

Fort Berthold  
Three Affiliated Tribes

Fort Totten  
Devils Lake Sioux

Turtle Mountain  
Chippewa-Cree

Standing Rock  
Sioux

Lake Traverse  
Sisseton-Wahpeton Sioux



## United Tribes News

Vol. 1 No. 8

Bismarck, N.D.

February 25, 1975



FINISHED

The sound study which will be used to determine whether or not UTETC should move was finished last week when officials completed the monitoring of the last of 18 separate locations on campus. Here Ken Kary, asst. director of laboratories of the State Health Dept., checks the sound level recorder used in the study.

### Skins meet state's best

# Scene set for tryout camp

Indian country's national amateur basketball team will face the North Dakota amateur Class A cage championship runnerups in a game here Sunday night.

The Indian team, to be picked at the National Indian Activities Association tryout camp held here this weekend will play the state team in its debut match prior to going on the road for the national Amateur Athletic Union.

It will then go on the road and travel to the national Amateur Athletic Union tourney March 23 in Baton Rouge, La.

The weekend tryout camp, sponsored by NIAA and UTETC, is an open meet. Coaches will match athletes in inter-squad games and then evaluate them, picking the top players to represent American Indians in a tour around the country and at the national meet.

All sessions are to be held at Wachter Junior High, 1107 S. 7th. The wrap-up game with the state team, sponsored by

KFYR-TV, is to be held at 7:30 Sunday night.

The team, until last year, captured the state amateur title for five years running.

All games and workouts are open to the public.

The Indian team is assured of a slot at the AAU tournament in Baton Rouge, according to NIAA president Ron Johnson, of Seattle, Wash.

"We set a precedent", Johnson said. "We went into the AAU with the idea we should get an automatic berth and the AAU, even though they knew it had never been done before and would set a precedent they might not want, went ahead and did it."

He explained that no amateur team in the nation, not a military team, has an automatic slot. That is until now.

"They said it was because they wanted us in there", Johnson said.

Last year's Indian All-Stars averaged 6' 3", with all 11 team members over 6-foot.

Coaching staff for the Indian country team includes Lee Demert (Klinget-Sioux), current coach at Sheldon Jackson Junior College, Sitka, Alaska, who will be head coach, and Jim Lawrence (Chippewa) as assistant coach.

They and other qualified local coaches and qualified persons will be the judging panel.

More than 50 athletes are expected to show up and participate in the tryout camp,

according to Dick Bad Moccasin, camp coordinator.

The camp is the first of two major national sporting events to be held here in the next few months.

On April 9-12, United Tribes will be sponsoring the second annual All-Indian National Basketball Championships in the Mary College Arena here.

Bad Moccasin also announced

(See P. 8)

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TO:

# Fuel price rises hurt 'res' housing projects

By KIRK GARCIA

Housing directors all over northern Indian territory are hoping the mild weather will keep up and keep their housing projects from disaster.

The problem is that rising fuel costs, which have gone up along with general spiraling petroleum costs, have pinched housing budgets and, according to some spokesmen, federal regulations which have set a ceiling on the housing program's incomes.

"We're in pretty much of a bind," says Lloyd LaBeau, area spokesman for the National American Indian Housing Council, a nationwide organization of reservation housing directors. "We'll be in tough shape if it cools off anymore."

LaBeau, who is also director of the Cheyenne River, S.D., Housing Authority, said housing officials throughout the Dakotas have had all kinds of problems getting money to pay for the fuel needed to keep their people warm.

One big problem, he said, is an amendment added to the Federal Housing Act of 1974 by Sen. Edward Brooke of Massachusetts which limits the amount the projects can charge low-income residents to one-quarter of their

income, including welfare.

In a lot of cases, LaBeau said, "this isn't even paying for our lights."

Propane, one of the most widely used fuels in the projects, has doubled in price in the last few years, he said. It now goes for \$.30-.34 per gallon.

Going further back, "I remember when we used to pay \$.11 for it," LaBeau said.

Speaking for his own program at Eagle Butte, he said the project has been borrowing a lot of money from local banks. He has about 340 homes, mostly in cluster sites, that he pays heat for and expects a deficit of about \$16,000 per month. This year bottle gas alone has cost about \$67,000.

LaBeau said the National Council, which has formed last year in response to the heating cost problem, has received many promises from Washington including a promise of a subsidy which will take care of the fuel price rise.

"We've been waiting for that money now since last year," he said. "If something isn't done or that subsidy doesn't come through soon, almost all of the projects will be in trouble."

Part of the problem, LaBeau said, is that the subsidy money is included in the 1974 fiscal year

funds that the President has impounded.

It's the same in North Dakota too, possibly worse since the housing programs have felt the cold bite in even deeper.

Fred Monette, housing director at Belcourt in the Turtle Mountains, says the only reason he can keep operating is that his program has about \$60,000 received from an insurance claim.

But the insurance company has now doubled its rates and the program had to get an administrative loan to pay the premiums.

"I don't know how the hell we're going to pay it back if we're running into the hole anyway," Monette said.

Heat has run about \$9,000 a month for the last three months for the 140 units under his control. It will cost about \$34,000 over budget.

"We're in bad shape," he said, and added the difference will have to be made up from somewhere. It's possible the project will quit doing maintenance work on the homes.

The subsidy is badly needed, Monette said. He also said what he would like to see is the North Dakota welfare schedules changed so that welfare recipients get rent "allowances," rather than fixed payments or flat grants.

This is done in many other states, he said, and would make the difference here.

Obert Skedsvold, housing director for the Three Tribes at Ft. Berthold, says the fuel pinch has driven his program "near bankruptcy."

Last week, he had auditors in to try to find out just how deep in the hole the program is, but estimated his heating costs were about \$85,000 over the year before.

The situation is much the same at Ft. Yates on the Standing Rock Reservation, and at Ft. Totten, Devils Lake Sioux Housing Director Jerry Cavanaugh, said he expects a deficit of about \$44,000 this year for the 209 units under his control.

