

# united tribes news

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## Survey finds 'pervasive' prejudice

Survey data indicating "pervasive" prejudice against Indians in North Dakota has been filed in U.S. District Court in Bismarck.

The data, based on a telephone survey of some 300 prospective federal jurors, was conducted over the last few months for the defense team of American Indian Movement activists Russell Means and Thomas Poor Bear.

THE DATA WAS among papers filed Dec. 17 in connection with a defense motion to move from Bismarck the two AIM members' upcoming trial on charges of assaulting a police officer.

Sidney L. Haring, an attorney and survey specialist from New York City who directed the survey, said in an affidavit that most of the people who responded to the 47-question survey exhibited overwhelming signs of authoritarianism, racial prejudice and direct prejudice against the defendants.

"Racial prejudice in North Dakota is so pervasive that it is unlikely that an impartial jury could be empanelled," Haring said in an affidavit to the court.

Richard Baer, Means' attorney, and Irvin Nodland, Poor Bear's attorney, urged in a joint brief that the trial be moved to Minneapolis or St. Paul, MN.

BRUCE VAN SICKLE, U.S. District Court judge for North Dakota, said that he expects to rule on the motion by Jan. 1.

Haring said that 85.5 per cent of those interviewed responded in a prejudiced

**"Authoritarianism is a personality syndrome which 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. The authoritarianism questions that we used were professionally accepted measures, and indicate a very high degree of authoritarianism in Southwestern North Dakota that is likely to result in substantial prejudice against defendants."**

Sidney L. Haring, New York attorney and sociologist

manner to at least one of three key questions which he said social scientists accept as accurate measures of racism.

He said that over two-thirds (68.1 per cent) of those surveyed thought that "A major reason for poverty among Indians is their lack of ambition." Two-thirds (66.9 per cent) felt that "Indians would be better off if they conformed to the American way of life," he said. And nearly one half (46.7 per cent) agreed that "Indians carry a chip on their shoulder and tend to be violent."

Haring said that the survey respondents were residents of Burleigh, Morton and McLean Counties.

He said their names were selected in a manner similar to the way persons are selected for jury duty in U.S. District Court. In Burleigh and McLean Counties, names were selected at random from the lists of voters in the 1972 Presidential election, and

in Morton County names were randomly selected from the list used by the county clerk of court in selecting persons for jury duty.

"ON THE BASIS of this sample," he said, "a sociologist can make general statements about the attitudes of the entire population."

There are plans to use the survey results, or develop a similar survey, to support other motions by Indian defendants in the future.

HARRING SAID the telephone interviews were conducted during the evening by about 16 volunteers from the Bismarck area, including a number of workers from United Tribes. Under his direction, the interviewers were recruited, trained and supervised by Jim Krogsrud, United Tribes staff attorney.

The questionnaire was based on a survey conducted in South Dakota for Wounded Knee cases, he said, but was substantially

revised to include more relevant questions. "The questions included long-established, scientifically verified measures of racism, authoritarianism and prosecutorial bias," Haring said.

The questionnaire solicited attitudes about Means and AIM as well as Indians in general, and determined the respondents knowledge about the assault charge against Means and Poor Bear. Haring said that 32.2 per cent of the respondents think Means is guilty.

THE CHARGES against Means and Poor Bear stem from an incident June 7 on the Standing Rock reservation, during which Means was shot in a scuffle with BIA Police Lt. Pat Kelly and was hospitalized with an abdominal wound.

In October the defense filed a series of affidavits also in support of the motion to change the trial location. The 11 affidavits, from a cross-section of area residents, contained charges of widespread prejudice and discrimination against Indians in the Bismarck-Mandan community.

Haring's seven-page affidavit states in part:

"In response to Question 10 'For the good of society some people like radicals and militants should be sent to prison' 57.5% of those surveyed agreed. Thus

[continued on page 12]

## Tribes win half a victory in budget battle

Indian tribes nationwide gained half a victory this month when the Office of Management and Budget (OMB) approved \$10 million to implement Section 104 of the Indian Self-Determination and Education Assistance Act.

Earlier, OMB had rejected the Bureau of Indian Affairs' budget request of \$25 million for Section 104, which provides grants and technical assistance to tribes which are seeking to take over the operation of federal programs.

"It's the whole spending cut atmosphere in OMB and the White House," said aides in the office of Sen. James Abourezk (D., S.D.). Similar reasons came from Ralph Reiser's legislative and congressional affairs office in the BIA's Washington headquarters: "The administration is reluctant to fund any new programs and is trying hard to cut back existing ones."

AT OMB, OFFICIALS weren't even acknowledging that any request had been received, let alone commenting on how or why they had proceeded.

The final working over in OMB of the Section 104 funding request, resulted, however, in the approval of \$10 million, to be appropriated from Jan. 1 through June of 1976.

The NEWS learned from sources in the BIA's Washington headquarters that \$8.2 million of the \$10 million is earmarked as grants to tribes and tribal organizations, with the remaining \$1.75 million designated for technical assistance.

The \$10 million exists, as did the original \$25 million request, as a supplemental budget amendment for fiscal

year 1976 but is tacked on to the BIA's proposed budget for fiscal year 1977.

FINAL AND CONCLUSIVE DATA on Section 104 funding won't be revealed until Jan. 19, 1976, when President Ford releases the entire federal budget for fiscal year 1977.

Section 104 is the part of the Indian Self-Determination and Education Assistance Act which makes available grants for planning, training, evaluation and technical assistance to tribal organizations seeking contracts under Section 103 with BIA and other government agencies for taking over the administration of federal programs for those tribes.

Section 103 requires the Secretary of Health, Education and Welfare (HEW), if he rejects requests from tribal organizations to contract and run their own programs, to state his reasons for rejection and to "provide to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections."

For example, if a tribe's contract request is rejected because of an inadequate accounting department or poorly staffed planning program, the HEW secretary is required to give that tribe the needed grants and technical assistance for upgrading that department or program so that they may contract successfully in the future.

MONIES FOR THOSE GRANTS and assistance are appropriated under Section 104.

The Indian Self-Determination and Education Assistance Act was passed and signed into law on Jan. 4,

1975. According to Sen. Abourezk, chairman of the American Indian Policy Review Commission, the essence of the Act is to "cut the strings from the Bureau of Indian Affairs so that Indian tribes around the country can learn to govern themselves."

The lack of mention of funding requests for Section 104 in the copy of BIA's proposed 1977 fiscal year budget sent to the Senate Appropriations Committee and Sen. Abourezk. The committee reported that it was "disturbed at the failure of the Department (Interior) to request additional funding for the implementation of Indian Self-Determination Act responsibilities. Delaying funds will only disrupt this program and evidence bad faith to the Indian people."

The BIA's public information office admitted that no requests for that funding were submitted to Senate Appropriations with its copy of the proposed budget, although they had accompanied the copy later sent to OMB.

"AT THE TIME, we didn't have the regulations or enough data to estimate an accurate figure for Section 104 funds," one BIA official said. "There is difficulty with assessing needs for new programs like this."

The lack of those requests before Senate Appropriations led Sen. Abourezk to introduce an amendment on the Senate floor Nov. 20, for \$25 million in supplemental funds for Section 104. Abourezk withdrew the amendment upon the promise by Sen. Stevens (R-Alaska) that if the request wasn't forthcoming from the OMB within two months, he would reintroduce the amendment.

# P. L. 93-638: changes for the urban Indian

The Indian Self-Determination and Education Assistance Act is a new piece of legislation which has wide-ranging implications for the Native American people. The staff of United Tribes News feels that the many aspects of the new law must be discussed and debated in as open an atmosphere as possible. Toward that end, we are reprinting the following editorial which appeared in the current issue of Wassaja, the newspaper of the American Indian Historical Society.

The newly passed Indian Self-Determination and Education Assistance Act (P.L. 93-638) has been in the works for several years. Now that the Congress has passed the bill, a sense of disappointment and even fear fills the hearts of urban Indians who have been working in such areas as Indian health.

What this Act will do, is make it obligatory for the urban Indian projects to obtain sanction from an Indian tribe in order to be eligible for funding from such federal agencies as the Indian Health Service. Other projects will be similarly affected. Funding sources such as CETA, Title IV, and EDA are not affected. So far.

The fact is that the urban Indians have generally lost contact with the tribes. In certain cases (some South Dakota tribes), full blood Indians

living in the cities have lost their tribal citizenship. Each tribe has its own regulations concerning membership. In one case, if a member has lived off the

## opinion

reservation for 5 years, that person loses membership in the tribe. Nobody can take away from that individual that he/she is Indian, but membership and enrollment in the tribe is lost.

The question is one of tribal sovereignty. Not "Indian" sovereignty, but tribal sovereignty. That distinction should be clearly understood, with all its implications.

