warned of the importance of the opinion of the secretary of the Interior. "Agency interpretations must be given weight by the courts. Having the secretary on your side is like a stamp of approval in courts."

Finally, "show that you are effective and fair. Every judge wants to know the effects of his ruling. What will result if he rules in favor of the tribe? Can

representing a number of tribes in the Northwest, reminded the tribes of the victories they have won in the past 15 years, such as in fishing, zoning, taxing and arrest rights.

"You have gone from timidity to aggressiveness. Whites, attorneys general, states and property owners were awakening. But they are realizing too late that some of the important battles have already been won by tribes."

But he warned, "a white backlash has resulted from Indian victories. You will have to defend your rights since the battle is just beginning."

The assembly passed a resolution creating the national litigation committee and adopted another resolution brought to the conference by the Pueblo de Cochiti tribe calling for opposition to any organization that attempts to lessen or eliminate self-government rights of any Indian tribe.

Considered a Success

NCAI officials declared the workshop a success. Tonasket said that such a committee was needed two years ago but never materialized because tribal leaders "weren't ready for it before. Now we've got them to focus in on the issues, to think that even though they might not like a certain tribe, they should support their case since it might very well effect them too. At least they'll know the pros and cons of a case regardless of whether or not they accept the committee's recommendations."

[Continued on Page 14]

**"We're being surrounded.
Not by bullets or cannons,
but by the law."**

**— Mel Tonasket
NCAI president**

the tribe manage the reservation? If you have compromised with city or state agencies and have to go to court, you can say 'Look, we've tried to be fair.'"

Barbs From the Floor

But despite Tonasket's approval, Taft was not to be spared hostile comments from some of the tribal delegates.

Ramona Morse, a member of the Lummi tribe, challenged Taft to prove he wasn't "just another white man who makes promises and doesn't fulfill them."

"Mr. Justice Department, we do not trust you," she said. "We don't believe you. I say show me. Show us what you'll do."

Elmer Seville, a representative from Ft. Yuma, delighted the audience with his quip, "the words trustee and trustor should be changed to shaftee and shaftor."

But Ralph Keene, deputy director of the office of trust responsibility for the BIA, denied that the BIA has been hampering progress for the tribes. Keene said, "let me assure you we are not withholding services or funds from any Indian tribe in the U.S. We are not your enemy. Your enemies are those organizing against you."

The atmosphere at the workshop took a more positive note when Al Ziontz, a Seattle attorney



From cheers to jeers: sad state of NTCA

It appears that there is much disunity among some of the members of the National Tribal Chairman's Association, and I speak of our elected leaders who make up this powerful organization. Whether they know it or not, NTCA is probably the only real power structure that reservation Indians have today. But I have come to the conclusion that Indians throughout Indian Country are so busy with pettiness, quarrels and jealousies, that the real issues are regrettably lost in the shuffle.

The white man has a way of taking advantage of all this dissension among tribes, and as we continue to carry on with our petty differences and personality conflicts within our own circles, the land base is gradually being eroded, along with the very reason why we are American Indians.

However, one positive area covered at the NTCA convention in Albuquerque during the last week in February was to vote to send its officers to the Democratic and Republican national conventions this summer to push for Indian platform planks from both national

opinion

by harriett skye

political organizations. The action came at a general assembly of the convention, to approve workshop recommendations from which

suggestions for platform planks will be urged.

Decidedly, Indian tribes throughout the country are so busy nourishing their squabbles that our elected leaders are forgetting the vital need for UNITY, which is why NTCA was initiated. It might be a good idea to go back to the beginnings of NTCA and review why tribal leaders considered it imperative to institute this organization.

Primarily, Indian leaders throughout Indian country felt that it was important to know who the real representatives of tribes were, and that it was important to speak out as reservation spokesmen, so as not to confuse the urban Indian with the reservation tribes. Another reason was that there was trouble and dissension among American Indians, when it was necessary to show what reservation leaders stood for.

The goal was to bring economic development and self-determination, along with formally organizing NTCA, thus creating a new and significant body which would be truly representative of American Indians on reservations. But these goals have been obscured, as NTCA became caught up in politics, in-fighting, lack of direction and competition with other Indian groups.

American Indians have placed a great trust in their elected leaders. All the issues facing Indians today are critical. With housing, labor, health and education programs, we now have water control, coal development, strip mining, attempts to control gasification on reservations, plus employment discrimination. But most of all we have the continued fight for the right to survive as American Indians.

The problem with any Indian organization is always adequate funding. There are no funds in NTCA for a newsletter, or an advocate on the "Hill" to develop and follow through with legislation. There are no funds for technical assistance to tribes, or for someone to work primarily with Indian education. There is a director and two secretaries in the Washington office.

The NTCA board of directors meet in Washington, D.C., periodically and are provided with up to \$3,000 to hold meetings in their home areas to disseminate information to tribal people. If there is a communications gap, then the reasons are obvious. Information is not getting out to the tribal people; therefore there isn't any involvement from district people which is needed to reinforce the concept of responsible leadership.

Article 5 of the NTCA Constitution and By-Laws reads as follows: "The Board of Directors shall consist of membership from each of the Bureau of Indian Affairs areas and are elected at each annual meeting. They will hold office for one year. The Board of Directors shall have general charge of the affairs, funds and property, and it shall have the duty to carry out the purposes of NTCA." Again, the responsibility lies with the board of directors in each of their respective areas.

We need to strengthen our alliances with other tribes throughout the country in an honest effort to create an atmosphere of mutual respect. If we do this, then we can become unified and speak with one voice on what is believed to be important and true. American Indians' elected leadership today will then be able to realize the dream of the founders of NTCA, and there will be a time when criticism will be met with understanding, when empty words will meet deaf ears, and we will listen to and give strength to all that we must endure in Indian Country.

Also, we will be able to assume that if we are trying to practice the democratic form of government and we elect our leaders to represent us, we will then be able to assume that the elected American Indian leadership knows what it is doing.

Skye's Horizons

by harriett skye



The Office of Public Information at United Tribes has just received the "Proceedings" taken during the Fort Union Coal Conference October 13-15, 1975, at Bismarck, N.D. which was sponsored by the National Science Foundation (Intergovernmental Science and Public Technology) and the North Dakota Legislative Council.

This conference brought in legislative and executive branch leaders from Montana, North Dakota, South Dakota and Wyoming. People attended from the province of Saskatchewan, Canada, from the federal government and from private industry.

Reading through the minutes there is slight indication that the Fort Union Coal Conference was concerned about Indian water rights.

Keith L. Harner, South Dakota Department of Natural Resource Development, said that the BIA is supposed to qualify the needs of Indians on reservations and to develop plans. But in S.D. the BIA has barely started.

Although the ad hoc steering committee met at the State Capitol in Bismarck on June 26, 1975 and convened on Monday, October 13 the only state to send an American Indian representative was South Dakota, and he was representing the Honorable Richard Kneip.

Vern Fahy, N.D. State Water Commission said the State of North Dakota had offered to assist the Indian tribes in planning use of water resources on reservations, but the offer had been refused. But that a representative of the Indian tribes should be on the task force. It was apparent that Indian tribes living in the states mentioned had not been informed of this conference.

When Warren Means, Executive Director of United Tribes was told of this he met with Senator Melland and requested that he be allowed to talk to the six task forces and urge them to include Indian people in the next or future conferences. He stated that he was disappointed that the Indian people in the four-state area had not been invited to participate. He further stated that the Indian people living within this region will be highly impacted and disrupted by coal development, and the Indian tribes bear a unique legal relationship to the federal government, which is similar to the same status accorded the several states. If consideration could be given

to including Indian tribal government in representation upon task forces established by the Conference, this would be the first time Indians would be on the ground floor of planning for problems such as those encountered by coal development.

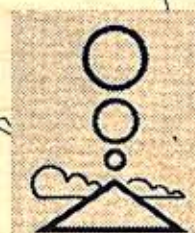
Means stressed the fact that the needs of the entire region should be considered in the future, and Indian tribes should be included in any joint planning effort.

It was moved by Fahy to include representatives by Indians on any task forces created by the conference. However, the chairman ruled him out of order and THE MOTION DIED for lack of a second.

For those of you interested in Pow-wow's...the Indian inmates at the State Prison in Bismarck are holding their annual Pow-wow on May 18th, 1976 starting at 11:00 and ending at 8:00 p.m. My informants over there tell me that the South entrance will again be used, and everyone is invited to attend. There will be prizes, food...and lots of sociability.

The business council of the Three Affiliated Tribes of Fort Berthold has withdrawn its proposed formula for distributing the proceeds of an \$8.2 million land settlement award, after hundreds of tribal members registered opposition to the plan. The council had wanted 68 percent to be for per capita payments, and 32 percent for tribal programming. However, a petition which reportedly garnered 700 signatures called instead for 80 percent for per capita payments. Council member Austin Gillette said the council then scrapped its plan, to avoid a dispute which might have held up the payments.

The council redrafted its plan for spending the 20 percent tribal portion of the award. Ten percent would be earmarked for land purchase program, three percent would be for legal contingencies, and seven percent would be for reservation programs such as development of public recreation areas, parks and historic sites, upkeep of sanitation facilities on celebration grounds, a wake fund and natural resource development. The plan has been forwarded to Washington, where it will be considered by the Interior secretary and by Congress.



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Thompson, AIPRC to be in town this month

Bureau of Indian Affairs Commissioner Morris Thompson is scheduled to be in Bismarck on April 14 and 15, to attend a joint meeting of the boards of United Tribes of North Dakota and United Sioux Tribes of South Dakota.

The meeting is part of Thompson's planned agenda during his visit to the Dakotas from April 12 to 16. He also is scheduled to attend the swearing in of Al Trimble as Pine Ridge tribal chairman, April 13 in South Dakota, and may attend a hearing of the American Indian Policy Review Commission, April 16 in Bismarck.

The hearing will be conducted by AIPRC's task forces 2, 3 and 4. The boards of United Tribes and United Sioux Tribes are scheduled to take part in the public hearings.

At press time, no site for the hearings had been chosen.

All interested persons are invited to attend the AIPRC meeting. Several hours will be set aside for testimony from unscheduled witnesses.

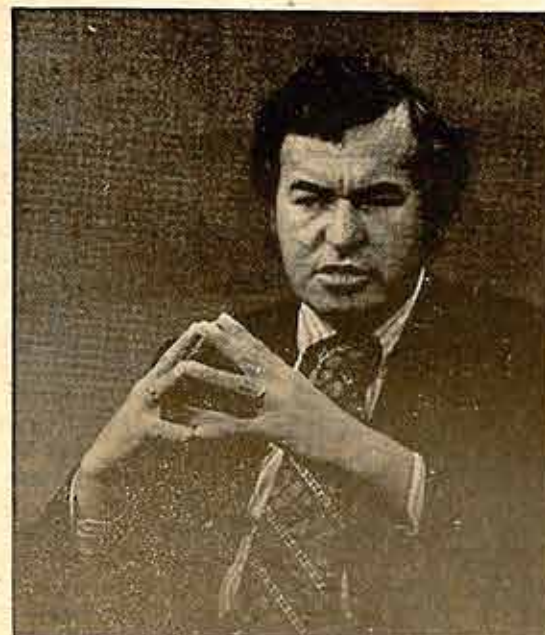
AIPRC is a joint Congressional commission created last year to study the major problems in Indian affairs, and to submit recommendations this summer for Congressional action. Field work is being done by

11 task forces.