An editorial

# Does tribal council meet people's needs?

OUR CHANGING TRIBAL GOVERNMENTS ...  
ARE THEY CHANGING?

Tribal governments have presently reached a point of development in a society where continuous change is taking place. A situation has resulted from this constant transition in that tribes must act quickly and effectively as the Indian population increases, while simultaneously individual tribal members are demanding more. The powers of tribal government increase, and the Bureau of Indian Affairs thus sits in an advisory capacity, causing the role of the BIA to become increasingly difficult, and less effective. Few, if any, moves are made without tribal approval and very often you will note the BIA staffers accompanying a tribal chairman, or in the company of a tribal delegation.

Constant change is present in other areas in tribal government; we continue to surpass past accomplishments at a high rate of speed. On many of our reservations we no longer are subjected to dirt roads; many have cars and a pick-up, or both; housing is somewhat better than it used to be — all in an era in which these changes have been initiated. In addition our population continues to shift and redistribute itself.

Tribal governments are directly affected by change. The new demands of reservation development, housing, social problems are mandates to which tribal leadership must respond.

Legally, tribes have altered their constitution and by-laws to insure that part of these demands are met. There's been an attempt by several tribes to deal with jurisdiction, thereby up-grading their Codes of Justice. Many tribes have never accepted these new ideas and continue to resist the desires and needs of the people they serve.

Socially, tribes are faced with demands from a diversified society, never before have Indian communities required attention to their needs as they are doing now. The tribe which is responsive to local needs and, at the same time, is geared for the continuing change is indeed, unusual.

As tribal councils face change internally and externally, pressure to alter traditional organizational structures increase. To cope with the changing society and the changing Indian, whether it be forward or back to the "blanket", a better management model would be in order.

Tribal councils must realize that they are directly connected to community needs if they are to respond to the changing norms. An unresponsive tribal government often reflects an unhappy constituency. It is almost impossible to continue in the face of inflexibility with the environment. To gain this kind of advantage, the tribal councils must elect to change and keep an open communication flow.

Has the traditional tribal council served the needs of their constituency? For in the final analysis, this is the reason for a tribal government of the people.

### ALASKA-CANADA PIPELINE PLANS ANNOUNCED

The Alaskan Arctic Gas Pipeline Company has filed cost estimates with the Federal Power Commission for a projected Alaska-Canada pipeline, which will run from Prudhoe Bay in Alaska to the Canadian border on the Yukon and down the Mackenzie River Valley in Canada to the U.S. BORDER. Costs for the 200-mile Alaskan

segment are estimated at \$590 million and the 2,400-mile Canadian segment is estimated at \$5 billion. The timetable sets pre-construction activity on the Alaskan portion for 1977. The laying of pipe will begin in November of 1977. The pipeline is slated to be completed by mid-1980.



# Court declares Choctaws lost their tribal character

By SUZAN SHOWN HARJO

WASHINGTON, D.C. (AIPA) — The Mississippi Band of Choctaw Indians is not a tribe, according to a Dec. 13, 1974, Fifth Circuit Court of Appeals ruling by Judge James P. Coleman, who determined that "the tribal character of Choctaw Indians in Mississippi came to an end when the United States Senate ratified the Treaty of Dancing Rabbit Creek in 1831, and the Mississippi Choctaws did not become a tribe and live on a reservation as result of the Wheeler-Howard Act of 1934 and proclamation of the Department of Interior issued in 1944."

In its broadest sense, Coleman's 19-page opinion questions the tribal status of not only the Mississippi Choctaw, but all tribes not recognized at the time of the Wheeler-Howard or Indian Reorganization Act. "It's a terrible opinion," said one BIA official, "it's not clearly written or very well researched. It could be implied that as many as 30 tribes could be affected by this ruling, if it's allowed to stand, but it's difficult to say because it's not clear what standards the court is using."

"There's no precedent for this ruling, and it looks like the judge has a little bad law there. The Indian Reorganization Act gave the Secretary of the Interior the

authority to determine what groups of Indians were a tribe and were entitled to vote, and he could also set aside lands for them. And he did so. He made a determination that the Mississippi Choctaw were, in fact, a tribe."

The Mississippi Choctaw Tribal Council passed a resolution Dec. 17 to oppose the Fifth Circuit Court's decision, and a motion for amendment of opinion was filed Jan. 23 by the Justice Department requesting removal of all language regarding the legal status of the Mississippi Choctaw as a tribal entity.

The ruling originally arose from a tax case, *U.S. v. State Tax Commission of the State of Mississippi, et al*, involving the Chata Development Company. The state claimed that Chata was private company, separate from the Choctaw Tribe, despite the fact that all Chata directors were tribal members. The state charged the corporation \$19,161 in back taxes for a construction contract given to the company by the Tribal Council and the Choctaw Housing Authority.

"On May 18, 1972, the United States rode into the fray," read Judge Coleman's opinion. "It brought suit on behalf of the Mississippi and to enjoin the Tax Commission from assessing, collecting, and attempting to collect sales taxes from the Development Company and the Authority ... The United States District Court for the Southern District of Mississippi at Jackson, William Harold Cox, J., entered judgement granting a permanent injunction, and the Commission and the sheriff of Neshoba County appealed ..."

"Appellant State Tax Commission argues that the United States had no lawful authority to bring this action, that the District Court lacked jurisdiction of the parties and the subject matter, and that if a controversy existed it was for the state administrative and judicial determination, rather than federal ..."

"In these circumstances, applying Mississippi law, we hold that Chata was entity separate

and distinct from the Mississippi Band of Choctaw Indians, the group named as the beneficiary of the exemption in Mississippi Sales Tax statutes. The United States was attempting to lend its name to a suit on behalf of a private corporation and was not the real party in interest ...