Some urban Indian projects will now begin to negotiate with the tribes, asking for support in their work among Indians in the cities.

With all the difficulties and misunderstandings of this situation, it appears to these editors that considerable good will come of it. What is desperately needed is a strong and lasting coalition of tribal reservation Indians and tribal urban Indians. One can help the other. We don't believe the reservation Indians can do without the urban people. Politically and economically, activities supportive of tribal rights (such as water, resources, land) are needed by the tribes. Only the urban Indians can deliver such support. Thus far, the reservations have looked to the non-Indians for support. Urban Indian support can be so effective, (and better directed) as to make the reservations stronger and more successful.

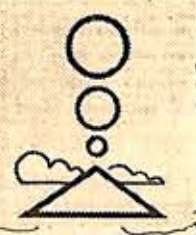
On the other hand, urban Indians with tribal support will find their lives enriched, their projects sounder, with a freer flow of funding.

# Aiding the ranchers

As the winter winds blow outside, we are reminded of the devastating losses which Indian cattlemen suffered in the cruel blizzard of last spring. Operating on the open range, Indian ranchers lost about 15 per cent of their breeding herds and 50 per cent of their calves. This left many of them fearing for their futures, and they have been going hat in hand to federal agencies for months seeking emergency aid.

Some assistance finally came last month, in the form of a \$3 million lending program approved by the Economic Development Administration. The American Indian National Bank will administer the program to a consortium of about 2,000 Indian ranchers and farmers. It helps. But as was made clear at a meeting here last week of the American Indian Cattlemen's Association, much more is needed. Fort Berthold's John Fredericks, national president of NAICA, said that the \$3 million will only serve about 250 of the 2,000 stockmen who need it. Other speakers said that 10 times more is needed.

They'll keep looking. And hopefully this is one Indian request that will not just be half met. Indian cattlemen have provided one of the few stable economic bases on reservations, and for any of them to go under would be as great a disaster as any blizzard.



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# Skye's Horizons



by harriett skye

People in our country address themselves to the Christmas season in a lot of different ways. Below is one way that the children of the 7th and 8th grade classes in 1974, here at the Theodore Jamerson Elementary School rewrote "Twas The Night Before Christmas" . . . this is, "Twas the Night of the Pow-Wow" . . .

Twas the night of the Pow-Wow and all through the camp;  
 Not a dancer was stirring, not even the champ.  
 The bustles were hung by the tipis with care;  
 In hopes the Great Spirit soon would be there.  
 The Indians were nestled all snug in their beds,  
 While visions of wojapi and fry bread danced in their heads.  
 The chief in his war bonnet, and I in my beads  
 had just settled down for a long winter's sleep.  
 When out on the grounds there arose such a sound,  
 I sprang from my bed and so did my hound.  
 Away to the flap I flew like a hawk, tore open the leather and I was  
 in shock.  
 The moon on the green of the Pow-wow grounds gave a vision of  
 midnight to the horses and hounds.  
 When what to my unbelieving eyes should behold,  
 but a miniature travois and eight white buffalo.  
 With a driver so quiet, I could hardly hear it,  
 I knew in a moment it must be the Great Spirit.  
 More rapid than eagles, his buffalo they came, he whooped and  
 he shouted and called them by name.  
 Now Long Chase, now Old Bear, now Brave Bull and Black Hawk,  
 on Morning, on Hallow, on St. John and Picotte.  
 To the top of the Big Top to the top of the lodge pole, now dash  
 away, dash away, dash away all.  
 And I heard him exclaim, as he drove out of sight, Happy  
 Pow-wow to all, and to all a good night.

- |                   |                     |
|-------------------|---------------------|
| Ann Long Chase    | Martinis Black Hawk |
| Kevin Archambault | Verald Hallow       |
| Bill Picotte      | Derae Silk          |
| Darcy Kreuger     | Levi St. John       |
| Randy Brave Bull  | Jiggs Morning       |
| Loris Old Bear    | Mercury Hallow      |
| Lisa Felix        |                     |

I happened to drop in on my friend and most severest critic, Jack Krauser, when I was in Fort Yates, and we went our usual three rounds. Jackie, as many of you know, was recently elected to represent the Fort Yates district on the Standing Rock Reservation, and he takes his newly elected position very seriously. It's interesting to note that prior to his being elevated to this esteemed position, he criticized the SR Tribal Council almost as much as he did me, but what impresses me the most is that for a guy with only one-third of his body, he appears to be fighting for the people he in fact represents. I asked him what it felt like to be on the other side of the fence these days, but his answer was quite different than what I expected. It's nice to know that he likes what he is doing.

Since we're on the subject of tribal politics, Pat McLaughlin, the tribal chairman from Standing Rock, paid a surprise visit to the Indian Culture Group at the State Penitentiary here in Bismarck. Perhaps people on the outside don't realize it, but these visits mean a lot to the guys on the inside. If nothing else is accomplished, the idea that a busy tribal chairman, with a thousand tasks to perform, took the time to go inside the walls to greet the inmates, is most meaningful.

One of my pet projects is the Indian Cultural Group at the prison. Once again they are sponsoring a Christmas party for the Child Development Center (CDC) youngsters here at United Tribes. Gotta give these guys a lot of credit for their thoughtfulness, but most of all their willingness to take their time, energy and money to plan for this.

The International Indigenous People's Conference was held in Port Alberta British Columbia, in October of this year. The full assembly consisted of 55 delegates from 19

countries and represented an estimated indigenous population of 37 million people. An interesting article in the Northwest Indian News by Andy de los Angeles indicated that the conference as hosted by the National Indian Brotherhood of Canada, was held to determine the membership of the World Council of Indigenous peoples, its charter, and secretaries, and also to strengthen voluntary associations of indigenous peoples in various countries.

The Veterans Library in Bismarck recently was the scene of an Indian Women's panel sponsored by the American Association of University Women. (AAUW), spearheaded by a dynamic gal from Bismarck, Joyce Schneider, of the Dennis Schneider clan. It was a stimulating evening of sharing information and ideas, and I felt that an atmosphere of mutual understanding was accomplished.

Just received a note from Vance Gillette with materials and information concerning admissions and the recruitment of Indian students to the American Indian Law School at the University of New Mexico, Albuquerque, NM. Vance, of Fort Berthold, is the area director of the American Indian Law Students Association for Region 3, at the University of Denver, and is making a valiant effort to inform Indian students interested in law school. You can contact Vance at American Indian Law Center, 1117 Stanford N.E. Albuquerque, N.M. 87131, or call (505) 227-3922.

This brings us to the near end of 1975. Those of us here at United Tribes and the Office of Public Information would like to thank our readers and subscribers for their support. And . . . for those of you out there that have chimneys, get ready for the big fat man in his red suit. I just hope he doesn't get mistaken for a stork. HAPPY HOLIDAYS TO ALL.

# Reservations get badly needed ambulances

Emergency Medical Service personnel from North Dakota's four reservations met in Bismarck on Dec. 11, to receive six badly needed ambulances.

The EMS personnel attended a day-long orientation in which they were familiarized with the workings of the ambulances.

The General Services Administration purchased a total of 23 modern modular unit ambulances for direct lease to Indian tribes, in an effort to help them provide medical service on reservations in emergency cases such as accident injury and heart failure.

**DISTRIBUTION** within North Dakota was: Belcourt, 2; Fort Berthold, 1; Fort Totten, 1; and Standing Rock, 2.

The cost of the ambulances to the tribes will be \$195 per month plus 12 cents per mile. IHS will reimburse the cost to the tribe up to limited mileage. Management and manpower will be provided by the tribes.

Training of ambulance drivers has been taking place in South Dakota. Twenty-two hour courses were offered in Rosebud in November and December. Advanced 50-hour courses will be offered at Rosebud

and at the Blackhills Training Center in Rapid City.

**EMERGENCY** medical care has long been a problem on the reservations. Their wide-geographic boundaries with a sparse and scattered population has made it virtually impossible to obtain ambulance service from hospital or private sources.

In 1965, GSA offered station wagons for extreme emergencies. They were equipped only with a cot or/and stretcher and a hole was cut in the roof so that I.V. bottles could be held up. There was no radio equipment available, and drivers had no formal training.

The wagons since that time were replaced with vans. These had limited equipment and only a few had radios. Trained personnel was still a problem.

John Emelio, head of administrative program for the Indian Health Service in Aberdeen, said "I have never seen a program so well received by the Indian communities or their political leaders. I have never seen pride as I've seen in the eyes of the Indian Emergency Medical Technicians in uniform providing services to their people."



EMS personnel observe and listen as equipment in the modules is pointed out and described.