Task Force 2, on tribal government, is chaired by Wilbur Atcity, Navajo, and includes members Jerry Flute, Sisseton-Wahpeton tribal chairman, and Alan Parker, Chippewa-Cree. They hope to determine the ability of tribal governments to respond to members' needs, to protect and enhance tribal sovereignty, and to meet future problems.

Task Force 3, on the federal administration of Indian affairs, is chaired by Sam Deloria, a Standing Rock Sioux, and includes members Mel Tonasket, Colville, and Ray Goetting, Caddo. They are reviewing the policies, practices and structure of federal agencies charged with protecting Indian resources and providing services to Indians.

Task Force 4, on federal, state and tribal jurisdiction, is chaired by Sherwin Broadhead, and includes members Judge William Roy Rhodes, Pima, and Matthew Calac, Rincon Band of Mission Indians. They are attempting to delineate who exercises jurisdiction over what, determine where the loss of tribal authority has interfered with effective tribal activity and identify where jurisdictional gaps have created areas where Indians may be left without adequate civil or criminal remedies.



Thompson

WATER RIGHTS

Ruling sends Indian claims to state courts

By David Roach

Indian water rights claims may be adjudicated in either state or federal courts, according to a March 24 Supreme Court ruling.

Justice William Brennan, writing for the Court, declared "the government has not abdicated any responsibility fully to defend Indian rights in state courts, and Indian interests may be satisfactorily protected under regimes of state law."

According to Charles Elliot, a former member of the attorney general's staff and who worked on the suit, prior Indian water rights cases were heard exclusively in federal courts.

Involving asserted reserved water rights of the Southern Ute and Mountain Ute tribes of Colorado, the Court split 6-3 on whether state courts should have jurisdiction over Indian water rights while concurring unanimously on three other issues deliberated.

The ruling came in two cases consolidated by the Court: *Colorado River Water Conservation District et al v. U.S.* and *Mary Akin et al v. U.S.*

Upheld Lower Court

The Court held with a lower court ruling dismissing the cases in favor of state jurisdiction.

The Court found authority for its decision that state courts as well as federal courts may have jurisdiction over Indian water rights questions in the McCarran amendment (43 U.S.C. sec. 666) which amended federal statute 28 U.S.C. sec. 1345.

That statute gives the federal government authority to bring "civil actions, suits or proceedings" in federal courts. The McCarran amendment provides that the government may be joined in suit in state courts for the adjudication of water rights or the administration of such rights.

The Court's majority concluded that state courts do have jurisdiction under the amendment and that the "exercise of state jurisdiction does not imperil those rights or breach the government's special obligation to protect the Indians."

Justices Stewart, Blackmun and newly appointed Stevens, however, disagreed. Writing for the dissenters, Stewart said: "It is not necessary to determine that

there is no state-court jurisdiction of these claims to support the proposition that a federal court is a more appropriate forum than a state court for determination of questions of life-and-death importance to Indians. This Court has long recognized that 'the policy of leaving Indians free from the state jurisdiction and control is deeply rooted in the nation's history.'"

The effects of the Supreme Court's ruling on other potential Indian water rights cases are apparently uncertain at this time.

"It may not be bad having some cases in state courts but history will have to prove that," according to Tom Fredericks, director of the Native Americans Rights Fund (NARF) and coordinator of Native Americans Natural Resources Development Federation.

"It may be that the McCarran amendment will have to be repealed," Fredericks added.

Said Richard Collins, NARF staff attorney: "This is a part of a series of cases and how state courts will deal with Indian water cases is hard to gauge. The state courts may be more protective of private interests than the federal courts.



You just don't know yet the final outcome."

(NARF had filed a brief as a "friend of the court" in support of the government's position.)

Guidelines Set

The decision as to which forum - state courts or federal courts - Indian water rights claims will be adjudicated in apparently may depend upon the sophistication of a state's water allocation system. The high court ruled, in part, to dismiss the Akin case from federal jurisdiction on consideration of Colorado's "elaborate procedures for allocation of water and adjudication of conflicting claims to that resource."

Equally important as reason for dismissal was the Court's desire to avoid piecemeal adjudication of water rights: "the clear federal policy" evinced by the McCarran amendment, as the court saw it.

Initially, the U.S. brought suit in U.S. District Court against some 1,000 water users in Colorado's Water District 7. Filed Nov. 14, 1972, the suit sought adjudication of certain reserved water rights claimed on behalf of the U.S. and on behalf of the Southern Ute and

Mountain Ute tribes. The action, brought under 28 U.S.C. sec. 1345, asserted reserved rights on the two Ute tribes' reservations and rights in connection with the Mesa Verde National Park, the Yucca House National Monument, the Hovenweep National Monument and Bureau of Reclamation projects within Colorado.

The Colorado River Water Conservancy District, along with the Southeastern Colorado Water Conservancy District and the Denver City and County Board of Water Commissioners, intervened as a defendant in order to file a motion for dismissal.

Soon after, on Jan. 3, 1973, the Southwestern Colorado Conservation District and the Mancos Water Conservation District filed an action under the McCarran amendment in Colorado state court, seeking a judicial determination of the identical water rights the U.S. sought to have adjudicated.

Suit Dismissed

The U.S. District Court dismissed the government's suit on the legal doctrine of abstention, with U.S. District Court Judge Sherman Finesilver saying the case should be tried in state courts.

The 10th Circuit Court of Appeals overturned Finesilver's ruling, declaring the federal court did have jurisdiction under 28 U.S.C. sec. 1345.

Upon taking the case on appeal, the Supreme Court held with the U.S. District Court in dismissing the consolidated cases, ruling on four issues:

- The effect of the McCarran amendment is to give consent to state jurisdiction concurrent with federal jurisdiction over controversies involving federal water rights.
- The amendment includes consent to determine in state court reserved water rights held on behalf of Indians.
- The abstention doctrine did not apply in the case and the district court's dismissal on the basis of abstention was inappropriate.
- The case should be decided in state court because of the availability of Colorado's elaborate state system of water allocation and claims determination and the furthering of the McCarran amendment's policy of unified adjudication of water rights.

Suits seek free counsel in tribal courts

By David Roach

Two lawsuits whose outcome could significantly alter the structure of tribal court proceedings on reservations across the nation are lodged in federal courts, awaiting appellate action.

The cases, *Tom v. Sutton* on the Lummi reservation in Washington and *Cliff v. Hawley* on Fort Belknap in Montana, both demand tribal court appointed attorneys for indigent defendants charged in tribal courts with misdemeanors carrying possible imprisonment as penalties.

At present, virtually no tribal courts appoint such attorneys, with most all tribal courts operating as justice of the peace courts without prosecutors or defense attorneys.

Early this year, however, the U.S. District Court of Montana ruled in *Cliff v. Hawley* that the Fort Belknap court must appoint counsel for Gilbert Cliff. Presiding U.S. District Court Judge James Battin's order was postponed though, in anticipation of a ruling in *Tom v. Sutton*, a similar case then in the 9th U.S. Circuit Court of Appeals.

That ruling, rendered March 10, denied Tom's request for counsel. The decision is expected to be appealed to

the U.S. Supreme Court by Tom's attorney, Steven Sisson, a Bellingham, Wash., attorney handling Tom's case free of charge.

The court's opinion in *Tom v. Sutton* rested on these points:

- Although a citizen's right to appointed counsel is protected under the Sixth and Fourteenth Amendments when criminal action is brought by federal or state governments, Indians on reservations do not have such protection when criminal action is brought under tribal law in tribal courts. Tribes, under their sovereign status, have inherent powers to create and administer their own criminal justice system.

- Although Section 202 (8) of the Indian Civil Rights Act insures that no person will be denied equal protection under tribal law or be denied his liberty or property without due process of law, that section must be interpreted in light of Section 202 (6) of the same act, which declares the right of counsel only at the defendant's own expense.

- The legislative history of the Indian Civil Rights Act is clear: Congress did not intend to require courts to require tribal courts to provide counsel for indigent defendants.

- The obvious intent of the Lummi constitution was not to provide such counsel.

Sisson, in his appeal to the Supreme Court, hopes to convince the justices that equal protection under the law and due process are such fundamental rights that they should overrule Section 202 (6) of the Indian Civil Rights Act.

"You're exactly right to say due process is a hollow right without the right to an attorney," Sisson told the *United Tribes News*. "You need a vehicle or a means to exercise that right."

Cited 2 Rulings

Both Sisson and George Rouff, staff attorney for the Montana Legal Services Association and attorney for Gilbert Cliff, relied on two recent Supreme Court decisions as arguments for tribal court appointed attorneys: *Gideon v. Wainwright* and *Argersinger v. Hamlin*.

Gideon, decided in 1963, said that indigent defendants were entitled to court-appointed attorneys in state and federal courts where a serious crime was involved. In 1972, *Argersinger* broadened that concept to include the right to counsel in any case where possible imprisonment or loss of

liberty could be a penalty.

"In the end, I don't think the Supreme Court will allow two different kinds of justice in this country," said Rouff, who plans to file an *amicus* brief in support of Sisson's appeal.

"No system of criminal justice should be without check and balances, but that is what you have on reservations today," he said.

"You have law but you don't have order. You have tribal police and tribal judges, but no one to tell defendants their rights or to defend them."

Fort Belknap Chief Justice Cranston Hawley, defendant in Cliff's case, agrees: "Everyone has the right to an attorney. I never refuse a defendant an attorney if he requests one. I can't appoint one. There's no money and there are no attorneys on the reservation. But I try to get the defendant help from the Montana Legal Services. I helped Gilbert Cliff find George Rouff."

"I don't know," Hawley added. "It may take Congressional action to repeal that section of the Civil Rights Act about the right to counsel at the defendant's expense. That may be the route."

Indian natural resource group inches ahead

By Jim Remsen

DENVER - Progress, however slight and slow it seemed, was reported here this month in several efforts to give tribes more information about and control over resource development.

This was the situation presented by a handful of federal officials and private consultants to a meeting of the board of directors of the Native American Natural Resources Development Federation (NANRDF), a coalition of 26 Northern Great Plains tribes.

The federation was established in 1973 to improve the inventorying of tribal natural resources and the planning of policies to develop those resources. Technical assistance is provided by the Native American Rights Fund (NARF), with Tom Fredericks, NARF director, serving as coordinator of the federation.

Attendance at the meeting was poor, with many tribes not represented and delegates from others coming late and leaving early. Rarely was a quorum of 10 present.

Status Reports Given

The guest speakers, who usually outnumbered the NANRDF delegates, had this news to report:

- The Missouri River Basin Commission, a regional study group which serves the President's Water Resources Council, has agreed to seat an Indian delegate on the management group of its Yellowstone

River Basin "Level B" study. George Jennings, a Bureau of Indian Affairs economist who said he fought for the seating, explained that Indians will be the only special-interest group on the federal-state body. The five tribes in the Yellowstone study area - Crow, Northern Cheyenne, Wind River, Fort Berthold and Standing Rock - will meet to select a delegate.