"Deciding the case before us, and purely in a jurisdictional context, we must reject the assertions of the United States that 'The Mississippi Band of Choctaw Indians is an Indian tribe' and 'The Tribe (is) situated on the Mississippi Band of Choctaw Indians Reservation and in Indian Country in Mississippi over which the United States has exclusive jurisdiction. ... The judgement of the District Court is reversed, and remanded with directions to dismiss the complaint ..."

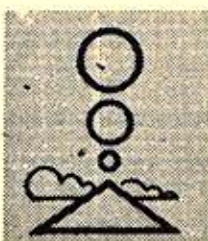
Submitted by the Justice Department, the Jan. 23 motion to amend opinion reads, in part,

(See P. 7)

### "MOST IMPORTANT INDIAN LEGISLATION SINCE 1934"

On Jan. 4, President Ford signed S.1017, the Indian Self-Determination and Education Assistance Act of 1974, sponsored by Senate Interior and Insular Affairs Chairman Sen. Henry M. Jackson, D-Wash., and it was immediately heralded by Washington insiders as the "most important Indian landmark legislation since 1934," during the Indian New Deal of Commissioner John Collier.

BIA Commissioner Morris Thompson, who views the new contract enabling act as one which will characterize his remaining years at the Bureau, immediately created a BIA Implementation Committee on the act, headed by Personnel Chief Abe Zuni. Yet undecided was whether the BIA would request supplemental appropriations of at least \$35 million authorized in the act for new school construction. The bill authorizes tribal takeovers in vast fashion and includes major innovations in the educational field.



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**Legislative scout**

# Jurisdiction again an issue

Here are other Indian-related bills before the North Dakota State Legislature not thus far reported by **United Tribes News** or new action on other bills:

**Jurisdiction**

HB1209 — This bill caused considerable consternation among some tribal members when it was discovered.

It allows the N.D. Governor to accept legislative jurisdiction over lands owned or controlled by the U.S. when the federal government relinquished its jurisdiction.

According to a Indian Affairs Commission office spokesman, the office had received calls expressing doubts about the bill's intention as regards Indians.

The bill said the jurisdiction transfer was to apply only to "non-Indian lands" but doubts were over whether this was specific enough.

John Adams, asst. attorney general, told **United Tribes News** this bill was introduced at the request of the head of the Veteran's Administration Hospital in Fargo and had no intent whatsoever in regard to Indians.

He said he only included a mention of Indians in the bill because he "knew we had this long-running thing over jurisdiction on Indian lands."

"So I made up something that specifically excepted Indian lands," he said.

Adams said the bill refers to "Indian lands" rather than using

specific language such as "within the boundaries of Indian reservations" and said he feels the general legal interpretation of "Indian land" to be much the same as "Indian Country."

The bill has passed the house and is in Senate committee.

**Devils Lake Basin**

HB1587 — This creates a "Devils Lake Basin Advisory

Committee" and among its 14 members is a representative to be designated by the Devils Lake Sioux Tribal Council.

The committee is needed, the bill says, to establish planning for

the Devils Lake basin which, with other natural resources of the basin, is "threatened with deterioration or degeneration."

The bill has passed the House and is in the Senate Natural Resources Committee.

**Farm Loans**

SB2461 — This would set up procedures for making farm loans to Indians, was heard before the Senate Agriculture Committee Feb. 13.

Introduced by Sen. Stanley Wright, (R-Stanley), the bill provides for the state's acceptance of Bureau of Indian Affairs land titles and guarantees loans will be repaid.

The BIA credit officer from Newtown on the Ft. Berthold Reservation spoke in favor of the bill, saying passage of proper tribal ordinance, such as that the Three Affiliated Tribes has passed in regard to credit from off-reservation banks would insure tribal members could be bound to repay loans.

August Little Soldier, Golden Valley, also spoke in behalf of the bill, citing problems he has had in meeting farm loan requirements.

One requirement, he said, is that an abstract of a title be furnished. In Indian country, the BIA issues status reports and these must be updated to find out who the original owner was in order to satisfy the state.

(See P. 7)

## Off-reservation health bill defeated in N. D. Senate

"A Bill for an Act authorizing the state social services board to contract for off-reservation Indian health care, and providing an appropriation, #2438, has been indefinitely postponed by the North Dakota Senate. Appropriations requested, totaled \$940,000.

The bill would have provided an estimated 1,860 non-reservation Indians with the needed health care they can not afford now, according to Robert L. Sullivan, PhD, author of "Some Alternatives for Providing Off-Reservation Indian Health Care In North Dakota" and director of special projects at North Dakota State University in Fargo.

Dr. Sullivan completed a population survey, finding a "best-estimate" statewide total of non-reservation Indians to be 3,914. The 1,860 members of the target group were derived from this number, limiting eligibility to "permanent" off-reservation

residents, families and individuals who have no other means of obtaining health care and those Indians who are legally enrolled members of an Indian tribe or reservation.

This would eliminate those persons living off the reservation who are attending a university or vocational-technical school or are considered seasonal workers, living only part-time off the reservation. It also eliminates those receiving Aid to Families of Dependent Children, who receive medical care under the AFDC system, people with medical insurance through an employer and those with private insurance or sufficient means.

The target areas are the urban counties of Ward, Williams, Grand Forks, Morton-Burleigh and Cass. Members of the target group would be Indian families with annual incomes of \$4,000-9,000. The health plan provided for them to pay a small amount of the cost, with 94 per cent being provided by the state, according to the report.

Dr. Sullivan and Juanita Helphrey, newly appointed commissioner of Indian affairs, spoke on behalf of the bill. Helphrey explained that having the state provide the funding would allow the health plan to become a pilot project which might later be picked up by a federal agency. "The federal government," she said, "has no program for urban Indians and the success of this program might have encouraged them to do something."

Dr. Sullivan said that he had hoped, too, that this Indian health care plan would have served as a springboard for court action to solve the off-reservation health problem. The Indian Health Service presently provides aid only to reservation Indians. Sullivan said they do not have sufficient funds to support an off-reservation service.