# 39 tribes, including 2 in state, get job funds

The Turtle Mountain Chippewa Band and the Devils Lake Sioux tribe of Fort Totten are among 39 tribal groups that will be receiving a total of almost \$10 million this fiscal year for projects to provide additional job opportunities on reservations.

Bureau of Indian Affairs Commissioner Morris Thompson announced in Washington that the tribal projects, which were submitted through the BIA to the Department of Commerce, have been approved for funding under Title X of the Public Works and Economic Development Act. The purpose of Title X is to create job opportunities in areas of high unemployment.

**OF THE TOTAL** allocation, about \$8.5 million will go to Indian Action Team projects. These projects combine Indian employment with on-the-job training and the construction of needed tribal facilities.

(At the same time, BIA officials indicated that Congress has cut back the BIA's line item funding for Indian Action Team programs. In its budget request for the current fiscal year, the BIA had sought \$15.6 million for the program, an increase of \$11.1 million over the FY75 amount. On Dec. 11, a House-Senate Conference Committee granted a reduced allocation of \$14.1 million. As a result, BIA officials said, the 61 tribal groups which have received contracts under the

program will have to settle for 90 per cent of the expected amounts when they apply for reimbursements.)

The BIA estimated that the 39 projects newly funded by the Commerce Department will create more than 1,100 jobs. Funding begins Feb. 1.

The Turtle Mountain and Fort Totten reservations both received \$300,000, as did about half of the other tribal groups funded. Turtle Mountain plans to use its allocation for tribal repairs and construction, whereas Fort Totten will use the money to start up several new programs and supplement existing positions where money was short.

**JAMES HENRY**, TURTLE MOUNTAIN tribal chairman, said that \$200,000 of the tribe's allocation will be used for repairs of private homes. He said many types of renovations are planned, and did not know the number of dwellings involved.

The project will put 40 people to work by February, he said. Seventy-five per cent of the funds will pay labor costs and 25 per cent will go for supplies.

The remaining \$100,000 of the grant will be used to gravel the driveways of some 2,000 homes, Henry said. About 10 residents will be employed during the project, in which gravel will be trucked from a tribal pit.

Fort Totten plans to create or maintain about 100 jobs

with its grant, according to Jerry Cudworth, director of the tribal planning office. He listed 16 programs which will benefit.

**STAFF POSITIONS** will be funded to start up five new programs: a project to irrigate 160 acres of tribal land; a project to raise 200 tribally owned cattle; an office of public information; an alcoholism project; and a Community Action Program effort to put 60 elderly persons to work part-time, where needed, for 16 weeks.

Cudworth said the remainder will be used to pick up some tribal administrative expenses, and to supplement existing positions. These include jobs in the pre-school program, day care, law and order, finance office, Boy's Club, St. Jude's Nursing Home, and the community center.

The Sisseton-Wahpeton Sioux, whose trust lands extend into North Dakota, also received \$400,000.

Under the Indian Action Team concept, Thompson said, tribal groups develop the capability to build their own homes, erect community centers or construct roads so that they are not dependent on outside contractors for this kind of work. Residents learn skills needed on the reservation, mostly in construction work, without leaving their homes and families and while earning a wage.

## Santa stops by



Twice the week before Christmas when 56 apprehensive youngsters from Theodore Jamerson Elementary School nervously entertained their parents with the school's annual Christmas program.

The program began when Jimmy Picotte briskly stood up and quickly introduced the first and second grade class which sang and accompanied themselves with bells and sticks. They left the room twice as fast as they had entered. The third and fourth grade classes showed their parents how Christmas is celebrated in other countries, while the fifth and sixth graders sang a variety of songs and finished by throwing confetti at the audience. The seventh and eighth grades concluded the program with a puppet show about "Freda and Johan." That was it for the parents, but not for the children. Santa Claus, who strongly resembled UTETC recreation director Bill Reiter, promptly arrived to pass out gifts and candy.

# Making it work



DLSM workers staple multi-colored camouflage material to netting.

A national corporation taking a chance and Indian people making the venture work.

That is what is being accomplished by the Devils Lake Sioux Tribe and the Brunswick Corp. of Skokie, Ill. The tribe and Brunswick entered into a joint business venture in 1973 giving birth to the Devils Lake Sioux Manufacturing Corp. Now, after two years of actual operation, DLSM can claim some success.

Brunswick has been awarded over \$56 million in military contracts to make camouflage netting for the U.S. Army.

For 1974, sales totaled \$5,216,574 and profits totaled \$212,406. An increase in these figures is expected for 1975.

Under the terms of the agreement Brunswick owns 63 per cent interest in the firm and the tribe owns 37 per cent, with the option to buy 10 per cent of Brunswick's remaining interest each year for the next three years. At that time the tribe can buy all of Brunswick's interest or negotiate a new agreement.

But equally important is the reinstillation of pride and self-reliance given to the Indian people of Ft. Totten. Unemployment on the reservation in 1973 was 61.3. For 1974 the unemployment rate decreased to 43.5 per cent. This increase of Indians in the working force has not only helped the Indians' self-esteem; it has also improved relations with the white community.

Steve Virage, personnel manager for the plant, said that it wasn't easy to get things going and that they had many problems and made many mistakes.

At the moment, 70 per cent of the 260-member work force is made up of American Indians. Most of these are drawn from the Ft. Totten reservation, but there are some from Montana, South Dakota, Wisconsin, Minnesota and Arizona.

Thirteen Indians are in manager position, and through a 16-week supervisor manager development course they hope to get more Indians into management positions.

"We are still dealing with people who are undecided about if this is what they want, Virage said. "We feel three months is the milestone, and if a person is with us that long he has made the transition to an industrial worker." He added that the plant does have some people who have been with them for over two years and quite a few who have been there for over one year.

Virage said that one mistake they made in the beginning was, "We tried to force people to work at our pace. Now we let them work at their own." He said that this method seemed to instill more of a feeling of responsibility in what they were doing. Virage added that the workers learned quickly and that the DLSM was highly competitive with other plants in the U.S. doing the same type of work.

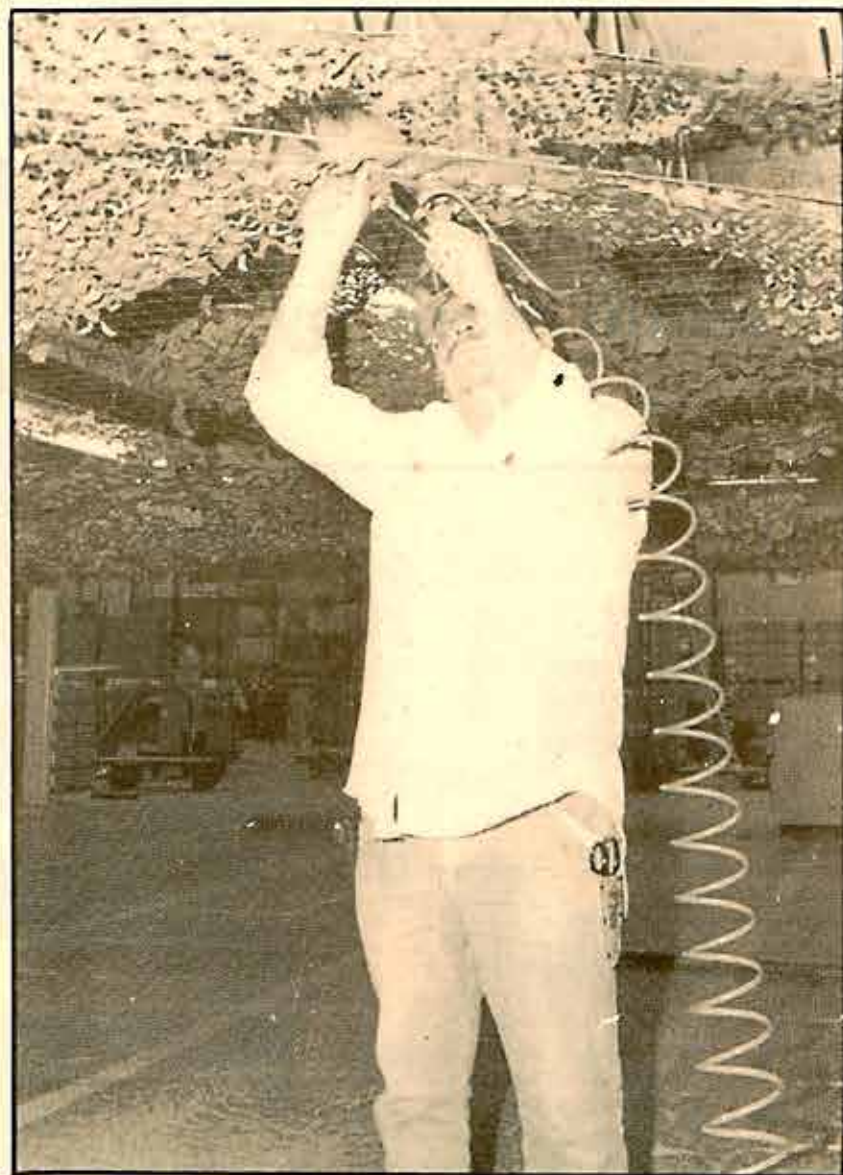
Another problem encountered by the plant management was absenteeism. Virage said that they knew this would be a problem before they started, but they were willing to stick it out. "We would sit down and talk to the worker. If that wasn't enough we offered counseling. We tried to help them in personal problems, transportation, day care. We tried to take everything into consideration. If a person was willing to come in and talk to us we would try our best to work something out for them and for the company."