- By June, the BIA in Washington hopes to gather all existing information on tribal resources, thus completing phase one of a three-phase, six-year project. Ken Fredericks, head of the division of trust services for the BIA in Washington, said that as planned, phase two will consist of regional field studies, and phase three will provide for technical assistance to specific tribes.

- The Native American Technical Assistance Corp. (NATA), of Albuquerque, has completed a seven-month indexing of resources of Upper Missouri tribes. The project was done for NANRDF with a \$100,000 contract from the BIA. Dick Wilson, a geologist who worked on the project, said that nine people spent seven months sifting through 5,400 articles, reports and unpublished government figures, and transferring information on 123 resources to a computer data bank at the University of New Mexico. Leaders and consultants for the NANRDF tribes will have access to the data, he said. "It's a good first start," Wilson said.

- The Interior Department has revised its

regulations governing contracts for prospecting and mining of trust mineral lands, and for reclamation of nonmineral resources, and hopes to have the proposed regulations (25 CFR, Parts 171-177) published in the *Federal Register* by May.

Tom Fredericks also announced that the William H. Donner Foundation has expressed interest in providing a \$100,000 grant to the federation, which he said would be used to hire a staff for day-to-day management of NANRDF activities. To make the federation eligible for the funding, the delegates adopted articles of incorporation. Denver was selected as the site for a NANRDF office.

Old Elk Elected

The delegates also elected Dan Old Elk, chairman of the Crow Water Resources Committee, as new NANRDF chairman, succeeding Carl McKay, Devils Lake Sioux tribal chairman. Rose Crow Flies High, chairwoman of the Three Affiliated Tribes of Fort Berthold, was elected secretary-treasurer.

A dispute erupted over the issue of whether to participate in the Yellowstone water management effort. BIA's Jennings had presented the government's willingness to accept a tribal delegate as a breakthrough for Indian rights.

"This gives us another avenue, besides head-to-head battles in court," he told the NANRDF board. "Now we're in the political arena."

"The study group will tell the federal government what will be the impact of their plans, before they go ahead and develop. We can tell them that Indian water rights are a priority. We should expect our program to be taken as a whole, with the state and federal government tailoring their program to ours."

But Chaske Wicks, associate director of planning for the Standing Rock Sioux tribe, argued against joining the study group. "The government comes to us at the last minute and expects us to sanction their plans," he said. "They're trying to use us as pawns. We don't participate with them; they've gotta participate with us. We own all the water on the Missouri, by treaty."

Tom Fredericks advised the delegates to participate. "The purpose of participating in the planning stage is to get a recognition of our rights, to get water reserved for our use. States have drawn up plans in the past without consulting the tribes. Tribes then came back with their own plans. Non-Indians have cried injustice at this, complaining that Indians came along at the 11th hour and expected to get their way. This has caused many problems in the past."

The delegates apparently agreed with Fredericks. He said that the five tribes in the Yellowstone River study area will meet to select a representative to the management group. He said Dan Old Elk has agreed to be the delegate.



Tom Fredericks, [left], coordinator of the Native American Natural Resources Development Federation, and Dan Old Elk, newly elected chairman of the federation, listen to a point made at the recent meeting of the federation board in Denver.

N.D. solon backs Banks; S.D. vows extradition

North Dakota State Sen. Pam Holand, whose zeal for Indians has risen steadily in the past year, has become a leader in the struggle to prevent the extradition of American Indian Movement leader Dennis Banks from California to South Dakota.

The Fargo Democrat took part in a news conference March 30 with Banks, Lehman Brightman, at whose home the fugitive Banks was arrested Jan. 24, and Banks' attorney Dennis Roberts.

She also was scheduled to appear as a special guest at a Tony Bennett benefit for Banks on April 2 in San Francisco.

On April 4, Holand was scheduled to meet with officials in the Oregon governor's office to discuss Banks' extradition. She said she will show them a copy of a survey done by the National Jury Project of New York which showed a high degree of prejudice against Indians in North and South Dakota.

Wrote to Governors

Holand began her effort on Banks' behalf this month by writing letters to the governors of California and Oregon. She stressed that she wasn't claiming Banks was innocent by opposing his extradition, and said she doesn't even know the 38-year-old AIM leader. But she said that she, "as a public official, should not hide the truth any longer."

There "actually is heavy prejudice against the Indian race in North and South Dakota," Holand maintained in a March 15 letter to California Gov. Edmund Brown, Jr.

She told Oregon Gov. Robert Straub in a March 29 letter that Banks' extradition is a "crucial matter" that "will determine whether or not we are willing to set a precedent for fairness in trials for all peoples of our country."

6 Months in Hiding

Banks fled his sentencing in South Dakota last July after he was convicted of riot and assault at Custer County courthouse. South Dakota Attorney General William Janklow has vowed to



Banks

Photo courtesy Bismarck Tribune

go to court if necessary to have Banks extradited to South Dakota.

The AIM leader is also scheduled to stand trial in Portland, OR, this spring on federal charges of possession of explosives and firearms.

Holand told *United Tribes News* that she had felt particularly exasperated after reading an article on Banks' plight, when she thought of writing letters to the governors involved.

"There is too much prejudice in the Dakotas for any Indian to get a fair trial," she said.

The freshman senator has become active in Indian affairs as a member of the North Dakota advisory board of the U.S. Commission on Civil Rights, state chairman of the Dakota Association of Native Americans' Business Advisory Council, and as a member of

the state social services advisory board and North Dakota Mental Health Association advisory council.

The 36-year-old senator is also a freshman at the University of North Dakota at Grand Forks, and hopes to become an attorney specializing in Indian law.

Hayden Support

Some of Banks' other supporters include former antiwar activist Tom Hayden, who is a candidate for the California Democratic nomination for U.S. Senate.

Hayden said, "My campaign is about justice. I feel strongly about the Dennis Banks case. A political cry has to go out in California to Gov. Brown to save Dennis Banks from being destroyed in South Dakota."

A protest in front of Custer County

Courthouse, SD, in February 1973 led to Banks' eventual conviction on assault and riot charges, on which he fled sentencing. Banks had been protesting a charge of manslaughter instead of premeditated murder in the slaying of an Indian by a white man.

Witnesses testified in that case that the man said, "I'm going to kill me an Indian," or words to that effect. The white man was later acquitted.

Banks faces a maximum 15-year term in prison because of a clash with law officers during that protest.

Banks said that he fled South Dakota because he felt his life was in danger. He based his statement on an affidavit by Sioux Falls attorney John Gridley, who was with Janklow at a party, and by prison officials who allegedly said Banks "would not last 20 minutes once he was received in prison."

Bullet in Head

According to Gridley, a direct quote he took down at the time of Janklow and Gridley's party conversation about AIM and AIM leaders was "put a bullet in the guy's head and he won't bother you anymore." The discussion took place one month before Janklow was elected as attorney general in 1974.

"He said the way to deal with the AIM problem is to shoot the AIM leaders," Gridley said.

Janklow admits that he made the gun statement, and said that he told Gridley that "I never met anybody yet that had a bullet in their head that bothered anybody with a gun again."

"I told him (Gridley) ... that in the event I was attorney general or in a position of authority, and they (AIM) came around with their guns and their arms and either threatened people or used them on people, that I would see to it that they were shot."

Janklow claims that Gridley didn't tell the whole story. "I will not tolerate at any time under any circumstances anybody with a gun threatening any citizens of the state," Janklow said. "I don't know how I can make myself more clear."

OUT OF FRYING PAN?

Means and Poor Bear trials moved to Fargo

A motion to change venue to Minneapolis for the Russell Means and Thomas Poor Bear trial was denied March 3 by U.S. District Court Judge Bruce Van Sickle.

Instead, Judge Van Sickle ruled that the trial be moved to Fargo, ND. The judge said his ruling was based on "substantial prejudice" in southwestern North Dakota. "To assure a fair trial, the place of trial shall be the southeastern division of the district of North Dakota, Fargo," Van Sickle said.

Means and Poor Bear are charged with interfering with a Bureau of Indian Affairs officer in the performance of his duties, in connection with a June 7 incident on the Standing Rock reservation where Means was shot.

Ruling Called Sham

Dick Baer, attorney for Means, said the move to Fargo is "sham" and said he is filing an appeal "as soon as it's out of the typewriter."

Jury selection for the Means and Poor Bear trial will begin April 6 in Fargo. Both defense and government attorneys will have two hours to question the entire jury panel on the issue of racial prejudice and special prejudice against the American Indian Movement. Normally the judge examines the jury.

Judge Van Sickle also ruled that the defense shall have 24 challenges without cause against the jury,

while the government shall have eight. Normally each side receives six challenges.

Russell Means doesn't feel the move to Fargo will benefit his case in any way. "Having the venue changed from Bismarck to Fargo is like jumping from the frying pan into another frying pan. Harring's survey (on racial prejudice) concluded that ALL of North Dakota is prejudiced, including Fargo."

"Anywhere I'm tried in either of the Dakotas I'll be convicted because of 1) my name, 2) my position with AIM, and 3) the frontier mentality of the inhabitants of North and South Dakota. That mentality hasn't changed since the invaders first arrived here."

Authoritarianism Found

New York attorney and sociologist Sidney L. Harring testified March 1 and 2 as to the level of racial prejudice he found in North Dakota. Harring supervised a survey of potential jurors in Burleigh, Morton and McLean counties last October at the request of Means' attorney.

Harring, who is a member of the National Opinion Research Center, said that nine out of ten surveyed made an authoritarian response to one or more questions. He contends that authoritarianism connotes a pervasive tendency to be racially prejudiced, hostile to cultures and views of life other than one's own, and to favor the state in criminal

trials, based on previous research.

Harring said approximately two-thirds surveyed also had a strong racial prejudice against Indians.

Harring also testified on the results of another survey done in the cities of Bismarck, Fargo, Grand Forks and Minot. In the survey of 91 representative Fargoans, 26.4 percent showed bias in their description of the FBI agent deaths at Pine Ridge. Another 49.9 percent indicated biases against AIM, and 71.1 percent think the four Indians involved are guilty, as compared to 71.2 overall for North Dakota and 56.8 for Bismarck.

Differs on Extent

However, Van Sickle claimed in his ruling that it was not proven that all of North Dakota was prejudiced.

Mrs. Judith Swanson, an employee of the U.S. attorney's office in Fargo, testified that of all individual adult Indian criminal cases from January 1972 to July 1975, she found only 10 acquittals. No correlation was made between Indian and non-Indian.

Later Jim Krogsrud of United Tribes Legal Services submitted an affidavit showing that in jury trials, according to clerk of court records, one-third of whites are acquitted of criminal crimes, and one-fourth of Indians have been acquitted in North Dakota since 1972.



A workshop guest displays the fruits of a few hours' work: a handsome mobile.

Teaching the teachers about Indians

Awareness of American Indian accomplishments "can make the learning of American history more meaningful and colorful," Emory Keoke, head of the Bismarck-based Institute of Community Understanding, told a group of educators at a three-day workshop sponsored last month by the American Indian Curricula Development Program (AICDP).