Helphrey and Sullivan both

said they thought the Senate had refused the bill because it didn't consider the poor Indian to be having any more of a problem than the poor white and no aid is being given to them. Helphrey agreed "the poor whites are being neglected too." Sullivan said that he did not think this was a point for postponing the bill.

"The state legally has no obligation to fund this program," Sullivan said, "it was suggested and presented out of humanitarian feelings." It's important for people to know how bad this situation is, he said. "We would like to get a resolution passed by the Senate deploring the health care situation. It could be a first step toward changing the long-standing federal practice of not fulfilling its treaty obligations to Indian people on the basis they have left the reservation."

## Legislative Council may take up study of 'res' jurisdiction

A resolution which would direct opening of a study into the Indian jurisdiction question has passed two of its major hurdles in the N.D. State Legislature.

Rep. Art Raymond, (R-Grand Forks), an Oglala Sioux, said House Concurrent Resolution 3062, directing the Legislative Council to "study the jurisdiction of state, tribal and federal governments in North Dakota", was given a "do pass" recommendation by the House State and Federal Governments committee.

It then traveled to the House, where it was referred to the Legislative Council Resolutions Committee which will meet sometime this week or next to decide which of a number of studies recommended in various resolutions will be undertaken.

The resolution states "cooperation and coordination between the state government and the tribes on the four reservations within the state is necessary for the mutual benefit of all Indians and non-Indians residing in North Dakota" and that, while the state has in the past made some attempts to study and become involved in Indian Affairs, its efforts have been "hampered by serious jurisdictional problems involving the state, federal and tribal governments."

The Legislative Council, if directed to study Indian affairs, would hold meetings sometime in the interim between now and the next legislative session, calling upon Indian Commission, tribal representatives and citizens for aid, and would report its findings and recommendations to the next legislature.

The resolution was one of several matters dealing with Indian affairs that grew out of a special meeting held early this month by legislators, tribal members, United Tribes representatives.

That meeting was held the night before the deadline for introduction of bills because some people were concerned Indians were not being adequately heard from the legislature in this session.

At the meeting, it was said that the jurisdiction problem is one of the major stumbling blocks in relations between the tribes and other government units and that something must be done to plug the great gaps left in the law by the conflicting jurisdictions.


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### Buffalo chips and news briefs

#### A 1975 PACKAGE FROM PRESIDENT FORD?

Top Ford administration sources tell AIPA that President Gerald Ford will soon announce his own package of Indian bills, together with a special Ford Indian message now in the making, about mid-February or early March. Among the expected Ford initiatives: amendments to the 1968 Indian Civil Rights Act which has produced countless suits against tribal sovereignty, creation of a President's Committee on Indian Matters in the White House, and initiatives on the consolidation of Indian lands. Administration officials in the Office of Management and Budget, Interior, BIA and Justice are now at work on the anticipated Ford message, prepared to signal continued presidential interest in self-determination without termination.

dominate Indian interest for the next two years, may spring significant news leaks, and depending on the quality and kind of its task force members, may tackle the major unresolved Indian questions of this time. It is likely that Congress will pass no major legislation concerning Indian affairs before the final conclusion of the Commission.

#### NAVAJOS PLAN SAVINGS & LOAN ASSOCIATION

By the end of the year, according to Gene Jones, Asst. Vice-president of the Navajo Savings and Loan Assn., the first such operation to be established on a reservation is expected to be open for business at Window Rock, Arizona. Jones says plans call for a mobile office at a shopping center there within three months.

#### TIMETABLE FOR INDIAN POLICY REVIEW COMMISSION

The American Indian Policy Review Commission, signed into law Jan. 4, now has its first three members — Senators Mark O. Hatfield, R-Ore., Lee Metcalf, D-Mont., and James Abourezk D-S.D., who proposed the Commission to Congress and who will probably be the body's chairman. In early February three Representatives will be named to the Commission, which will conduct a comprehensive review of Indian policy and programs.

Also to be selected (by now undertermined criteria) are three federally recognized tribal members, one state or rural member and one urban Indian member. Informed persons on the Hill say top Indian affairs congressional people are evenly split on the question of whether or not the Commission's staff director should be an Indian.

Indian persons who are interested in serving on the Commission staff should send resumes to: American Indian Policy Review Commission, Sen. James Abourezk, New Senate Office Building, Room 1105, Washington, D.C., 20510, Attn. Peter Stavronos. The Commission itself is expected to

### Outlines present and future needs

# Tribes seek water study

The Three Affiliated Tribes are seeking a water resource inventory and study of tribal water needs on the Ft. Berthold reservation.

These studies are the first step toward insuring the tribes will not lose out in the current rush over water allocations from the Missouri River, according to Ralph LePera, United Tribes General Counsel.

Three Tribes has authorized bids for the study and has filed notice with the North Dakota State Water Commission that it lays claim to the waters of the Missouri.

The tribes are members of the Native American Natural Resources Development Federation of the Northern Great Plains.

That group last year called for an end in federal allocations of water in the northern plains region to allow Indians time to obtain data on tribal resources.

"One of the reasons all the tribes want these studies done is to be able to put themselves in

the position where they have quantified all their needs," LePera said.

He said according to the "Winters Doctrine", legal precedent developed out of the landmark 1908 case, Indian tribes have been held to have "Prior and paramount" rights to water on their lands.

One proposal for a water resources inventory has already been received by the tribes.

Submitted by Hurlbut, an engineering firm from Kersich and McCullough Billings, Mont., the proposed inventory would attempt to show the "quantity and quality" of Ft. Berthold Water resources as well as outline present and future needs of the tribe itself.

The firm would divide its analysis into two phases.

The first would outline the water resource base of the reservation, including all existing wells, springs and diversions (accurate records of these are not kept by the State Water

Commission.

Drainage basins would also be analyzed and inspected, climatological data gathered, and quantities of surface and ground water available would be estimated.