Since the opening of DLSM, the rate of absenteeism has been cut 50 per cent. The rate is now only 7 per cent, compared to the national average for unexcused absences of 5 to 6 1/2 per cent.

"We wanted to put the American Indian into useful jobs and to make him a part of a viable work force," Virage said. "There has been too much negativness. We have shown what can be done. The people here now have the destiny of the plant in their hands."



Completed camouflage netting hangs up for inspection.



DLSM worker in the under portion of the assembly line reinforces the camouflage with staples.

# Termination and the Menominees



By DAVID ROACH

There is something happening in the forests of northern Wisconsin that is bigger than one tribe of Menominees and one reservation. Bigger because there is a lesson here for Washington bureaucrats and legislators and BIA officials who still go to bed at night with dreams of a "melting pot" America. A lesson for tribal councils and Indian leaders who also dream, of sovereignty and self-determination.

Northeastern Wisconsin is Menominee land. It has been for more than 5,000 years when Menominee land holdings stretched from what is now Upper Michigan to the Mississippi River and as far south as Milwaukee — over 9½ million acres in all. A series of treaties with the federal government between 1817 and 1856 shrunk the Menominees' domain until in 1854, when their reservation was established, the tribe controlled only 275,000 acres.

## commentary

**FIGHTING OFF ATTEMPTS** by the Pine Ring lumber barons in 1868 at seizing its vast and virgin timber lands and resisting the General Allotment Act of 1887, the Menominee reservation prospered. By 1951 the Menominees' owned their own lumber industry, public utilities, hospital and elementary schools, and had a tribal treasury that was growing with the reservation economy. So prosperous, in fact, that the Menominee tribe was chosen by Washington legislators as a model group for making real their "melting pot" ideals. The Menominee Reservation became one of the first tribes to experience termination.

Now, termination means many things to many people. For the United States Congress that passed House Concurrent Resolution 108 in 1953, it meant "freeing" Indian tribes from federal supervision and control, encouraging and coercing them into becoming independent, self-sufficient and contributing members of the larger white society. When the Menominee reservation was dissolved in 1954 under the Menominee Termination Act (PL. 83-194) it meant freeing them to "enjoy the rights and privileges applicable to all American citizens."

To the Menominee tribe termination meant something different — something utterly different. Termination meant the closing of the tribal hospital and clinic, ostensibly

because they didn't meet state standards. It meant closing the tribal roll, denying those born after termination their tribal birthright.

**TERMINATION REPLACED** the traditional tribal government structure with a county government. Control of tribal lands went to Menominee Enterprises Inc. (MEI), a corporation not directly controlled by Menominees. Heavy and burdensome taxes imposed by the county government retched the corporation with financial strain and forced MEI into selling tribal lands.

Termination was a disastrous, ill-conceived social experiment. The newly created county soon became Wisconsin's poorest. By 1971 one Menominee, Lloyd Powless, grieved that "the good life, the free life, and the honest life of our people is now seriously endangered. Today many live fearful lives. Exploited by soulless, grasping businessmen and banking institutes, held in poverty by colonial laws, embarrassed in the courts and intimidated by petty officialdom, the Menominees are rapidly becoming landless and impoverished in the name of the white progress."

**THE ILLUSION OF** a societal vat of cultural homogeny, the illusion of "melting pot" America shattered in those virgin woods of northern Wisconsin. Well-intentioned or malevolently designed, the policy of freeing Indian tribes like the Menominee to "enjoy the rights and privileges applicable to all American citizens" through termination meant chaining them to a system of government and a way of life alien to their traditional culture. An imprisonment doomed to failure.

It proved a costly lesson for Washington to learn. Prior to termination, federal expenses for the Menominee reservation had been a paltry \$144,000 a year. But over \$2.5 million was spent between 1954 and 1961 to "prepare" the Menominees for termination. And after 1961 almost \$20 million in special federal and state grants and aids had to be funnelled into Menominee County to stave off the worst of starvation and poverty.

With the passage of the Indian Self-determination Act in 1975, Washington may have learned that forced integration through termination almost certainly means the death of a culture and not its independence. That self-determination, for Indian people is the answer, offering the nation a strong fabric through a diversity of cultures.

**THE LESSON FOR** tribal leaders may be what has happened at the reservation recently. In 1970 a group of determined Menominees, led by Ada Deer, a Menominee social worker, formed a grassroots organization called

Determination of Rights and Unity of the Menominee Shareholders (DRUMS). Dedicated to halting the sale of Menominee lands and gaining restoration of tribal status, DRUMS by 1973 had garnered enough support among tribe members to gain control of MEI and put the clamps on the land sales.

Next came the Menominee restoration. Through the lobbying and pressuring of DRUMS and its solicitation of support from national Indian organizations, the League of Women Voters, Common Cause, then Interior secretary Rogers Morton and other local state and national officials, the Menominee Restoration Act was ushered through Congress. By Dec. 7, 1973, both houses had passed the Act overwhelmingly. With President Nixon's signature on Dec. 22 of that year, the Menominee restoration bill became law.

The new law demanded three things: the repeal of the Menominee Termination Act; the restoration of the Menominees as a federally recognized, sovereign Indian tribe; and the reinstatement of those federal services and funds to Menominees because of their status as American Indians.

**PROGRESS SINCE** 1973 has been remarkable. All tribal lands not sold are once again held communally by the tribe. Individual Menominees owning land may turn it over to the tribe and enjoy tax free benefits.

Exclusive Menominee hunting and fishing rights have been restored through successful lawsuits, with those rights now protected by law. Birthrights for all Menominees have been restored and the tribal roll is now being updated to include all children born after termination.

Approximately \$4 million has been brought into the reservation, providing jobs and services in health, education, housing and training for Menominee people. Houses with indoor plumbing and electricity are being constructed and a new health clinic is under planning.

The Menominee Restoration Committee, chaired by Ada Deer, is now drafting a new tribal constitution while holding training seminars and community meetings with the Menominee people, explaining the proposed constitution and gathering their input.

There is something strong and vital and alive in northern Wisconsin. An Indian People with energy and determination and a will for preserving their heritage and culture and achieving self-determination. Indian eyes should watch what happens here, taking heed and encouragement.

## Three Affiliated Tribes adopt disputed blood quantum

In a contested referendum Nov. 19, the members of the Three Affiliated Tribes of Fort Berthold voted to establish a blood quantum rather than a residency requirement for tribal enrollment.

Austin Gillette, chairman of the tribal business council's enrollment committee, said that the tribe, by a vote of 483 to 217, approved the council's proposed amendment requiring that future tribal members have at least ¼ Indian blood of a federally recognized tribe, and at least 1/8 blood of the Three Affiliated Tribes (Mandan, Hidatsa and Arakara).

The Fort Berthold Landowners Association is claiming that the amendment was politically inspired. Jerry Nagel, association chairman, said he planned to challenge the legitimacy of the proposal through a petition and affidavits.

**GILLETTE SAID** Nagel never came to the council to complain, and noted that the referendum has been legally sanctioned by the area office of the Bureau of Indian Affairs.

Gillette said that under a constitution adopted through the Indian Reorganization Act of 1935, in the Three Affiliated Tribes required that a person be the child of a tribal member who was living on the reservation when the child was born. However, he said, this had become unrealistic since many people had moved off the reservation under the Allotment Act and for other reasons.

"We had about 100 people who didn't qualify for enrollment," Gillette said. "About 10 of them were full-blooded Mandans. I hated to turn them away. That's why we wanted to change the requirement."

**HE SAID TRIBAL** leaders proposed a 1/8 blood quantum although 1/4 is the norm elsewhere. "We kicked it around and found 1/8 to be a happy medium," he said

Reservation residency no longer is required, he said. But people who had been enrolled on that basis up to the time of the referendum will not be affected.

In the referendum, the tribe also approved an amendment, 456 to 237, stipulating that an applicant for membership must relinquish whatever rights of membership he may hold in another tribe. The dual enrollment clause also rejects an applicant who has received benefits, excluding inherited interests, from another tribe with which he may be enrolled.