The workshop was designed to give educators who work with Indian children a better understanding of Indian culture and to show the participants how to use AICDP's Indian curriculum material in the classroom. Sixty-six persons attended, from schools in South Dakota, Bismarck-Mandan, North Dakota reservations and various N.D. towns.

AICDP operates as a branch of the United Tribes Educational Technical Center. It is the only organization producing Indian curriculum on a statewide rather than local level. Angelita Dickens is AICDP director.

"Sensitization" was the theme of the first day of the workshop, held at the Ramada Inn in Bismarck. An Indian IQ test and several simulation games pointed out differences in cultures for the non-Indian educators.

The second day focused on the use of Indian curriculum materials in the classroom. The elementary and junior high curriculum kits produced by AICDP were introduced and lesson plans were developed by the teachers and aides for implementation in classrooms. Thirteen groups were formed for this purpose.

Anna Rubia, AICDP dissemination coordinator, said that all of the lesson plans will be compiled and sent back to the participants.

Creative approaches were explored on the final day. The educators experimented with Native American arts and crafts, as well as with mobiles and displays for use in classroom presentations.

An interpretive dance by Zoi Morsett, of Standing Rock Community College closed the workshop.

AICDP has produced teaching kits for use in grades kindergarten through five and six through eight, and currently is preparing a senior high Indian curriculum packet.

The elementary and junior high kits are available for \$100 apiece. For information, write to AICDP, 3315 S. Airport Rd., Bismarck, ND 58501.

Story and photos by Sandra Steger



Gathered at the workshop [from left] are Superintendent of Williston Schools Leon Olson; Asst. to N.D. Superintendent of Public Instruction Lowell Jensen; AICDP Director Angelita Dickens; Equal Education Opportunity Director for N.D. Schools Gene McGowan; AICDP staff artist Butch Thunderhawk; and Superintendent of Solen Schools John Kauffman.

Below, some workshop visitors try making some multi-colored god's eyes.



Outlook for IHS improves in Congress

By Karen Hilfer

The future of Indian health care now looks somewhat brighter, with Congress turning down the Ford Administration's proposed \$5.3 million cutback on the Indian Health Service (IHS) budget and with passage of the Indian Health Care Improvement Act predicted.

The Administration's proposed IHS budget for Fiscal year 1977 included "rescission," or rejection, of \$5.3 million that Congress had tacked on to IHS's FY 1976 budget.

The House subcommittee on Interior appropriations did not act upon the rescission request, which amounted to denying that request.

This means that 45 days after the rescission was proposed, the money will be made available to IHS.

If the rescission had been acted upon favorably by the committee, some 20 IHS programs throughout the country would have been affected.

The Indian Health Care Improvement Act, proposed in 1974 by Sen. Henry Jackson (D-Wash.), is designed to upgrade the quality of Indian health care in the nation.

The Senate version of the bill, S.

522, was passed on May 16, 1975, with strong support.

The House version of the bill, H.R. 2525, came out of the House Interior and Insular Affairs Committee with some changes. The authorization to spend \$1.6 billion over a seven-year period was changed to \$1.18 billion over a seven-year period.

The committee also tacked on an additional title to the bill calling for the establishment of an American Indian School of Medicine, with an authorization of \$16 million.

The projected date for action on the floor of the House is some time during the last week of April.

Passage Predicted

Frank Ducheneaux, counsel to the subcommittee on Indian affairs of the House Committee on Interior and Insular Affairs, said that he felt there was no question that the bill would pass. He added, "The problem is to get a large enough passing vote to prevent the possibility of a veto from the President."

If the bill is passed by the House, the Senate and House will schedule a conference to try and resolve the differences between the two versions

of the bill.

The bill will then be sent to President Ford for his signature or veto. This is expected to happen by late May or early June.

The proposed act cites serious deficiencies in the delivery of health services to Indians, including the fact that only 24 of the 51 IHS hospitals have gained accreditation, that many of the facilities are in a deteriorated state and that an additional 52 locations with large Indian populations need hospitals.

Other problems noted were the under-staffing of half of the hospitals, four-fifths of the outpatient clinics, and half of the service health clinics, and the need for IHS staff housing, better transportation systems on reservations and improved water and waste sewerage systems.

The following titles from the bill are aimed toward improvement of these conditions:

Title I, Indian health manpower. This is designed to resolve the shortage in health care personnel in the Indian Health service and to produce increased numbers of Indian health care personnel. This will be

accomplished through scholarships and recruitment programs.

Title II, patient care services. This provides for the elimination of backlogs in services and to supply needed surgical, dental and other health needs. Also covered by this title are patient care, field health care, community mental health care, treatment and control of alcoholism.

Title III, IHS construction. This section provides funding resources to eliminate and replace unsafe and out-of-date facilities.

Title IV, Medicare and Medicaid. Under this section, Indian Medicare and Medicaid beneficiaries would be able to utilize IHS facilities for services. Many had only been able to use these benefits in hospitals far removed from the reservations.

Title V, Urban Indians. This section provides funds for health services to Indians living in urban areas. It is designed to support urban clinic and referral programs.

Title VI, miscellaneous. Among others, this title authorizes the National Indian Health Board to undertake a thorough study of mental health problems and conditions in the Indian community.

Indian cattlemen pull together, find government aid

This past year has been a hard pull for Indian cattlemen in the Dakotas and Montana. Late spring storms in March and April of 1975 destroyed large portions of cattle herds and put Indian cattlemen in severe economic difficulty.

Through the efforts of the National American Indian Cattlemen's Association funds to alleviate economic difficulty is now being made available to Indian cattlemen. The Economic Development Administration earlier this year granted \$3,000,000 to a consortium of fifteen tribes in North Dakota, South Dakota and Montana. John Fredericks, president of the NAICA told UNITED TRIBES NEWS that the EDA funds were now being distributed as low interest loans through the American Indian Bank. Fredericks added that these funds

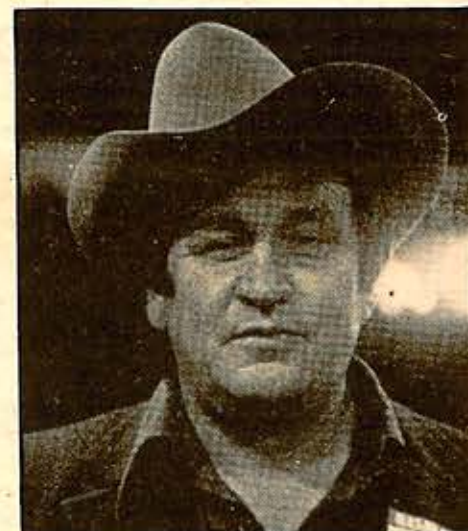
alone would not be enough and that loan applications already far exceeded the \$3,000,000 loan.

Through the NAICA's work with the Farmers Home Administration, Standing Rock reservation and parts of Ft. Berthold reservation were declared disaster areas because of the damages of last spring's storms. As such, these reservations qualify under the disaster loan program under FHA which provides a loan limit of \$250,000 at 5% interest rate over a twenty-year period for all losses and additional funds at commercial-interest rates negotiable with the American National Bank.

The Farm Credit Administration was approached by NAICA to develop a sound credit program that would be economically feasible to implement.

The FCA is now in the final stages of the lending program and the finished plan will be done in the very near future.

Starting in 1974, NAICA has organized in five regions representing forty tribes in eleven states. They are in the process of opening a central office in Denver and they just received funds to hire a director, resource and marketing specialist and two secretaries for a period of ten months along with support expenses for a period of one year. NAICA is also in the process of developing membership. Membership is categorized into individual associate membership, affiliate membership, individual membership, associate Indian livestock associations, other associations and affiliate tribal membership.



Fredericks

DANA begins survey of state's urban Indians

The Dakota Association of Native Americans, an off-reservation assistance group, is surveying the state's urban Indians to determine their number and needs.

Pamela Stawasz, coordinator of the survey, said that the purpose is two-fold. First is to update the number of urban Indians in North Dakota, since DANA feels that the figure of 1,989 urban Indians recorded in the 1970 federal census is low.

The second reason is to determine the needs of urban Indians in training and education.

The results will be used to obtain funding. "Accurate figures are needed before we can expand or start other training programs," Stawasz said.

Results are being gathered through a one-page questionnaire which is being administered in DANA's five service areas: Minot, Williston, Fargo, Grand Forks and Bismarck-Mandan.

The survey will end May 14, with final results expected by June 11.

Funding for the survey was provided under Title I of the Comprehensive Employment and Training Act.

DANA is an off-reservation, statewide organization that provides help to urban Indians in finding employment, job training, day care, family planning, health, education and housing.

Indians subject of heart project

The Standing Rock Reservation is being used as a pilot project for the American Heart Association, in a trial effort to educate poverty areas about cardiovascular disease.

The Standing Rock project was funded for one year (from June 30, 1975 to June 30, 1976) and has a goal of developing and disseminating preventive education materials focusing on heart disease in Indians. The success or failure of the Standing Rock project will govern whether other poverty areas will be funded.

Mrs. Helen Walker, chairman of the Heart Fund at Standing Rock, began as project coordinator on Sept. 8, 1975. She since logged over 3,000 miles in travel to the seven districts on the reservation disseminating information on heart disease. She has given a pre-test to determine how much was known about heart disease before the project began, and she will give a post-test at the end of the funded year to determine the acceptance of the teaching techniques, knowledge acquired, and deficiencies in the teaching materials and/or orientation program.

Mrs. Walker worked with 308 school children in March conducting a phonocardiogram survey, which is a computer-like machine used to detect congenital and acquired heart disease in children. The machine detects abnormal heart sounds almost instantly with no discomfort to the child.

Mrs. Walker is also developing a pocket-sized

coloring book on heart disease information, based on the coloring book the INMED (Indians in Medicine) program uses at the University of North Dakota, to interest children in health careers.

The need for heart disease education is evidenced by the high death rate on the reservation due to heart disease. In 1966-1968 the death rate from major cardiovascular disease on the Standing Rock reservation was 261.9 per 100,000 (based on the 4,300 Indians residing in the area) and in 1970-1972 the same disease had a death rate of 467.9 per 100,000.

The Dakota affiliate (North and South Dakota) of the American Heart Association is working closely with the advisory board of the Standing Rock Project. Mrs. Walker is working in conjunction with Mrs. Louise Painte, Director of the Community Health Representatives and a CHR herself. Dr. Entenna is the program director, and chairman of the advisory board. Mrs. Walker is also working closely with the Standing Rock Tribal Council.

To date two Indians serve at national and local levels with the American Heart Association. Harriet Skye, director, Office of Public Information at United Tribes Educational Technical Center, is a member of the AHA Minority Working Board at the national level, and Warren Means, executive director, UTETC, is on the Dakota Affiliate Board at the local level.

Violations found at New Town, Parshall

The U.S. Department of Health, Education and Welfare's office of civil rights in Denver has found the New Town and Parshall school districts on the Fort Berthold reservation to be in violation of equal employment guidelines, because of a lack of Indians on the schools' professional staffs.

A team of investigators also found the schools to be lax in providing special education, counseling and language evaluation for Indian pupils, and to have inadequate community input.

The civil rights office notified school administrators of its findings in letters March 10, and gave them 45 days to draw up plans for compliance. If the plans are not accepted and non-compliance continues, the schools will risk having federal funds withheld.