Also, quantity of water available, as affected by potential industrial demand, would be reviewed in terms of its effect on the present and historic hydrology of the area.

The firm's proposed study would also provide assistance in establishing future hydrologic monitoring networks and, as an optional section, research government records in an effort to establish the agricultural base of the reservation before flooding by Lake Sakakawea. Conclusions would be made as to the adequacy of the settlement made between the government and the Three Tribes.

Phase II of the proposed study

would be an identification of present and future water requirements of the tribe and would estimate population trends, potential industrial development, irrigation, fish and wildlife and make projections about future needs for water in these areas.

LePera said the firm's study is a good example of what should be accomplished by a water study.

The point is, he said, that the tribe must make sure it has outlined its needs, so it won't be left out when water is allocated. "Everyone is finding out what they need today and in the future," he said. "We're in a position where we may have to fight, but right now there's enough water for everybody."

Prior to now, little has been done about studying the needs of the tribes. The BIA area office in Aberdeen only recently hired an engineer.

## Berthold tribe holds community workshop

Ft. Berthold elders, government and tribal workers and tribesmen gathered Feb. 7-8 for a special Community Development workshop at the Four Bears Motor Lodge.

Sponsored by the Tribal Education Committee, the workshop was for hearing of all tribal committees and their work and was billed as a opportunity for tribal members to participate in tribal planning for the Three Affiliated Tribes.

Resources, education, law and order, roads, cultural awareness and community involvement were some of the topics covered by workshop sessions. Government and tribal workers in those areas led off discussions.

The object of the program was to air grievances and problems and at the same time invite everyone to offer solutions and work out answers, according to Vance Gillette, tribal education officer.

The object was not to have just another "gripe session", according to Carl Whitman, who helped organize the workshop, but to get some real input from the community on tribal decisions.

#### INDIAN ACCESS TO NON-IHS HOSPITALS AFFIRMED


HEW Secretary Caspar Weinburger announced on Jan. 7 that Indians could not be refused health or medical services in state, local and federal agencies. According to these new guidelines, Indians will be able to receive medical services through Medicare, public assistance and other programs. All health institutions which receive federal support are now obligated to

serve Indian patients under these new rules. Indians attempting to get medical help were often referred to distant Indian Health Service Hospitals in the past by state and local officials. Sec. Weinburger noted that this was a violation of the 1964 Civil Rights Act which prohibits use of federal funds for programs that discriminate as to race, creed or color.

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**CREEPIN' BY**

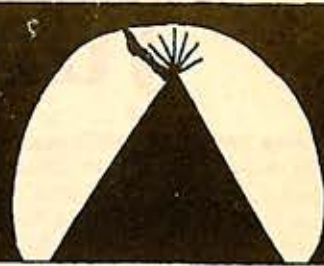
BY **R. VAN NETT E. '75**

"COME, READ TO ME SOME POEM, . . . . SOME


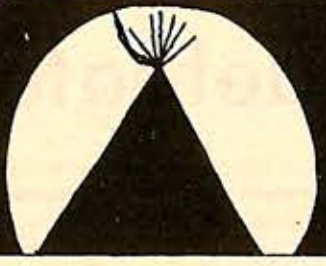



SHALL SOOTH THIS REST-LESS FEELING, AND

SIMPLE AND HEARTFELT LAY, . . . . THAT

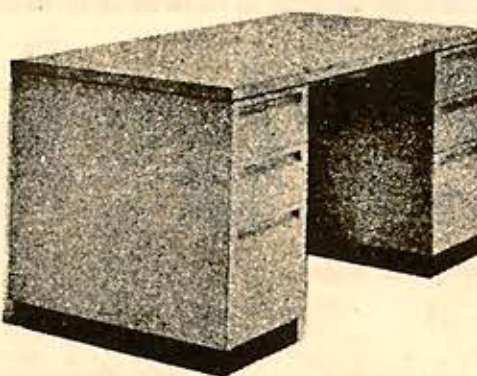



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# UTETC police grad sticks to it

Most of the time an "average" citizen feels that he has little control over what goes on in his community and especially little control over what he hears and sees recorded about his community in the media, print and electronic.

A common complaint heard by those responsible for what does go on the six o'clock news or in the final run of today's edition is, "Why don't they ever tell the good news or tell us about the people that are doing good?"

Such was a request submitted to United Tribes News. It came in the form of a letter, sent anonymously, signed by "some former students." These students explained in the letter that while attending UTETC, they had failed to make it and "didn't have the gall to hack it and finish."

They were recommending someone to be interviewed on "Indian Country Today," a half hour talk show on KFYR-TV, channel 5, Bismarck. The former students said they had gone to school with Guy "Butch" McLaughlin in

1971 and were "proud of him" because he stuck to it and finished, where they failed. Because of their urging, McLaughlin did appear as a featured guest on the show Feb. 22.

McLaughlin is an officer in a patrol unit for the the Bismarck Police Department. He has been working there since graduating from the police science vocation at UTETC in 1971. McLaughlin said he finished the program at UTETC in six months, rather than 12, because his instructor encouraged the students to work at their own rate. He said he also earned his GED.

Born in Aberdeen, S.D., and reared in California, McLaughlin served in Viet Nam and was stationed in Ft. Riley, Kan., before applying at UTETC. He said his aunt and uncle told him about the school. "I recommend UTETC to anyone who is eligible to go," said McLaughlin, "it opened new fields for me and gave me an opportunity to apply my own thoughts and learn techniques

of law enforcement."

"My job, like any job, gets boring at times. It's nothing like you see on TV in Adam 12. I've had a few chases, but what I like best about the job is being able to help people when they want or need help." McLaughlin said he also liked the job because it gives him an opportunity to work with all people.

Offering advice to other students, he said, "You have to have the desire to make it. If the first thing that comes up, makes you want to step aside, you will. Secondly, I think you have to like what you're going into in order to stick to it."