**GILLETTE SAID** the results of the referendum became official Dec. 12 when they were approved by the BIA director in Aberdeen.

However, the Fort Berthold Landowners-Association is challenging the referendum. Nagel said he would be filing a petition with Anson Baker, BIA superintendent in New Town, signed by 500 tribal members calling for a 1/4 blood quantum. He said he also plans to file a series of affidavits in federal court alleging that tribal officials misled people on the amendments.

Tribal officials at the polling places "told people that if they adopted the amendments, they would get a 1/4 quantum," Nagel said. "Indians don't understand the issues. So many of them are like children."

**NEVERTHELESS,** he said, many tribal member want a 1/4 quantum of Three Affiliated tribal blood. "We plan to call for a new vote under Article 10 of the tribal constitution, which allows for an 'initiative measure' if people aren't satisfied with a leadership decision."

Nagel asserted that the 1/8 figure was set for one man, "who is interested in succeeding Baker when he retires, but who might not qualify under the BIA's preference policy since he has less than 1/4 blood of Three Affiliated Tribes.

### UTETC students come and go



Twenty-one people began studies at UTETC this month and are pictured from top to bottom, left to right. Top row: Frank Hawk Eagle, Michael Thunder Hawk, Merrill Peneaux and Audie Allery. Row two: Robert Running Horse, Betty McConnell and Wendy Starr. Row Three: Nelrose Fox, Waldron Fox, Wanda Cloud and Vincenti Veneno. Row Four: Orville Cloud, Lucy Rabbithead, Glen Azure, Sharon Veneno and Roslen Stands. Bottom: Jerry Pretty Weasel, Patty Pretty Weasel, Marlene Davis, Karen Azure, Peter Stands. Not pictured was Mary Wipple.

Seven students graduated from UTETC at ceremonies Dec. 18. They were June Crows Heart, painting; Spencer Ross, automotive; Clyde McHugh, building trades; Rosalind McHugh and Melverne Sweowat, human services; Cecilia Red Dog, business clerical; and Roger Eagle Elk, police science.

Incentive awards for the month of December also were given at graduation. Student of the month was Vernon Cable.

Vocation awards went to Mike Owen, auto body; Spencer Ross, automotive; Darrell Boyer, building trades; Elsie Allen, business clerical; Larry Walking Crow, food services; Melverne Sweowat, human services; Jim Bordeaux, nurse aide; Theresa Whirlwind Horse, police science; David Allery, welding; and Vernon Cable, painting.

# Trying hard to help the Indians

Story and photos by Jim Remsen

BILLINGS, MT. — Some top-notch environmentalists and agriculturists, who operate on both the national and grassroots levels, met with a group of tribal officials from energy-impacted reservations here earlier this month, in an attempt to accelerate understanding and cooperation.

A logical reason could be given for such a workshop. The energy industry is clamoring for strippable lignite wherever it is located in the Upper Great Plains. The great influx of outsiders which many people fear will accompany wholesale development would threaten ranchers as well as reservations.

And tribal relations with environmentalists and agriculturists were reported to be shaky. Tribes, faced with shrinking treasuries and growing welfare rolls, look, however warily, upon resource development as a sure means of income if not economic development, whereas environmental groups have gotten a reputation for favoring land preservation at all costs. And many Montana agriculturists, who share the tribes' desires to control the pace of energy development, felt confused and threatened by the Crow and Northern Cheyenne attempts to expand land bases and wrest control of water. There was talk of "rapidly deteriorating relations" in the face of a common danger.

And so the Northern Rockies Action Group (NRAG), a well-intentioned environmental group based in Helena, organized a workshop at Eastern Montana College with a \$9,980 grant from the U.S. Office of Education. The focus was the Indian situation. The goal was to establish a working relationship.

NRAG invited 75 people. There were tribal leaders from five energy-rich reservations: Crow, Northern Cheyenne, Fort Berthold, Fort Peck and Fort Belknap. There were ranchers and landowners organized to resist the energy scramble. And there were experts and executives from national environmental groups. They came from Wyoming and Washington and New Town and New York, by car and plane, in cowboy boots and earth shoes and skirts and flannel shirts.

Throughout the two-day meeting speakers, Indian and non-Indian, testified that everyone had more which should be uniting them than separating them. Images were drawn to show the urgent necessity for a combined effort.

"We're all fighting the same monster," said one person.

"We're all drinking out of the same water hole," said another.

"It's cold out there," said another, pointing to the snow that had been falling steadily outside the conference room. "And we've got a fire in here. If we gather tightly we can get warm."

So there was a willingness to listen to each other. Still, there was something fundamentally wrong with the meeting.

It was too fast-paced. Many Native Americans felt pressured. They were curious about, if not suspicious of, the non-Indians' intentions. This was their first exposure to national environmentalists. They would have preferred, in time-honored tradition, to just watch and listen, to speak when they wished, to feel the people, to return to their homes and ponder on the proceedings.

Things were too intense. They felt like they were being pumped for information. They felt like these strangers wanted their secrets for the asking, expected to be told all of their plans on issues vitally affecting their people.

The organizers overlooked this, and dismissed advice that they take time to explain their own motives, to talk about suspicions and differences. They trusted themselves and their fellows, and wanted to get right down to business.



John Woodenlegs, a tribal council member of the Northern Cheyenne Tribe, addresses a workshop on maintaining Indian culture and values in the face of energy development. "Our people are in a painful process of adjustment," he said. "It is hard for us to know how much and when to develop. Don't press us."

They wanted to heal the wounds before they worsened, and no doubt felt the agenda would show their sincerity. The walls were covered with maps of the reservations. The Indians were given a sounding board, and asked to address the meeting time after time. The agenda was pragmatic and directed: where do you stand? How can we help each other? Where do we go from here?

The Indians obliged. They got up and talked, one after another, on the topic, resource problems. They said their land had been lost, people coveted what they had left, the government had deceived them, they wanted self-determination.

It had been said many times before, and eventually one Indian made that point with some anger. Another said she felt the Indians were being put on display, were being pumped for information, and wanted to know why the other people weren't telling more. Another said that the reservations belonged to Native Americans and the others can have no control over them. There was no walkout. But one noticed more of the Indians sitting in the back, arms folded, watching.

Differences emerged. Several Indians voiced resentment over the tendency to romanticize Indian life. Bill Cunningham, of the Environmental Information Center in Helena, had told the tribal leaders: "Our society is fundamentally going in the wrong direction. We have so much to learn from you. If you're an island, the sea around you is damned polluted."

Urban Bear Don't Walk, of the Crow Tribe, was bothered by this. "You talk about how you Indians don't want to be middle class. It's no good. I think we've got a right to try it.

Look at our priorities. Our people are hungry and unemployed, we're thinking about survival."

Allen Rowland, Northern Cheyenne tribal chairman, startled the crowd when he announced that his tribe plans to seek Congressional approval to cede the Custer National Forest which lies to the east of the reservation. He asked for support for the move. It came, but only on condition that sportsmen still have access to the 550,000 acre forest, and that ranchers who lease portions of the forest land still be able to do so.

Many agriculturists at the meeting seemed to be put off by Rowland's plan, and were dissatisfied with the vague answers to their questions about the purpose of the Crow and Northern Cheyenne water rights suits.

This was not to say there was no dialogue or progress. Around the edges contacts were being made. Austin Gillette, tribal council member at Fort Berthold, and Gary Sprecher, of United Plainsmen, a group of environmentally concerned landowners in western North Dakota, met, decided they have much in common, and invited each other to board meetings. This contact was held out as a model for the others.

Some misconceptions were corrected. The environmentalists explained that while some of their kind do consider land preservation primary, many others stress the human element. From the statements of the tribal officials, it became clear that there is no consensus on the need to develop reservation lignite.

Action recommendations were solicited, with the proposals scrawled out on big sheets of paper: regular meetings on specific topics, cooperation in lobbying and educating politicians, a communications chain.

The reservations might be given technical assistance with mailing lists and fund-raising, as well as with resource management. The non-Indians might try to institute a legal fund and to sensitize other anglos on Indian rights. Tribal leaders might be given free or easy membership in environmental organizations. The Indians were asked to explain the reasons for some of their controversial legal actions, and perhaps to write articles for environmental journals. They might invite environmentalists to live with them for a time. A joint trip might even be made to the Black Mesa power site in the Southwest.

Despite the tensions, most people were determined to focus on the positive.

"I hope we won't be discouraged by signs of disagreement. In reality our goals are almost the same," said Teddy Rising Sun, of the Northern Cheyenne.

"I hope we're big enough to sit down and iron out our differences," added Jiggs Yellowtail, of the Crow tribe.