Gene Sloan, superintendent of the New Town schools, told *United Tribes News* that he disagrees with some of the findings, and believes the investigators "had predetermined our problems."

'Like Storm Troopers'

"They came in like Nazi storm troopers," he said. "They threatened us with a loss of funds, snooped around, didn't give us a chance to explain. They only spent four hours here. It would have been more beneficial if they had spent a few days here."

Both Sloan and Clarence Wertz, Parshall superintendent, have claimed that they have recruited Indians through the "normal channels," such as colleges and the North Dakota State Teacher Placement Bureau. They say that the few certified Indian educators go elsewhere to jobs which offer better salaries and benefits.

Nevertheless, the two said they were drafting compliance plans. Sloan said that he will offer to give preference to qualified Indians.

Inadequate recruitment and employment of minorities at the two schools was found to be the major violation. In the New Town district, where the enrollment is 54 percent Indian, the HEW investigators found only two Indians among the 50 teachers, administrators and counselors comprising the professional staff.

Parshall, where 23 percent of the pupils are Native Americans, was found to have no Indians among its 30 professional staff members.

Visited in November

A team of four civil rights officers visited the schools last November in response to a complaint filed by the tribal education committee of the Three Affiliated Tribes of Fort Berthold.

The investigators also met with administrators and pupils at the White Shield school, south of Parshall on the reservation, but found no notable problems. White Shield, the "letter of finding" stated, has achieved a 50 percent Indian staff in the year since its enrollment became all-Indian.

Last year at White Shield, demands by Indian parents for more control over school affairs led to non-Indian parents transferring their children to the neighboring North Shore and Garrison school districts.

Wertz and Sloan said their proposed compliance plans would be reviewed by their school boards and Johnson O'Malley Indian education boards. Both officials said they also may seek the advice of Gene McGowan, equal education opportunity director for the North Dakota department of public instruction, and Lowell Jensen, assistant superintendent of the department.

Wertz would not comment on the findings, which

he called "a very sensitive issue."

Sloan said that he will propose that New Town's notices of teaching vacancies state that qualified Indians would be given preference. But he said that "the real answer is a long-range program in which local Indians would be encouraged to get an education degree and return, perhaps by offering them an internship here."

Sloan defended the absence of a special education program. He said New Town and six neighboring districts have proposed to have a regional special education program, but said the department of public instruction has not acted on the proposal.

The school also was criticized for not conducting a language assessment of Indian children, to determine if they are having difficulty with English. New Town has a speech program which attempts to correct enunciation problems, he said. "But we don't feel our Indian students have any more language problems than any other students."

The two districts stand to lose thousands of dollars in federal funding for library services, vocational and lunch programs, and all Title funds (such as under Titles I and IV of the Indian Education Act) that are channeled through the state department of public instruction.

Vance Gillette, former director of Fort Berthold's tribal education committees, noted in a news release that if the two districts adopt a quota system for Indian employment, the New Town staff should have 27 Indians and Parshall seven.

Using average salaries for teachers, counselors and administrators, Gillette determined that these 34 positions would pay Indians salaries totalling \$272,000.

UNITED TRIBES NEWS

4-2-76

Standing Rock Youth Ranch to reopen soon

A home setting for young people who do not have a home or whose home environment is not what it should be. This has been a dream of the Standing Rock Sioux Tribe for many years and it is about to come true with the opening of the Standing Rock Youth Ranch.

The ranch first started operation in 1972 as a boys club but they were forced to close in January of 1975. The boys club was located on a 2,000 acre ranch and they utilized older buildings from a private ranch operation. In 1975 these older buildings could not pass federal inspection.

Jim Ramey, executive director of the ranch, said that there were already plans to build a new dormitory so instead of trying to get the older buildings up to federal standards they just closed. He added that the new building was nearing completion and the ranch would reopen hopefully by May 1.

"The ranch will house disadvantaged, neglected, and dependent type youths," Ramey said. "They are not delinquents but some may have the tendency to become delinquent without the attention and care that the youth ranch will try to provide."

Both boys and girls will have the opportunity to stay at the youth ranch and they will range from age 12 through 18.

Education for the kids at the ranch is provided for in Fort Yates or in Solen. The ranch is located right on the dividing line so the kids make the decision as to which school they want to attend.

In addition technical and vocational training will be available through the operation of the ranch. There are plans to start a beef herd and this along with other daily duties will expose the youths to general ranching, gardening, general mechanics, cooking, housekeeping, and business management. The youths will be assigned specific duties according to his own preferences.

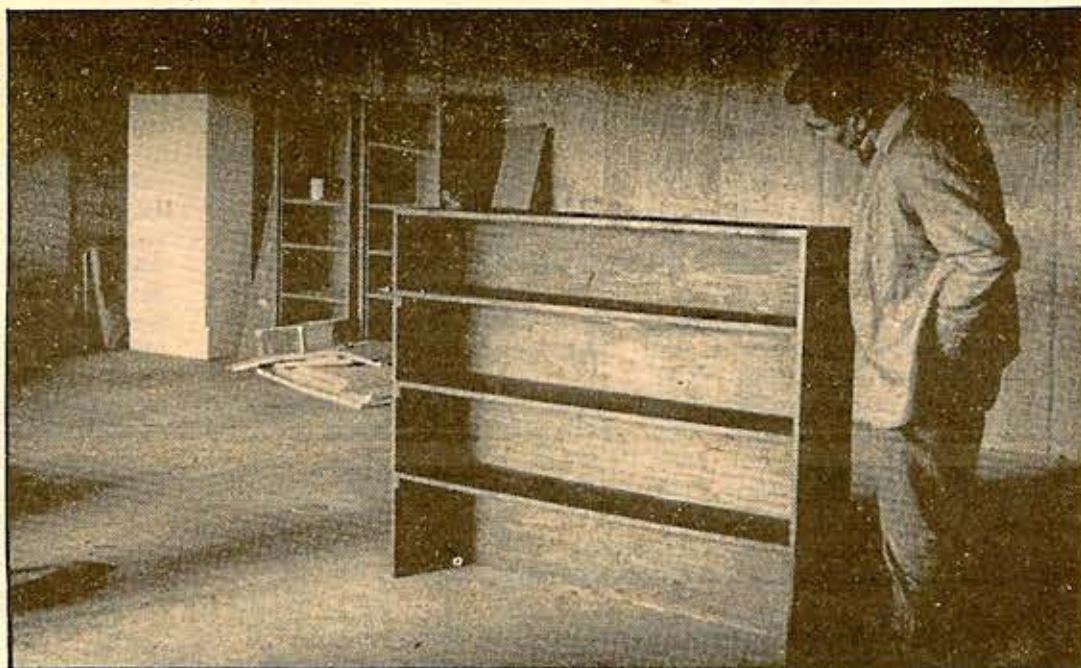
Ramey said that the ranching and gardening will help to make the ranch somewhat self-supporting. He stated that the ranch would never become completely self-supporting but goods from the garden would go to the kitchen and help alleviate the high cost of food and any surplus would be sold and the money go for new seed and to the kids for their labor. Any money made from the beef herd would go right back into the operation of the ranch.

Funding from the ranch will come basically from the BIA and the Federal U.S. Justice Department under service to youth programs. Ramey added that they hope to raise funds from foundations and private youth organizations also.

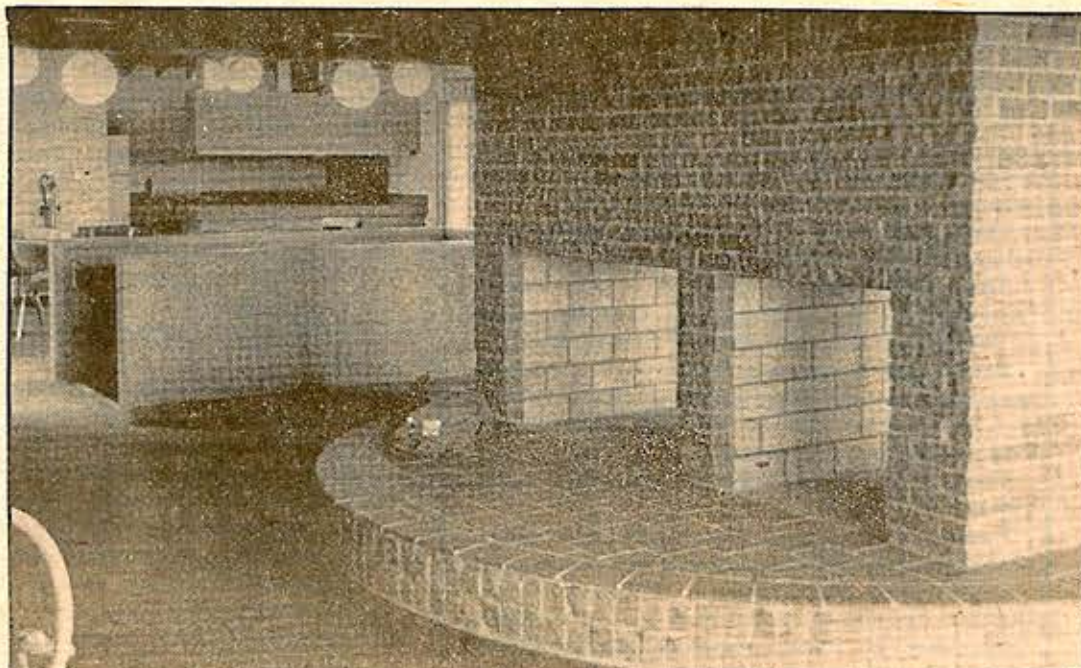
The decision of who will stay at the ranch is left to the federal and tribal courts. A unique part about this system is that the youth must want to go there; he cannot be forced to go there. The youth is required to sign a statement saying that he wants to go there.

The length of the stay is also determined by the courts. It could be one or two years or indefinite. The court must relinquish custody. A relative cannot just come and take a youth from the ranch.

Ramey placed emphasis on the point that the ranch is not a detention center. He stated that, "We want the atmosphere to be similar to that of a group home, not an institution. We hope to be one large family."



Jim Ramey stands in what will be the library and study room.



The lounge and TV room, with the kitchen and dining area in the background.

our lore



We are the Earth

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.

The Mandan were the first people to live along the Missouri River. In the early 1800's a smallpox epidemic killed many members of the Mandan tribe. The Hidatsa tribe was affected by the epidemic also and in 1845 the survivors of both tribes moved together to a new home, Like-a-Fishhook Village, which was near present day Garrison, North Dakota. Fifteen years later some members of the Arikara tribe came to live near the village. Their people had also been affected with smallpox and their members were few.

We three tribes united so that we had enough people to protect ourselves from our enemies. When we met each other, we discovered that many of our beliefs and customs were similar. We were all agricultural people who raised maize (corn), beans, squash, sunflowers and tobacco.

Our women were the farmers. They owned the plots of land which fed our families. We generally farmed one acre per person on land along the river which would be naturally irrigated by floods in the spring. We spread bush evenly over the plot and burned it. This cleared the land of vegetation and fertilized the soil. The ashes loosened the soil to make it more workable.