McLaughlin said he felt the Personal Development classes at UTETC were very important. "When you come off the reservation," he explained, "you tend to be withdrawn and shy." "In Personal Development they teach you how to speak to others and to groups, which helps you to become more outward.

"To be able to really get effective," McLaughlin said he thought, "a person should live off the reservation for a while before going back to it." He also said, employment off the reservation, where an Indian could experience working in a mixed population, would help in understanding prejudice and give an Indian a chance to learn to be himself.

McLaughlin is married to an Oglala Sioux from Pine Ridge, S.D. He and his wife, Lois, have two daughters and reside southeast of Bismarck.

## Ft. Buford chairman dies Feb. 7

### Henry LaDue

WILLISTON — Henry Alexander (Tody) LaDue, 58, Trenton; chairman of Fort Buford Indian Development

### \$10 MILLION TO PROMOTE INDIAN BUSINESS THROUGH JUNE 30

The Indian Business Development Program, established by Title IV of the Indian Financing Act of 1974, has received a \$10 million appropriation for the fiscal year ending June 30, 1975, according to the Jan. 10 BIA release, "to promote Indian-owned profit-making businesses that benefit Indian reservations and communities. It provides equity capital through non-reimbursable grants, which cannot exceed 40 percent of the total financing required or \$50,000 — whichever is the lesser. Also, grants can only be made to applicants unable to find adequate financing from other sources." The regulations were published in the Federal Register and made effective on Dec. 27, 1974. Application forms and information may be obtained from BIA Agency Superintendents.

### JACKSON PRESSES FOR FUNDING OF THE INDIAN FINANCING ACT

Sen. Henry M. Jackson, D-Wash., wrote a letter to Interior Sec. Rogers Morton Jan. 16 asking why the Interior Department was delaying implementation of the Indian Financing Act. Sen. Jackson noted that the bill had been signed into law April 12, 1974, but since that time only one section of the act, the Indian Business Development Program, had been implemented. Jackson urged Interior officials to implement the revolving loan fund and insured loan sections of the act as soon as possible.

Corporation, died Friday. Funeral Monday at 10 at St. Joseph's Catholic Church, Williston. Trenton Cemetery. Rosary 8 p.m. Sunday at Everson Funeral Home chapel, Williston.

Born Nov. 17, 1916, at Mondak. Was reared in Trenton area. Married Elizabeth Jane Falcon Nov. 17, 1938, at Williston. They made their home at Trenton. During World War II, he served in seventh division of U. S. Cavalry. After his discharge, he returned to Trenton, where he had lived and worked since. Known for his work for Indian rights and in community, school and Indian affairs in Trenton and bi-state area of western North Dakota and eastern Montana. Member St. John's Catholic Church and school board, both at Trenton.

Survivors: wife; four sons, Butch, Chum, Mac and Henry Jr. (Chig), all of Trenton-Williston area; five daughters, Mrs. Ten (Janice) Johnston, Mrs. Walt (Fee) Moran, Jane (Mutch) Vondal, Mrs. Richard (Phyllis) Carnes and Mrs. Kermit (Elaine) Lee Jr., all of Trenton-Williston area; 23 grandchildren; six sisters, Mrs. Madeline Jagger, Glasgow, Mont., Mrs. Viola Tsoo, Wolf Point, Mont., Delma Pippinger, Sioux Falls, S. D., Mrs. Robert Mattingly, Bainville, Mont., Flora Davidson, Stanley, and Virginia Pippinger, Great Falls, Mont.; and three brothers, Levi Pippinger, Great Falls, and Robert and David Pippinger, both of Williston. Friends call at the funeral home Saturday from 1 to 5 p.m., and Sunday from 1 to 9 p.m.

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Dianna Surface

Leona Small

# Sioux chairman talks to grads

Members of the United Tribes Board of Directors took part in graduation ceremonies Feb. 20. Jerry Flute, tribal chairman of the Sisseton-Wahpeton Sioux and secretary of the board of directors, gave the graduation address. He stressed a need for the students to take their skills back to the reservations.

Students graduating were: Thomas Walks in building trades; Georgia Walks, the first student at UTETC to receive completions in two vocations, nurse aide and food services; Marlene White Horse, Pauline Nephi and Ruth Morgan in human services; Gaylen Morgan, welding and Harold Thompson in automotive.

Vocation incentive award winners were: Amos Spotted Calf,

auto body; Voyd Eagleman, automotive; Clyde McHugh, building trades; Dianna Surface, business clerical (she also tied with Leona Small for student of the month, receiving other awards in social services with her husband, James, personal development and perfect attendance).

Georgia Walks, food services; Nathan Dogskin, human services; Pauline Eagleman, nurse aid; Raymond Hawk, police science; Cora Baltazar, painting and William Garcia, welding.

Personal development winners were Leona Small, Kenneth Loudner and Jessica Shane, three way tie for first. Gloria Yankton and Virginia Free tied for first in adult education; Juanita Garcia took second place. Leona Small received the women's dorm award and Delbert Crow was awarded for the men's dorm.

Perfect attendance: Raymond Hawk, Cecelia Loudner, Judy Lilley and Kenneth Loudner. Missing eight hours or less: Leona Small, Lou Vigil, Louis and Corrine Felix, Clyde McHugh, Gary Miner, Jessica Shane, Tom and Alberta Takes Enemy, Juanita Two Hearts, Tom Walks, Genevieve Spider and Gary Miner.

Elementary staff and students were hosts for the ceremonies conducted at Theodore Jamerson Elementary.

November and was named Women of the Month by the Women's Club the same month. She is active in the Women's Club and is vice president of the dorm council.

Dianna Surface is a business clerical student from Fort Peck, Mont. Before coming to UTETC, she was working as a clerk-typist in the Manpower office at Poplar, Mont.

Reading and crocheting are the hobbies she likes to do in her off-time at school. She said she found it hard to find couples her age to mix with socially as most of the people her age are single.