"Cowboys and Indians have got to get together and not fight anymore," quipped John Woodenlegs, of the Northern Cheyenne.

A dialogue is necessary. Misunderstandings of the past may have been avoided had communications been better.

But an alliance cannot begin if Indians feel pressured to move at the other man's pace. As the Crow, Northern Cheyenne and Fort Berthold tribes made clear in their resistance to coal leasing, Native Americans will no longer be pushed into anything.



"We'll protect our forests and you protect yours," Fred Coyote, a Native American active in the Heartline Fund, rose to tell the participants.

# INMED - Indians Into Medicine - fills a need

A shortage of doctors in Indian Health Service on the reservation has led to a unique program at the University of North Dakota.

The "Indians In Medicine" program was developed to train Indians to provide professional health care. According to Bernard Kahrahrh, INMED director, a subgoal of INMED is to get these trained professionals back to the reservations.

Right now, INMED is funding 22 undergraduate and special graduate students and 4 medical students at UND. INCLUDED ARE students from reservations in five states: North Dakota, South Dakota, Nebraska, Wyoming and Montana.

The INMED program begins for students in junior and senior high, but its influence is felt in grade schools as well.

The "traveling medicine show" is a mobile unit designed and equipped to introduce Indian students in grades three through six to health careers. The show is presented to students by Indian health professionals who acquaint the student with basic anatomy, discuss health care, and demonstrate medical equipment.

A PUPPET SHOW is performed to provide an entertaining and educational approach to health careers. The show is described as a "search unit," a way of finding Indian children with an interest in the health field.

A follow-through for the traveling medicine show is a packet of introductory supportive materials compiled by the INMED staff. Included in the packet are an INMED Health Career colorbook, a Popeye health career comic book and health stickers, and science curriculum modules for use as independent units of classroom study.

A 10-week summer institute sponsored by INMED is held for junior and senior high students.

encourage them to support and maintain their Native culture. Students receive a Certificate of Completion at the end of the five-week session.

ANOTHER PORTION of INMED's services is their practicum. It is a reservation based program to employ Indian students in health-oriented jobs.

Kahrahrh said, "The practicum is important in that it introduces the student to the rigors and discipline that must be mastered if he is to attain a health career."

Practicum gives students an opportunity to get on-the-job learning and experience of a health care situation. Formerly students have been placed as assistants to physicians, pharmacists, dentists, nursing directors and x-ray and laboratory technicians.

Students work during the school year for up to 15 hours a week and get paid an hourly wage from INMED.

INMED assists college students with counseling from their freshmen year. Emphasis is put on the math and science courses since these are vital in a medical career. Many students who come from reservation schools are weak in these areas, and INMED provides continuous tutoring services.

STUDENTS ARE given a stipend for living expenses based upon individual needs; whether a student is married with a family or if he is single.

Funding for this is received through a NIH special careers and health opportunities grant and through a contract with IHS.

In certain instances where a student wishes to go into the dentistry profession or into veterinary work, INMED will help a student apply to other colleges since UND does not offer these fields. The student would receive the same funding that an INMED student at UND would.



THE INSTITUTE is divided into two five-week periods. One for the junior and one for the senior high students. The students live on the UND campus and attend classes for which they receive one-tenth high school credit. Classes include mathematics, physics, biology, chemistry and reading study skills.

The National Indian Health service provides the funds for two students from each reservation to attend the summer institute. The tribe may send another student but they would have to fund that student. The cost for an extra student would be from \$250 to \$300 for each five week session.

Summer institute students also participate in a cultural exchange program of powwows, lectures by Indian professionals, campouts, and other activities designed to

## Indian day care center started up at UND

The Eagle Feather Day Care Center has been started up at the University of North Dakota in Grand Forks to serve children of Indian students and staff.

The center, located in a dormitory basement, currently serves 25 children, although its Title IV funding of \$47,000 provides for 30 children.

With five full-time teachers and 26 student aides, the center is equipped to take children from the ages of two weeks to six years.

The center has a two-year Child Development Associate Training Program which seeks to advance physical and intellectual competence while instilling pride in the child's Indian background.

Parents are required to pay a reduced operational fee which equals about one-fourth of the cost of other day care centers, according to Cheryl Kulas, project director.

## National Indian vocational study set

A review of Indian vocational education programs, which may lead to special legislation, has been authorized by the National Advisory Council on Vocational Education (NACVE).

Ruth Tangman, research specialist in NACVE's Washington office, said that the council has authorized the staff to develop project plans and seek funding for the six-month study.

THE STUDY WAS FIRST proposed by Warren Means, executive director for the United Tribes Educational Technical Center, who is a member of NACVE's 21-member board of directors.

As planned, the study will include a thorough review of national and Indian manpower projections, Indian economic development plans, and the structure and operation of both the national Indian education system and local Bureau of Indian Affairs secondary and post-secondary schools.

The six-month study should produce data showing a lack of vocational education for reservation residents.

According to the Office of Indian Education of the U.S. Office of Education, there currently are no appropriations through the Vocational Amendments of 1968 to provide vocational education specifically for reservation residents.

Means hopes that legislation will be developed as a result of the study that will allow for separate funding for Indian vocational education.

In a proposal presented to the NACVE administrative committee on Nov. 13, Means said "legislation providing for the establishment and operation of secondary and postsecondary vocational programs, as well as residential Indian vocational training schools, are needed now."

MEANS SAID THAT the two agencies which should be most responsive to the need for Indian vocational education programs — the Office of Education and the Bureau of Indian Affairs — do not even maintain records on programs offered or special teacher/guidance counselor training.

## Tribes band together to fight copyright ripoff

ROCKY BOY, MT. — A university professor convinces the tribal botanists they should instruct him in the medicinal and religious use of certain herbs and plants, and then teaches a university course based on this research, although tribal laws preclude use of such information by other than a privileged few persons, of which he isn't one.

A writer puts his name to an anthology of stories handed down orally from generation-to-generation within a certain tribe, realizing an income from their sale while the tribe realizes nothing but trauma over the loss of a valued material.

The list of such incidents is endless. The United States government is among the institutions and persons engaging in the theft of American Indian cultural material. On the face of it, the federal government has a right to copyright certain materials produced under monetary grants made to tribes or schools.

THAT SAME GOVERNMENT makes no copyright claim to material produced under grants by its National Endowment for the Arts.

But there is a movement underway by which Indian tribes and organizations of tribes of a given region are asserting the exclusive right of tribes or individuals to Indian cultural material. Proponents have

banded together as the committee for the protection of Native American Cultural rights.

The movement began on the Rocky Boy's Reservation, where School District 87 had been granted \$168,500 and \$169,000 the past two years to conduct a research and writing program wherein oral history and literature are recorded and translated into written English and Cree. When Indian cultural informants, who supply unique information, became aware of the government's copyright ownership claim to the printed material, they and others expressed a desire to change the government's stance.

SINCE THAT TIME several months ago, the problems of copyright and royalty rights and the rights to use have been asserted in resolutions adopted by tribes and Indian organizations. Copies of these have been mailed to members of Congress, heads of departments in government and President Ford.

Although members of Congress were at first prone to cite federal law and policy indicating the Indians would have to "like it or lump it" when federal grants were involved, of recent weeks a softening of attitude has occurred. An example is the statement of T. H. Bell, U.S. commissioner of education. Writing to Harold E. Gray,

director of Chippewa-Cree research on the Rocky Boy Reservation, he said:

"IT IS MY understanding that the Office of Indian Education will be in touch with you to discuss the possibility of memorandum of agreement between the Rocky Boy School and the Office of Education which would waive the copyright guidelines (of Public law 92-318) and give full copyright to the tribe or the school."

The Chippewa-Cree and Nez Perce tribes are working together with the help of Nez Perce lawyer Richard Shifter to get the government to recognize Indian rights in copyright laws, and to develop their own laws on copyrighted materials.

A bill is currently in the Senate Judiciary Committee on Nevada Indian tribal history, to provide that four publications detailing the history of the Indian tribes of Nevada shall be subject to copyright by the Inter-Tribal Council of Nevada.

(Senate Bill 2355 — by Sen. Howard Cannon, Sept. 17, 1975.)

SUCH GROUPS AS the Northwest Indian Education Conference (NIEC) have declared "... there have been many attempts to develop material about the American Indian which can best be described in terms of exploitation and ... it has been demonstrated that such exploita-

tion has proven to be detrimental and has resulted in biased material, misrepresented as factual. ..."

The resolution adopted by the Blackfeet Tribe of Montana is one of the strongest. It states the Blackfeet Tribe will immediately pass its own laws regarding the protection of cultural rights, and asks the federal government to recognize this right through the passage of appropriate legislation.