We had three tools with which to work: a straight pointed digging stick, a hoe made from a buffalo shoulder blade and a rake made of antlers. With these simple tools we raised 7 different kinds of corn and enough food to supply ourselves, to give away and to trade to visitors. We stored all food for the winter in caches placed in our homes and around the village. These storage pits were 6-8 feet underground with an opening at the top just wide enough for a man

to enter. During the summer we left the caches open. When a supply of food was harvested we lined it with straw. Then we placed 20-30 bushels of corn and beans in the cache and covered it with dirt. In this way we preserved food for winter use and kept it safe from enemies.

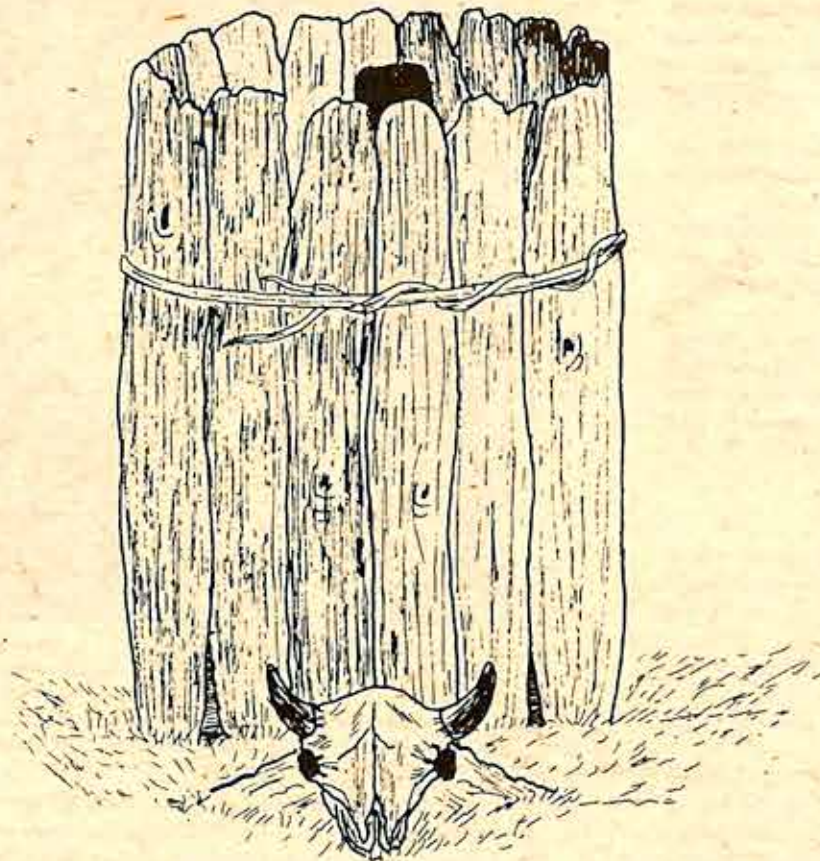
Much of our time and effort was concentrated in a few acres of land. Consequently, we paid a great deal of attention to our products. While the crops were growing, girls and women sat on a platform in the center of the field singing to the crops and the spirits whom we believed would make them grow. They also had a duty to protect the food from animals and our enemies' thievery.

There were two harvests. The first was in August when the green corn was gathered. The women made a

delicious food called corn balls. The second and main harvest occurred in September when the maize was husked, hung from a scaffold for drying, then stored in the caches.

As you can imagine, great ceremonies were held after the growing season. We had a surplus of food then and our work was done.

Before we ate any of this precious food we held it to the sky as a prayer to the Great Spirit and we lowered it next to Mother Earth as thanksgiving. Then we offered it to the south which brought warm winds and was the source of life. The food was offered to the west, the setting sun, a symbol of wisdom. Then we held it to the north (where the light of sun never came), a sign of purity. Finally we offered our food to the east, the beginning of light and understanding.



Since farming was our way of survival, we built permanent homes called earthlodges. These round dwellings were constructed out of heavy logs placed in a circle. Rafters were laid from the outside row across to center poles to form a roof. The whole structure was covered with small poles and twigs, sod and finally dirt.

Our whole extended family could live in one lodge. Inside we built beds against the wall and between them we hung buffalo or elk skins. There was a fireplace for cooking built in the center just below the skylight. Our women made excellent earth pots and other vessels hung from the rafters.

Our earthlodges were built close to each other. All the doors faced the center, an open circular space. In the center of this the Mandans built "The Ark of the First Man." The Mandans believed the world had been made by two persons, the First Creator and Lone Man. They had been walking on the water when they spotted a mud hen and asked her what she ate. She dove to the bottom of the water and came up with a mouthful of dirt. First Creator and Lone Man blew on this dirt and it became Earth. The Missouri River separated North from South. First Creator made broad valleys, hills, coulees, lakes and rivers on the North. This was where man first lived. Lone man created the South with level land and its lakes and streams far apart. After man came to live here on the prairie, a flood occurred and Lone Man saved the Mandan people. He started the custom of leaving this central area open. There he placed a red-painted cedar post which was a symbol of his body. This post was surrounded by a wall of cottonwood planks, a symbol of the wall he built to protect the people. Around the planks was a water willow which marked the highest flood waters. Lone Man left the tribe. The ceremonial lodge faced the south, the source of life, the direction to which he walked when he left.

State Bank of Burleigh County TRUST COMPANY

BISMARCK, NORTH DAKOTA 58501

304 N. 4th Street P.O. Box 1937 Phone: 223-3442

Stations at Kirkwood Plaza, Sterling and Wing

A FULL SERVICE BANK

Hours: Kirkwood Station

9:30 a.m. to 5:00 p.m.
Monday thru Thursday
9:30 a.m. to 8:00 p.m.
Fridays
9:30 a.m. to 1:00 p.m.
Saturdays

Drive Up Window

8:45 a.m. to 5:00 p.m.
Monday thru Thursday
8:45 a.m. to 8:00 p.m.
Fridays
9:00 a.m. to 1:00 p.m.
Saturdays

Hours: Main Bank

9:30 a.m. to 3:00 p.m.
Monday thru Friday
6:00 p.m. to 8:00 p.m.
Monday evenings

Drive Up Window

7:45 a.m. to 8:00 p.m.
Mondays
7:45 a.m. to 5:00 p.m.
Tuesday thru Friday
9:00 a.m. to 1:00 p.m.
Saturdays

Walk Up Window

7:45 a.m. to 9:30 a.m.
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Group to improve Indian lobbying effort

With the 45th session of the State Legislature still a year away, the North Dakota Indian Affairs Commission has begun to contact reservations and interest groups in an attempt to improve the prospects of upcoming legislation benefiting Indians.

The 44th session last winter was bad news for Indians, with the legislature rejecting bill after bill that would have directly benefited the state's Indians.

Juanita Helphrey, state Indian affairs commissioner, thinks this could have been prevented had the bills been prepared earlier and had the lobbying effort been more organized.

So she is setting up a "task force on Indian legislation," and has invited the Bureau of Indian Affairs superintendants and tribal councils on the state's four reservations, as well as urban Indian organizations and sympathetic non-Indian groups, to be represented.

Plans Meeting

She hopes to call a meeting this spring at which representatives could review legislation already submitted and could consider re-submitting any bills on Indian affairs which were defeated last session. State legislators will be present for advice on how to draft and submit legislation, she said.

Followup meetings are planned for next fall and during the legislative session.

Submitting a bill early will enhance its chances, Helphrey said, since it then can be placed on a legislative committee's regular calendar, and the Indian community will have adequate time to lobby and prepare testimony. Late bills are "calendared" with little advance notice, she said, so supporters have difficulty preparing a strong case.

"There was never an organized Indian effort statewide like this," Helphrey said. "Everything was done at the last minute. This time we'll try to do it in advance."

UTETC students come and go




Fifteen students started classes at UTETC this month. First row [from left] are Alfred Belgarde and Jean White Water. Second row [from left] are Mary Hollow Horn, Everett Archambault, Roberta Archambault and Roy Parisian. Third row [from left] are Renee Foot, Caroline Little Hoop, Rita Morigeau and Mervel Hall. Back row [from left] are Eugene Foote, Norbert Leonir, Betsy Allery, Howard Two Shields and Merle White Water.

Six students graduated from UTETC at ceremonies March 18. Graduates were Gloria Reed, human services; Rufus Reed, human services; Sharon Wise Spirit, food services; Laverne Dini, painting; Herbert Dini, auto body; and Kathy Clark, business clerical.


Incentive awards for the month of February were also awarded. Jerry Pretty Weasel was named student of the month.

Vocation awards went to Mike Owen, auto body; Richard Vondal, automotive; Greg Seda, building trades; Donn Red Bear, business clerical; Sharon Veneno, food services; Mary Bobtail Bear, human services; Theresa Walking Crow, nurse aide; Kenneth Rabbithead, painting; Wilfred Revel, police science; and Jerry Pretty Weasel, welding.



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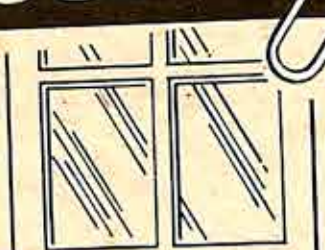
Located on 105 spacious, wooded acres south of Bismarck, the United Tribes Educational Technical Center offers a comprehensive training program in ten different career fields.

Governed by the five North Dakota tribes, UTETC also operates on the Bismarck campus the American Indian Curricula Development Program, an alcoholism program, an Equal Employment Opportunity program, a Johnson O'Malley program, an Indian offender rehabilitation project and a CETA (Comprehensive Employment Training Act) project.

For further information, contact your nearest Bureau of Indian Affairs Employment Assistance Office or write: UTETC Office of Public Information, 3315 S Airport Road, Bismarck, ND 58501.




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getting by

advice

If in debt, know your legal rights

By Jim Krogsrud
United Tribes staff attorney

Financial problems are often the cause of many worries among low income families. Some of these worries are unnecessary if a person understands his legal rights.

All people have the responsibility to pay for grocery bills, doctor bills, telephone bills, and loans. And the payment of these bills are made according to agreements, oral and written, between the parties. Frequently the method of payment is either upon receipt of services or upon receipt of the itemized bill in the mail. In some cases, such as loans or items which are purchased on credit, the bill may be paid in installments over a period of months.

The first step in avoiding financial problems is to understand how payment is expected before you accept any goods or services. Of course, you must keep in mind your total income and other necessary expenses you may have. Sometimes you may be able to agree with the merchant that the bill can be paid in a way more suitable to you. But pay your bills on time as you have agreed.

Many people at some time in their life are faced with a time when for one reason or another they cannot pay bills on time. But serious hassles can often be avoided by merely contacting the person you owe (creditor). You should inform the creditor of your difficulties and ask if a different method of

payment would be acceptable (payment postponed or perhaps smaller payments).

If the creditor accepts your proposal keep a written record of the agreement and your immediate concerns are over. The creditor has the right to refuse, but if you are reasonable in your offer it is usually in the creditor's own best interest to accept. If the creditor can't get his money willingly then he must go to court which is as much trouble for him as it is for you.

All Indian tribes and all states provide for an orderly process by which debts may be collected. The creditor must go to the court to collect a debt if the debtor does not pay willingly.