She received awards in her vocation, for perfect attendance and she and her husband, James, a police science student, were given the social services award for January. They are to be graduated in May and would like to be placed in Oregon. Small said, they chose Oregon because, "It is far away from the reservation and a nice place." She is a graduate of Brockton High School in Brockton, Mont.



Jerry Flute

# Getting award was 'shock'

Leona Small and Dianna Surface tied for Student of the Month in January. Both women received three incentive awards apiece, together accumulating awards in vocation, personal development, social services, women's dorm, perfect attendance and missing eight hours or less.

Small is from Ft. Belknap, Mont., majoring in the human services vocation. She is presently attending classes in psychology and sociology at Mary College with 13 other students in human services. "I don't feel out of place

there," said Small, "because I have attended public schools in the past and have learned to overlook things that bother other students. I'm not going to school to please other people, so I don't let them bother me."

She received awards from personal development, women's dorm and for missing eight hours or less of class time. "I was really shocked when I heard I gotten student of the month. I asked, how did I do that?" Small said she likes to crochet, embroider and do homework in her spare time.

Small said what she liked least was living in the dorm because there was so little privacy, the music was too loud and no one seems to follow the rules. She said it was very hard for her to study there and she was glad they have started opening the library at night. "They should have it open all the time for people who want to study."

"I would like to get a job as a matron in a boarding school. I am used to being around children and would like to work with them."

She completed her GED in

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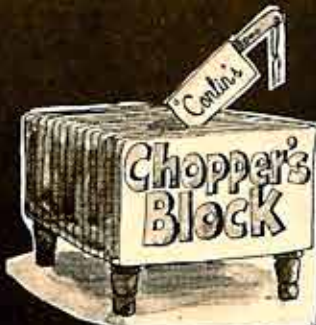
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# ● Court declares Choctaws lost

(Con't from P.2)

"The portion of the opinion headed 'The Status of Choctaw Indians in the State of Mississippi' need not have been rendered to reach the decision made and affects not only the Mississippi Band of Choctaws, but also many other tribes which have been organized under the Indian Reorganization Act of June 18, 1932 . . . The status of those tribes, and the authority of the Federal Government and the tribes themselves to assert both civil and criminal jurisdiction over their reservations, have been put in doubt by the portion of the Court's opinion referred to above. Moreover, that section of the opinion is clearly erroneous in several respects:

1. The existence and recognition of Indian tribes is a matter for Congress and the Secretary of the Interior, who has been delegated that authority, and is not reviewable by the courts, any more than a determination to recognize the existence of a foreign government would be subject to judicial review . . .
2. The Court erroneously focused on only a portion of the IRA and ignored the import of

two other relevant statutes: (a) Act of May 25, 1918, 40 Stat. 573, which provided authority for the United States to purchase land for the use and benefit of Choctaw Indians in Mississippi; and (b) Act of June 21, 1939, 53 Stat. 851, which declared title to such lands to be in the United States in trust for the Mississippi Choctaws.

"Finally, Section 7 of the IRA, 25 U.S.C. sec. 467, authorized the Secretary to proclaim lands purchased for the Mississippi Choctaws to be a reservation, which he did in 1944. These statutes, when construed with the 1944 proclamation by the Secretary and his recognition of the Tribe through approval of its constitution (together with the Department of the Interior's administration of program benefiting the Mississippi Choctaws), demonstrate that both Congress and the Executive have exercised their authority recognizing the existence of the Tribe and the reservation. It was thus improper for the Court to inquire further into the matter.

"3. . . the Court's analysis of the IRA is erroneous. Its

conclusion focused on that Act's definition of the term 'Indian' as including 'persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation' . . . The Court completely ignored the remainder of that definition, which states that the term 'Indian' shall further include all other persons of one-half or more Indian blood.' This provision completely undermines the basis for the Court's conclusion that the status of the Band had to be established as of June 1, 1934.

"Insofar as the Court may have relied on an absence of sufficient evidence of recognition between the 1830 Treaty and the IRA of 1934, we suggest that the record is replete with such evidence, although the issue as such was not before the district court."



# Public defender bill passes House

House Bill 1465 — This bill, which would create an office of a "public defender", was heard before House Judiciary Committee Feb. 12.

Introduced by Reps. Art Raymond (R-Grand Forks and Myron Atkinson R-Bismarck), the bills asks for four full-time and four part-time public defenders who would defend indigent clients before state courts.

Atkinson told the Committee the bill was an outgrowth of a three-year pilot program centered in Bismarck. He said this program got its start when the U.S. Supreme Court ruled all individuals have a right to a defense in court.

Advantages of the system, he said, are that it provided a better quality of defense for those who couldn't normally afford it, and is economical for the individual counties, too, since a serious court case can run up a bill of thousands of dollars for the county when a court-appointed lawyer defends someone.

Ben Pulkrabek, asst. public defender with the pilot program, described the program and its

success. The program is centered in Bismarck and runs with local and federal funds. It serves a number of south central counties in the state, including Sioux County.

He said the program has proven beneficial in reducing costs to the county, as well as in aiding indigent people get a good defense.

"I believe incompetency of counsel is one of the main reasons of appeals today," Pulkrabek said. "If you have someone with expertise, you eliminate many of the problems."

He said average cost of defending a case for the public defender is about \$89, while the county might spend an average of about \$328, if it used a court-appointed lawyer.

The bill asks an appropriation of about \$365,000. A similar bill was introduced in the last legislative session but asked an appropriation of about \$500,000.

Pulkrabek said that bill asked for a "Defender General" while the present bill is a more "bare bones" measure asking only for the essentials.

The bill was passed by the house.

# ● Legislative scout

(Con't from P.3)

Little Soldier said he, for example, had to spend about \$3700 on abstracts in one case to find the original owner of one piece of land. "It would have saved me to do without that whole process," he said, because he had to trace that land through about 15-16 hands.

He said he was in favor of the bill. "A lot of these things have to be changed around to meet the present-day situation."

The bill passed the Senate and is now in the House Business, Industry and Labor Committee.