All resolutions have a common paragraph asking that the Congress of the United States enact legislation giving Indian tribes perpetual and exclusive copyright. The NIEA, an organization of educators from the Pacific Northwest, also seeks special legislation giving recognition to the fact "each tribe has the power to enact of its own regarding the definition of those materials it wants protected and how they should be protected because each tribe is a self-governing body."

TRIBES WHICH HAVE recently adopted resolutions affirming their rights to tribal material include the Nez Perce, Rocky Boy, Northern Cheyenne and Blackfeet.

Indian organizations such as the Montana Inter-Tribal Policy Board, the Northwest Affiliated tribes and the NIEC, as well as tribes in the southwestern U.S. and the midwest have expressed an interest in aligning themselves with this cause.



Mike Kaquatosh demonstrates the proper method to notch the hide to prepare it for stretching on a frame.

## Tanning: an 'earthy' art



Pat Bourgeois strings the hide to a frame. The hide must be strung loosely, and then gone back and tightened so that the hide is centered within the frame.



Marianne Verbitsky dehairs the hide with a scraper or Wahinthe. This step is eliminated if making a robe or rug.





Mary Bray and Anna Rubia go through the process of stretching and rubbing to bring out the soft white texture of Indian leather. At the same time this process dries the hide.

**Tanning hides. A lost art? Not yet!**  
 Mike Kaquatosh, personal development instructor at UTETC, recently held evening classes for a one-week period and he taught, of all things, tanning.

Kaquatosh provided the hides and to make things easy, each person was given 1/4 of a hide to tan. Now 1/4 of a hide does not leave you very much. As one woman in the class chuckled, it's about the size of a diaper. But after seeing the process, one has to admit that ten people working on full hides could have been a bit difficult.

The class began with four men and six women, but only one man and five women completed. One can only wonder why the others quit; maybe they didn't believe Kaquatosh when he said the hides didn't stink, they only had an "odor."

Anyway, the women seemed to have the more tolerant noses, even though they made frequent reference to the odor. They were embroiled with it from the beginning doing their own work with only a helping hand from Kaquatosh.

The reward for everyone's effort was to go home with a small, soft piece of tanned hide, and instructions from Kaquatosh on how to smoke it to make it waterproof.

The charge for this one week's exploration of what was once a necessity was \$3 to UTETC students and staff and \$5 to off center people. These funds go toward the purchasing of material needed in the tanning process.

Kaquatosh hopes to hold this one-week course once a month, providing there are enough people interested and he has hides available.



Mary Bray is graining the hide. This stretches the pores and keeps them stretched and also helps to get the hide soft and white.



Pat Bourgeois and Mike Barthelemy rub in Neatsfoot oil. This penetrates the hide and enables the breakdown of the pores.

Story and photos by Karen Hiller

A North Dakota district court jury finds a young Indian guilty of first-degree murder in the stabbing death of another Indian. The only material evidence is a thumbprint on a truck involved in the incident. The judge grants a defense motion for a new trial. The case is now before the State Supreme Court.

A young Indian is arrested for assault in Fargo, found guilty and given a one-to-five year sentence in the state penitentiary.

The son of the mayor of Jamestown is found guilty of killing another youth outside their high school. The sentence: five years' probation.

Unequal justice? If so, is it unusual or part of a pattern in the administration of justice by non-Indian courts and law enforcement agencies in North Dakota?

It's an emotional issue. Indians are sensitive to any signs of discrimination, and many who have had run-ins with the law mutter about bad vibes from the cops and court officials, and believe they would have gotten off lighter had they been white.

Some people suspect that Indians are more likely than non-Indians to be arrested, are more likely to have the book thrown at them, are more likely to receive an unreasonably high bail, are more likely to be found guilty by a jury, and are likely to receive a harsher sentence.

Some lawyers believe that Indians and other oppressed minorities are pushed impersonally through the system. They speak of "Indian Trials," which begin in the morning and end in the afternoon with the Indian defendants found guilty.

In an attempt to substantiate these claims, UNITED TRIBES NEWS took a look at the courts and law enforcement agencies in Bismarck, and conducted a spot survey of workers in the system: attorneys, court officials, policemen, and counselors.

A major obstacle to any thorough study arose quickly: none of the courts - federal, district, county, municipal, or juvenile, keep records on the race of the people who come before them. Hopefully

the joint task force of the North and South Dakota Advisory Committees to the U.S. Civil Rights Commission can require that such records be kept to facilitate its planned study on the administration of justice for Indians.

The Bismarck police keep records on the race of adults and juveniles they bring in. These show the booking of a disproportionate number of Indians, who comprise at most four per cent of the Bismarck population.

For example, of the seven adults arrested this year for aggravated assault, two were Indian. Of the 183 arrested for liquor violations, 26 were Indian. Of the 73 arrested for disorderly conduct, 32 were Indian. With juveniles the figures were only slightly lower.

The police would say every arrest was justified. Guy McLaughlin, the only Indian on the Bismarck police force, said that a few of his co-workers have made bigoted remarks. Still, both he and Bob Harvey, the Burleigh County sheriff who used to work at United Tribes, insist that everyone is treated the same. "If you're drunk and rowdy you might get bruised," said McLaughlin. "But that's the same for everybody."

The state penitentiary keeps records on its inmates. These show a disproportionate number of Indian prisoners. Corrine Waukazoo, counselor for the Indian inmates, said that of the 190 prisoners, 31, or 20 per cent, were Indian. This figure has risen to 35 per cent in the past.

A comparison of the sentences given to the Indian and non-Indians inmates for the same crime showed no patterns. "In North Dakota, judges seem to give Indians a pretty good break," Waukazoo said. "It's in other states that it's bad."

William Gipp, an Indian and chairman of the North Dakota Parole Board, said the board has a reputation for leniency, and with Indians makes a special effort to understand their situation.

The judges got passing marks from the attorneys and court officials questioned. One judge told us, off the record, that his

policy is to give lighter sentences to Indians and women. This same judge was criticized for being paternalistic. "If you may give Indians light sentences, it was said, he also is convict and thereby to subject them to 'rehabilitation.' Other judges have any clear bias, it was said, it is in their work ethic.

This bias, the survey showed, is considered even more among juries. These citizen bodies received the lowest general impression of attorneys was that juries are more likely to find Indians guilty, and that an Indian defendant will have a better chance if he looks and lives like a white person. While denying any prejudice, one lawyer said he sensed from the jurors that many looked down on Indians as uneducated members of society.

This lawyer said that "Indian trials" do exist, and criticized fellow attorneys for abandoning their Indian clients if they were convicted, for not adequately representing them at the sentencing stage.

The quality of Indian defense may be set back far. The Burleigh County Regional Public Defender System is headed by Ben Pulkrabek, head of the PD office, is frustrated with state paybacks, and wants to get into private practice. If the courts return to a rotation system for appointing attorneys for indigent defendants, Indians may be represented by young, inexperienced lawyers or corporation lawyers. Indians were criticized for having a defeatist attitude in the system. They were accused of ducking out of jury duty, pleading guilty instead of asserting their full rights.

These results are ambiguous. Prejudice against Indians certainly exists in North Dakota, and it seeps into the enforcement and judicial system. It is subtle and unrecognized. And it is difficult to document.

The following patchwork of interviews lays out some of the ways in which Indians are treated in . . .

Text by Jim Remsen

# . . . the system

## Floyd McKay

A native of Fort Totten, serving time at the North Dakota state penitentiary. Said he has served 19 months of an eight-to-ten year sentence for second-degree robbery.

"There ain't no justice for Indians in North Dakota," McKay exclaimed bitterly. He said that his trial, in June, 1974, before state district court judge Douglas Heem in Devils Lake, was a travesty, and believes that his conviction and still sentence was based on his prior record. He said the attorneys pushed him through the system because he was poor, and plea-bargained without his knowledge.

Another attorney found 21 errors in the transcript, he said, and sought an order for a new trial from the North Dakota Supreme Court. "After reviewing it for awhile," he said, "the court decided that I can't expect a lawyer to perform miracles."

McKay said he declined a jury trial because "I wasn't gonna get tried by people from that prejudiced town. I wasn't gonna have whites sit in judgement over me."

He said the judge "told me himself that he's not prejudiced. But I wonder. 'People commit crimes 10 times worse than stealing a watch, which they said I did, and they don't get eight to 10 years.'"

"There's no justice for poor people. If they don't hook you on the evidence they've got, they'll get you on your past record."

Indians are more likely to be arrested than non-Indians, McKay maintained. "In Devils Lake, cops are just looking to bust Indians who are drinking," he said. "Those people aren't bothering anybody."

"When I hear people talking about justice for Indians, I want to cry inside. 'Forget it man, It don't exist.'"

## Ben Pulkrabek

Public defender for the North Dakota district court. Said that of the indigent clients whom he represents in a 10-county area, 30 per cent are Indian.