No person may be lawfully jailed for a failure to pay debts unless that person is capable of paying without detriment to his family's subsistence and that person has willingly refused to pay after a court order to do so. This may be important to keep in mind if you are overly worried about financial problems.

A judge must make the decision as to whether a debt is really owed. If you don't agree that you owe a debt, you must inform the judge. However, even if the court agrees that you owe the debt, federal law limits the portion of your wages which a creditor may take. Furthermore, it is not permissible for the creditor to leave you and your family with less than a subsistence living wage.

Native recipes

Bean cake

(Makes 10-12 Servings)

- 1/2 pound pea beans, washed, soaked and cooked by package directions
- 1 cup corn meal
- 1 cup flour
- 2 teaspoons salt
- 1 teaspoon baking powder
- 1/8 teaspoon fresh ground pepper
- 1 cup milk
- 2 eggs, lightly beaten
- 2 tablespoons cooking oil

1. Drain the beans thoroughly, and cool to room temperature.
2. Sift together the corn meal, flour, salt, baking powder and pepper. Mix together the milk and eggs and then stir them into the sifted dry ingredients.
3. Fold in the beans. Heat the oil in a pan and add the cake mixture. Place in a cake pan and bake at 305 degrees F. for 40 minutes. 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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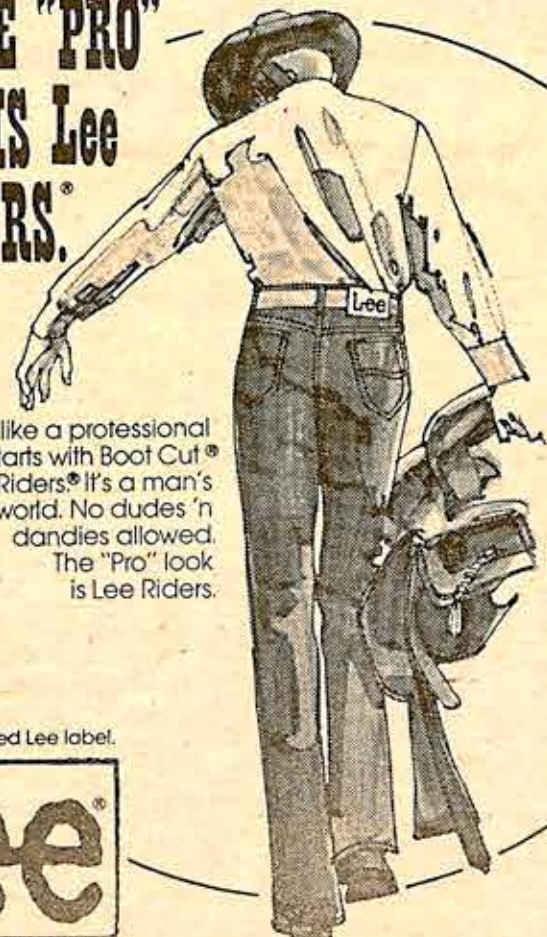
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Kleppe says no push on Indian coal — See page 3



united tribes news

Vol. II No. VI Bismarck, ND Jan. 30, 1976

"We cannot take the breaking of the 1868 treaty lightly. But the era of confrontation is over. The time for reconciliation has come."

Melvin Garreau, Cheyenne River



Sioux to press treaty rights

By Steve Forsberg

A National Indian Workshop in Fort Totten has produced the conviction that the Sioux Nation should be granted its 1868 treaty rights in the Black Hills. A resolution was adopted at the workshop that the Sioux Nation should be granted its 1868 treaty rights in the Black Hills.



Survey finds 'pervasive' prejudice

An extensive survey of 100 newspaper articles published in the United States during the past year has revealed a "pervasive" prejudice against Indians. The survey, conducted by the United Tribes News, found that 75 percent of the articles were negative in tone.



Health programs may face lean year

Health programs for the 1976 fiscal year may face a lean year as the federal government prepares to cut back on its spending. The United Tribes News reports that the Department of Health, Education and Welfare is expected to reduce its budget for Indian health programs.



Reactions mixed on environmental

Reactions to the proposed environmental program for the Black Hills are mixed. Some tribal leaders support the program as a step towards reconciliation, while others express concerns about the impact on the land and resources.

What kind of news do you want?

The problems confronting Indian tribes and tribal members today are rarely simple. They are complex - frustratingly so. Treaty rights. Sovereignty. Criminal jurisdiction. Water and mineral claims. Education and unemployment on reservations. . .

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around INDIAN COUNTRY

Indian med school planned

WINDOW ROCK, AZ - The first medical school for Indian students will open in the fall of 1977.

Dr. Taylor McKenzie, director of the Navajo Health Authority and dean of the new school, said the first two years of the four-year program will be taught at Northern Arizona University at Flagstaff.

"The first two years concentrate on science," he said, "while during the last two years the students will learn medicine in a hospital setting under the supervision of practicing physicians."

McKenzie said he hopes the school, which will be called the American Indian School of Medicine, will be accredited by the American Medical Association before classes begin.

Instruction at the school will emphasize illnesses and diseases that are prevalent among Indians, and will be sensitive to problems encountered by Indian students who experience difficulty because of traditional Indian beliefs on sickness and death.

Potawatomi get constitution

WASHINGTON - The Potawatomi Indians of Kansas have a new tribal constitution. The tribe had been without any form of tribal government since 1972 -- and without an effective government for even longer.

The new constitution, ratified by the tribe Feb. 2, provides for the prompt election of a tribal council and officers and is expected to meet the needs of the tribe for a sound governmental system.

In October, 1972, the federal government withdrew recognition of the tribe's governing body which had been paralyzed by factionalism. Recognition of the old tribal constitution, which provided no way for tribal members to resolve the deadlock, was also withdrawn. A constitutional drafting committee was elected in 1974 to draft a more modern document. The ratification of the new constitution culminates their work, with Commissioner of Indian Affairs Morris Thompson giving formal approval Feb. 19.

The 3,500 member tribe is headquartered at Horton, KS.

Seeks Navajo tribal audit

WASHINGTON - Sen. Barry Goldwater, R-AZ, says he has asked Comptroller General Elmer B. Staats to order an immediate General Accounting Office audit of Navajo tribal funds.

Goldwater said the Navajo people were uncertain about the fiscal condition of the tribe and an audit would serve their interests as well as the American taxpayers in general.

The audit would "supplement" a current federal grand jury investigation into allegations of embezzlement of tribal funds, he said.

No rez mobile home taxing

PIERRE, SD - South Dakota may not tax the registration of a mobile home on an Indian reservation, ruled Hughes County Circuit Judge Robert Miller last month.

Judge Miller ordered Tripp County Treasurer Lois Viedt to refund mobile home assessment taxes and license fees paid by seven persons who claimed she had no authority to collect the taxes.

Judge Miller said the state has no authority to tax Indian property unless authorized by Congress, and that a license fee imposed on the registration of a mobile home is in reality a tax if it raises revenue.

Indian affairs panel set

A symposium on the American Indian has been scheduled April 29-30 at Northeastern Oklahoma State University. The program will consist of a series of lectures and discussions aimed at emphasizing the current review of U.S. Indian policy being made by the American Indian Policy Review Commission.

This year's program, entitled "U.S. Indian Policy: Out of the Past into the Future," will include sessions which will present a historic review of U.S. Indian policy, discuss and evaluate selected aspects of current policy, and consider alternatives for the future.

A partial list of participants in the program include Alvin Josephy, Jr., author and historian; Ernie Stevens, Helen Schierbeck, and Hank Adams, members of AIPRC; Dr. George Blue Spruce, Jr., Director, Office of Native American Programs, Department of Health, Education and Welfare; and Morris Thompson, Commissioner of Indian Affairs.

Program and reservation information may be obtained from Billy Joe Davis, Director, Symposium on the American Indian, division of Social Sciences, Northeastern Oklahoma State University, Tahlequah, Oklahoma 74464.

Hunting rights restricted

SUPERIOR, WI - Members of the Lac Court Oreilles Chippewa band do not have unrestricted hunting rights off the reservation, ruled Douglas County Judge Harry Larsen last month.

Defense attorney Scott Lewis had moved that conservation charges against three Chippewa Indians be dismissed on the basis of 1837 and 1842 treaties granting unrestricted hunting, fishing and ricing rights in northern Wisconsin.

Lewis admitted that President Zachary Taylor had withdrawn those rights, but contended an 1852 order by President Millard Fillmore restored those rights. He said a treaty signed in 1854 supports his contention.

Judge Larson said "I am of the opinion that the...order of 1850 revoked the hunting rights of the Indians...and that those rights remain revoked to this day except in the reservations set aside for the Indians by the treaty of 1854."

Indian student school aid

WASHINGTON - Rep. James Abdnor, R-SD, has introduced legislation authorizing the Secretary of the Interior to provide assistance to schools with Indian enrollments of 15 percent or more.

The allocation would be made on the basis of the number of Indian children enrolled and the financial needs of the school. All assistance would be designated for basic operational support.

Abdnor and other members of the South Dakota congressional delegation have protested Interior Department plans to phase out Johnson-O'Malley assistance to schools with Indian enrollments.

Loudner goes to Yankton

Donald E. Loudner, a member of the Crow Creek Sioux Tribe, has been appointed superintendent of the BIA Yankton, SD agency.

Loudner had been coordinator of the Office of Indian Affairs for the state of South Dakota for the last four years.

A long-time resident of Mitchell, SD, Loudner was active in Indian matters there, and for six years was a member of the South Dakota State Indian Commission.

First superintendent named

Michael A. Fairbanks, a member of the Red Lake Band of Chippewa Indians, has been appointed the first superintendent of the BIA new Michigan agency at Sault Ste. Marie, MI.

Fairbanks, 39, has been the tribal operations officer at the western Nevada agency. He had previously held that position in the Great Lakes agency from which the Michigan agency was created.

Fairbanks is a graduate of St. John's High School at Collegeville, MN. He also completed about three years of college work in social sciences at the Brainerd Junior College and Bemidji State in Minnesota and at North Dakota State.

He began working with the BIA in 1969 as a criminal investigator at the Red Lake Agency, MN.

Intermountain gets head

Indian Affairs Commissioner Morris Thompson has announced the appointment of David N. Burch as superintendent at the BIA Intermountain School in Brigham City, UT. Since 1970, Burch has been deputy assistant area director for education in the Phoenix area office.

Intermountain was once the Bureau's largest school as an off-reservation boarding high school for Navajo Indian students. It is now an inter-tribal school, and the administration was transferred from the Navajo area to the Phoenix area last summer.

Burch has worked with the BIA since 1958. He was the education program administrator on the Turtle Mountain reservation at Belcourt, ND before moving to the Phoenix area office.

'Children's code' printed

The American Indian Law Center at the University of New Mexico School of Law has published "The Model Children's Code" which can be adapted to the legal, cultural and economic needs of American Indian tribes exercising judicial powers.

The code was developed as the initial phase of the "Project for the Prevention and Control of Juvenile Delinquency Among American Indians" which is administered by the American Indian Law Center and funded by the Donner Foundation of New York City.

The code includes procedures governing juvenile offenders, minors-in-need-of-care, and termination of parental rights.