### Curriculum

SB2383 — This bill would have set aside a budget of \$102,760 and directed the State Dept. of Public Instruction to use this money to contract with the American Indian Curriculum Development Program at UTETC for the development of Indian curriculum for all schools in the state.

The bill was given a recommendation for "indefinite postponement" by the Senate Appropriations Committee and was killed on the Senate floor, despite testimony by witnesses that it was something which would help all children in the state.

### Commission Budget

HB1003 — This is the appropriations bill for the Indian Affairs Commission and has passed the House as amended and is now in the Senate Appropriations Committee.

Originally, the Commission was asking for an increase in appropriations of about 359%, or close to about \$400,000.

The bill was amended and the budget request pared down to \$158,029. This represents an increase of about \$51,000 over last year's budget and is felt mostly in the areas of scholarships and in the Indian Development Fund.

### Indian Commission

SB2437 — This bill, which would add more members to the Indian Affairs Commission, has been passed by the Senate as amended and is now in the House

State and Federal governments Committee.

It would provide for an additional four reservation representatives on the 12 member Commission, as well as one more urban Indian and two legislators.

### Development Fund

HB1130 — This would transfer administration of the Indian Development Fund from the Business and Industrial Development Dept. to the Indian Commission.

It passed the House but is still in Senate committee.

House Concurrent Resolutions 3015 — this urges the federal government to abandon plans to increase food stamp purchase requirements for low income households. It is out of the House and in Senate committee.

### Indian Studies

HB1357 — This would require reservation area teachers to

complete at least six college-level hours in Indian Studies and has passed the House as amended.

It will now move to the Senate and probable assignment to the Senate Education Committee.

### Food Stamps

SB2139 — This bill, outlining responsibilities of the state and county in regard to food stamp programs went through the Senate with no problems but stalled in the House on a 45-50 vote and was re-referred to the Social Welfare Committee.

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# Tribes Travelers place second, third in tourneys

The United Tribes Travellers placed second and third in their last two weekend tournaments at Brown's Valley, Minn., and Ft. Thompson, S.D.

In the Brown's Valley Amateur Open meet last weekend, the Travelers were nicked 87-75 in overtime by Starbuck, Minn., in the championship match.

Twelve teams participated in that meet.

In the Ft. Thompson invitational tourney, Tribes walked away with the third place trophy, after pumping the home team 103-77. There were 16 entries in this Feb. 15-16 meet.

Earlier, the UTETC cagers had been edged out of the money by Kennebec, S.D., 87-85.

This was in contrast to the Traveler's first two games when the red-and-whites romped and stomped over all comers, defeating Chamberlin, S.D., 129-64 and Ocoma, S.D., 111-72.

Next meet planned by the Tribes team is at the Hardin, Mont., "Big 16" tourney, sponsored by the Crow Tribe and the Hardin Chamber of Commerce.

The Travellers will be bouncing the big orange ball at this meet March 12-16, and are also set to participate in the National Indian Activities Association Region 6 playoffs in Eagle Butte, S.D. March 28-30, where they will play in the first round at 4:30 Friday, March 28, against the White River S.D. team.

Players with the UTETC team thus far this year include: Wylie Big Eagle, Crow Creek; Everett Chasing Hawk, Standing Rock; Whyman Archambault, Standing Rock; Randy Plume, Oglala; Gabe Black Moon, Cheyenne River; John Thunderhawk, Standing Rock; Gerard Baker, Mandan; Darrel Eaglestaff, Cheyenne River; Jim Walker, Standing Rock; Quentin Yankton, Ft. Totten; Dick Bad Mocassin, coach; and Warren Means, general manager.



## Rodeo winners

Great Plains Indian Rodeo Association event winners for 1974 are [l to r] Leslie Sherwood, McLaughlin, barrel racing; Bruz Luger, Fort Yates, steer wrestling; Howard Hunter, Kyle, S.D., bareback, saddle bronc and all around cowboy; Gary Not Afraid, Lodge Grass, Mt., calf roping; Esley Thorton, Ft. Totten, team roping and Cliff Glade, Ekalaha, Mt., bull riding.



## Runnersup

Runners up in the GPIRA are [l to r] Matt Follish Bear, New Town, team roping; Ed Hall, New Town, saddle bronc; Camie Thorton, Ft. Totten, barrel racing and rookie of the year; Louis Twiss, Pine Ridge, S.D., bull riding; Ivan Small, Lodge Grass, Mt., calf roping and steer wrestling and Smokey Whipple, Rosebud, S.D., bareback.

## Scene set

(Con't from P.1)

the NIAA Region 6 tournaments which are to be held at Eagle Butte, S.D., to decide which two local teams will go to the championships here.

That meet will be held the weekend of March 28-30, with 14 teams from the Dakotas, Nebraska and Minnesota participating. Wisconsin and Illinois are also in the region but have no teams entered.

The single elimination tourney will start off with a match between St. Francis and Eagle Butte at noon; Marcy's Rapid City, S.D., vs. Minneapolis, Minn., 1:30; Belcourt, N.D. vs. Macy, Neb., 3:00 the UTETC Traveller's vs. White River, S.D., 4:30; Ft. Totten, N.D., vs Ft. Thompson, S.D., 7:00; and Cass Lake, Minn., vs. Lower Brule, S.D., at 8:30.

Sante, Neb. and Wablee, S.D., take byes in the first elimination round. The tourney is to wind up at 3 p.m. Sunday and the two top teams will travel to Bismarck for the national meet.

Dave Archambault, with the Teacher Corps at the Cheyenne River Agency, is in charge of that event.

## SIX NATIONS BAN SALE OF RELIGIOUS ARTICLES

The Six Nations Grand Council has passed a resolution forbidding the sale of all sacred and ceremonial items of the Longhouse people of the Iroquois Confederacy to non-Indians.

These items include false faces and husk faces, turtle and pumpkin rattles, condolence canes, wampum beads, snow snakes and records and tapes

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