The National American Indian Court Judges Association served as the advisory board and assistance was provided by the National Juvenile Law Center of St. Louis and UNM law professor Lee E. Teitelbaum.

Future project plans of the American Indian Law Center include training sessions on the use and implementation of the code and planning "diversion" projects to keep juveniles out of the judicial system which will supplement the code.

People needing further information regarding the code may contact Thelma Stiffarm, deputy director, American Indian Law Center, UNM School of Law, 1117 Standord NE, Albuquerque, NM.

Eagle parts available

POCATELLO, ID - Free eagle feathers and parts of eagles are being made available to enrolled tribal members around the nation for use in tribal religious ceremonies.

The feathers and eagle parts are given out by the U.S. Fish and Wildlife Service (FWS) in Pocatello, ID, upon approval of a use permit.

For a year, the FWS has maintained an eagle repository where parts are coded and stored after being shipped from across the country. The coding is to prevent the resale of the parts commercially, said Terry Grosz, of the FWS in Bismarck.

The FWS says the following information must be included in an application for use: • Species, either bald or golden eagle, and number of eagles or feathers or parts requested.

• Name of tribe.

• Name of religious ceremony or ceremonies in which such eagles or parts are to be used.

• Certification from a duly authorized official of the tribal religious group stating that one is authorized to participate in tribal ceremonies.

• Name and address of major bus lines such as Greyhound or Trailways nearest one's home where eagles can be shipped.

Applications are available from:

Terry Grosz
U.S. Fish and Wildlife Service
Division of Law and Enforcement
Room 362, Federal Bldg.
Bismarck, ND 58501

Litigation problems examined

[Continued from Page 1]

Tonasket said the committee, which will be on a volunteer basis until funding can be found, will meet once a month for the first four months. The first meeting is scheduled for April 22, in Washington, D.C. to settle details.

The following are the area Indian committee members: Aberdeen area, Wayne Ducheneaux, tribal chairman, Cheyenne River; Sacramento, Pete Masten, tribal chairman, Hoopa tribe; Portland, Bill Yallup, vice chairman, Yakima tribe; Gallup, Frank Tennorio, member, All Indian Pueblo Council; Phoenix, Tony Drennen, chairman, Colorado River tribes; Southeast, Howard Tommie, chairman, Seminole tribe; Anadarko, Newton Lamar, chairman, Wichita; Minneapolis, Norbert Hill, vice chairman, Onieda tribe; Billings, Allan Rowland, chairman, Northern Cheyenne; Muskogee, Edwin Tanyan, chairman, Seminole Nation of Oklahoma; Alaska, to be named.

The following are members at large and advisers to the committee: John Echo Hawk, Native American Rights Fund, Pawnee; Alan Parker, American Indian Law Center, Chippewa-Cree; and Judge William Rhodes, AIPRC Task Force 4, Pima-Cheyenne.

The following are committee attorneys: Charley Hobbs, Washington, D.C.; John Kennedy, Salt Lake City; Al Ziontz, Seattle; Dennis Hoptowit, Yakima, director of California Indian Legal Services; and Rodney B. Lewis, Pima-Maricopa, legal services, Gila River.

Any inquiries regarding the committee should be directed to: Suzan Shown Harjo, communications director and legislative assistant, NCAI, Washington, D.C.



Some harsh questioning was directed at Peter Taft, assistant U. S. attorney general for land and natural resources, [who is shown at left with NCAI president Mel Tonasket].

PLAN FOR A NATIONAL INDIAN LITIGATION COMMITTEE

I. Structure of committee

A. Nineteen members, with 11 tribal leaders, and five attorneys and three permanent advisors.

B. Members appointed by the NCAI president based upon:

1. willingness to serve on a voluntary basis until financial support is obtained for the committee;
2. geographic location and representation;
3. divergent legal experiences and interests;
4. knowledge of different issues.

C. Suggestions, nominations and volunteers for appointment to the committee will be received by the NCAI president.

D. Committee members will serve terms of one year.

II. Purposes of the committee

A. To develop litigation strategies in all major areas of Indian law for the purpose of promoting the orderly development of Indian law and the enhancement of Indian tribal sovereignty. This shall include making determinations as to:

1. whether a litigative approach, as opposed to a legislative or administrative strategy, is most appropriate;
2. whether the prior preparation necessary before initiating litigation has been successfully completed;
3. the ramifications and probable outcome of such litigation.

B. To monitor pending litigation in order to:

1. marshal financial support for crucial cases and insure that the parties have access to the most competent technical advice;
2. advise such parties whether, in the committee's determination, a given case appears to be ill-advised or ill-prepared or otherwise inconsistent with the committee's strategy, and to make appropriate recommendations to alleviate the situation.

C. To maintain a complete, updated list of all Indian law practitioners and disseminate information on litigation strategies and pending cases to them.

D. To call and conduct quarterly Indian litigation conferences at which the committee reports on their activities and discusses relevant Indian law topics for the purposes of developing litigation strategy and educating conference participants.

E. To work with NCAI in developing sufficient funding for operation of the committee and, in the interim, to operate on a voluntary basis.

F. To perform its purposes and activities with due respect for all existing attorney-client relationships.



Sam Cagey, acting chairman of the Lummi Business Council, asks Taft what makes the Interior secretary think he has jurisdiction over Indian water rights.



Washington attorneys, also the object of general criticism, share a laugh with the tribal delegates.

Photos by Jim Remsen

White backlash group organized

SALT LAKE CITY, UT - An apparent white-man's backlash against Indian nation sovereignty was organized during a February meeting of a group called the Interstate Congress on Civil Rights and Responsibilities.

The group was formed from a coalition of individuals and groups representing non-Indian local governments, business and agricultural interests located on or near reservations in 10 western states.

More than 50 persons participated in the organizing effort in Salt Lake City. One Indian attended the meeting-William Big Spring of East Glacier, MT, operator of a large cattle ranch.

The group claims that "tribal governments have apparently embarked upon a concentrated effort to expand their jurisdiction and power" and "if something isn't done there will be a Wounded Knee in every western state."

The meeting was organized to accumulate data for a policy statement the group plans to make part of a lobbying effort for changes in federal Indian policy. Participants claimed that federal policy now so strongly favors Indian over non-Indian interests in reservation areas that non-Indians are losing land, water and civil rights.

Delegates from Arizona, California, Idaho, Minnesota, Montana, North and South Dakota, Nevada, Utah and Washington attended the conference.

UTETC, city agree

BISMARCK, ND - A tentative agreement has been reached between the United Tribes Educational Technical Center and the city of Bismarck for the city to extend water and sewer lines to the center, and for UTETC to cease objections to airport expansion.

Bismarck city auditor Tom Baker also requested that UTETC submit a five-year zoning application proposal for future center expansion.

UTETC Director Warren Means said the center would end objections to airport expansion if the city agrees to certain requests made by the center. Those requests called for the center's connection to Bismarck's water and sewer system; a request that the city not zone the training center restrictively, and the adoption of a master plan which allows the center to expand at a rate it finds convenient. Means said he expected the agreement to be formalized within the next 90 days.

Reservation restored

MADISON, WI - Law enforcement responsibilities in Menominee County have been returned to the Menominees and the federal government as of March 1.

news briefs

The proclamation, signed by Gov. Patrick J. Lucey, is one in a series of steps that must be taken to complete restoration of the Menominees to federal reservation status under the federal restoration act of 1973.

The proclamation will pave the way for establishment of tribal courts for minor offenses. Major crimes would be tried in federal courts.

Jurisdiction eyed

WASHINGTON - Legislation is before the Senate Indian Affairs subcommittee which would allow Indian tribes to assume jurisdiction over civil and criminal matters on their reservations.

Representatives from the Northwest favored the bill in a hearing before the subcommittee in March but the entire slate of witnesses from Nebraska opposed it.

Ralph H. Gillan, assistant attorney general for Nebraska, said federal mingling of "two peoples in the same geographic area, one of which is subject to one set of authorities, and the other to an entirely different set, can only lead to chaos and injustice."

Gillan said he also doubts whether such local tribes as the Winnebago, Santee Sioux and Omaha could efficiently handle their responsibilities.

Better to do away with reservations and fully integrate the Indian into society, he said.

Acquitted of murder

WASHBURN, ND - Donna Fox, 36, of White Shield, was found innocent March 22 of the murder of her husband last November.

Mrs. Fox was charged with a felony in the fatal stabbing of her husband Ralph, 35, last Nov. 22 in the home of Polly Dalby, Garrison.

The trial was presided over by District Court Judge M.C. Fredericks, Jamestown.

Mrs. Fox testified that she could not remember anything about the murder until her husband was lying on a couch in the Dalby home, bleeding.

If found guilty, Mrs. Fox could have received up to 20 years in prison.

Progress report

PIERRE, SD - South Dakota Gov. Richard Kneip has asked his department heads for assistance in compiling an inventory of accomplishments in Indian-non-Indian relations.

The report, written from the perspective of state government, would be due April 20 and a copy sent to Rochelle Smith, Indian affairs coordinator.

Trial scheduled

RAPID CITY, SD - Trial for two of four men charged with shooting two FBI agents last June will begin April 19 in U.S. District Court in Rapid City before Judge Andrew Bogue.

Robert Eugene Robideau, Portland, OR, and Darrell Dean Butler, 33, Siletz, OR, are charged with murdering agents Jack Koler and Ronald Williams June 26 on the Pine Ridge reservation as they attempted to serve assault warrants.

Robideau sentenced

WICHITA, KS - Robert Eugene Robideau, of Pine ridge, SD, was sentenced to seven 10-year and two five-year sentences to be served concurrently, in a ruling March 8 by U.S. District Court Judge Frank Thies.

Robideau, 23, and two companions were convicted by a federal court jury Dec. 11 of transporting illegal weapons from South Dakota to Kansas.

The other two, Keith C. DeMarria, 23, of St. Paul, MN, and Norman Charles, 19, of Port Angeles, WA, were placed on three years' probation.

Still with us

ROSEBUD, SD - Rosebud police were surprised when the corpse they were sent to investigate recently, sat up and asked what was going on.

The man, in his 90's, was accustomed to taking long naps at his home on the Rosebud Indian reservation, said Norman Beare, a reservation criminal investigator. Someone either was playing a trick on police or thought the old man was dead.

Law order update

WASHINGTON - New standards for maintaining law and order on Indian reservations are being ordered by Commissioner of Indian Affairs Morris Thompson.

The proposed regulations, which would apply to law enforcement programs run directly by the Bureau of Indian Affairs or under contract of grant, relate to misuse of the authority to make arrests.

The regulations call for more stringent standards in the use of firearms, minimum basic training and annual local in-service training, and minimum standards for detention facilities and jailer responsibilities.

Blackfeet sues tribe

CUT BANK, MT - A Blackfeet Indian has filed a \$100,000 libel suit against his tribe, alleging that the Blackfeet tribal business council maliciously defamed him in a letter it distributed.

William F. Bigsprings claimed in his suit that the council's letter accused him of fraud and deceit.

"A tribal government has immunity from suit," maintained Blackfeet attorney Phillip Roy.

The suit stems from a letter the council wrote regarding its breaking of a zoning agreement previously made with Bigsprings about plans to develop land he owns on the reservation.

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