"I don't think Indians get a different rig than anyone else," he said. "I haven't seen any differences in the cases I've tried. One judge I dealt with wouldn't sentence Indians."

"With juries, I've heard more complaints about long hair than about nationality."

## Kenneth Tilson

Minneapolis attorney who has been active in the Wounded Knee Defense/Offense Committee.

Tilson said he has experienced "rampant racism" in South Dakota courts, "and my limited experience in North Dakota shows the same."

"The lawyers are prejudiced, juries are prejudiced, and judges are more prejudiced than the juries, he remarked. "The racism is so pervasive that they can't even see it. They can't see the underlying assumptions."

"Federal agents think nothing of dropping a subpoena on an Indian in the morning, ordering them to be in court that afternoon. They think they can't be interrupting anything important."

"An Indian's credibility depends on white witnesses. Even the lawyers accept this, and make every effort to get white witnesses."

"Public defenders in South Dakota push Indians through the system. There is a presumption of guilt."

"Efforts to deal with this racism bring the South Dakota Bar regards us as enemies. We get no cooperation, with few exceptions. The few who do are openly hostile and paranoid."

"We are the enemy in an open and obvious way. Other lawyers don't believe me when I talk, and can't believe what they see."

## William Gipp

Former tribal judge at Standing Rock, and chairman of the North Dakota Parole Board.

"North Dakota is considered one of the best nations in the granting of paroles and probation. It witnessed discrimination against Indian inmates."

Gipp said he influences the other board members in special circumstances of an Indian inmate. "For instance, larceny is a fairly common crime. I try not to make as big a deal out of it as we would if it were a white man," he said. "And we realize that it is not as simple a job to return to on the reservation."

## Bruce Van Sledright

Has been a U.S. District Court judge for 15 years. Said that 70 per cent of the defendants who come before him recently appealed personally to several trial judges. "The judiciary strengthened and to have more confidence in it."

Speaking like an elder, the silver-haired judge said federal courts work as well as can be expected.

"I am not so insipid as to say there is no bias. It is a statement that Indians don't get a fair trial. North Dakota would be too broad a generalization."

"The ratio of disagreements we get is 10 to 1. There is bias everywhere in this world. It is that jurors discipline themselves. I think they are."

He was less satisfied with tribal courts. "I am exercising their authority as much as the U.S. courts than they would exercise in U.S. courts," he asserted.

## Irvin Nodland

During 11 years of private legal practice, Nodland has had numerous Indian clients at all levels of the courts.

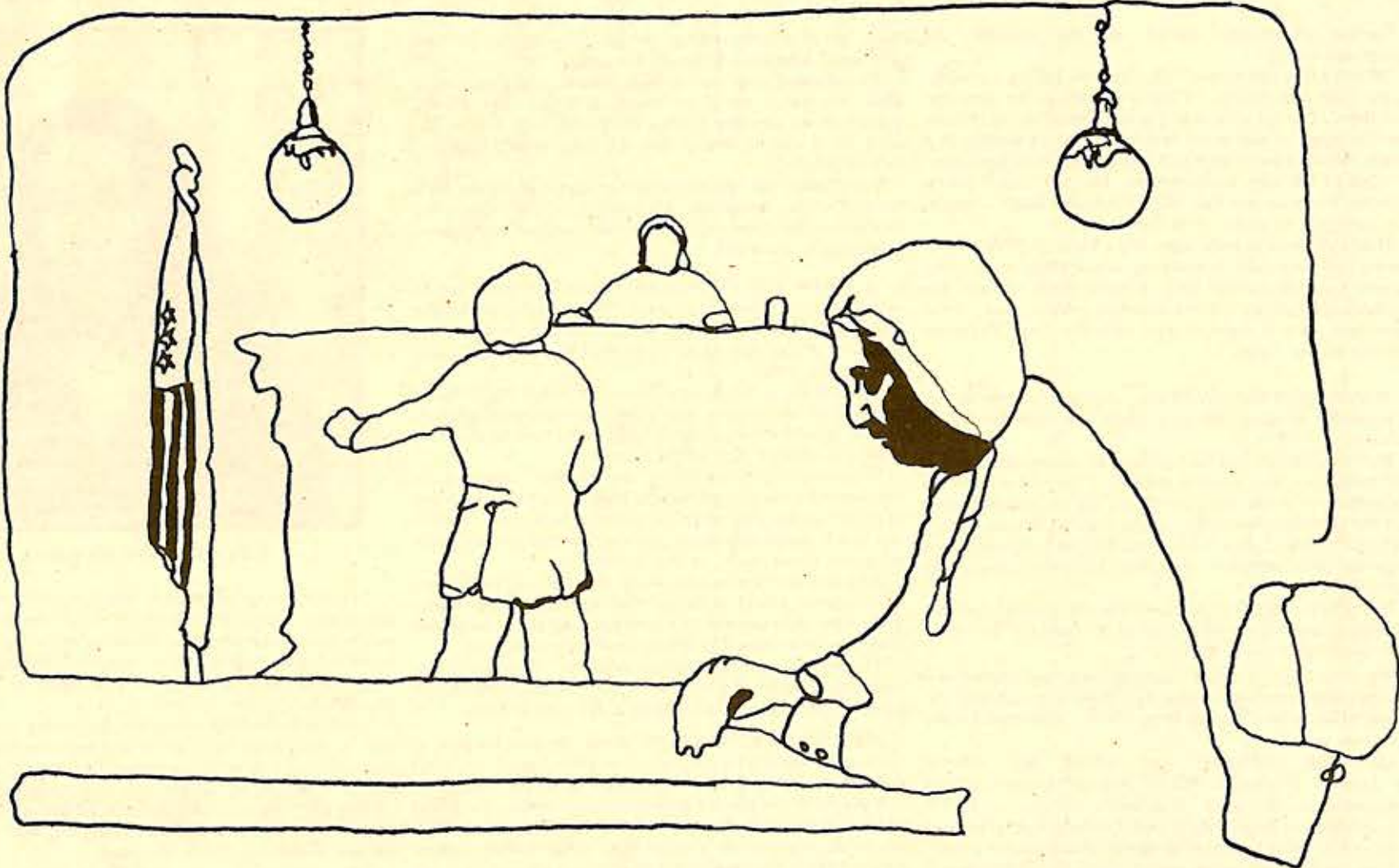
Nodland's feelings were complex. He said he has sometimes treated unequally, but he was not a non-Indian.

"Most people involved in the judicial process, clerks to bailiffs and jailors, are convinced of the bias," Nodland said. "On the other hand, I feel unrecognized prejudice."

"It often surfaces in discussions I have had. They always sincerely deny an injustice. I never make some comment about the defendant."



However, While he quicker to If he and vor of the prevalent marks. The e likely to ve the best rors would talking to productive ticized his they have m in the her if the hased out. th delayed he does so ng counsel d by only about the duty and n a case. t Indians o the law often goes the ways in



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ickle 3 1/2 years. Out of concern that e before him are Indian, he bal councils to have the tribal Native Americans sit on juries. red Van Sickle said that the umanly expected. no problem," he said. "But a ial in the U.S. court in North ation. about the same as with whites. The most that one can expect k that by and large they do." irts, which he felt were not y should. "Indians get a fairer et in localized Indian tribal

and in Bismarck, he has handled the court system. id that Native Americans are critical of Indians as well as ocess, from judges, jurors and that they are not prejudiced." there is a great deal of latent, e with jurors after cases are prejudice. Then they might nt's appearance.

"I think the predominant attitude is that Indians are lazy, alcoholic, unemployed people who are not making a contribution to society. And they think that the Indian defendant probably did it anyway. If an Indian absent-mindedly walks out of a store without paying for something, he'll be found guilty of shoplifting for sure.

"There's no question in my mind that juries are more likely to find an Indian guilty than a non-Indian, for the same crime.

"To the extent that we can make an Indian look like a white, the better shake we can get."

Nodland agreed that there is such a thing as an "Indian trial," whereby proceedings begin in the morning and end in the afternoon with the Indian defendant found guilty. Indians do get pushed through the system, he acknowledged.

But this brusque treatment is also the fault of Native Americans, he asserted. "There's a resignation factor. Indians seem to be likely to plead guilty, at least in lesser offenses. There seems to be a resignation that the white judicial system ain't worth fighting. So it's partly their problem, although I have seen more awareness lately, more willingness to assert rights."

Nodland reserved some praise for the judiciary. "Judges at all levels have made a valiant effort to understand Indian people and to be sensitive to their special problems," he said. As a result, Indians have had an equal, and sometimes even a better, deal on sentencing than non-Indians." He said he also has seen no discrimination by judges in setting bail.

**Guy McLaughlin**

Only Indian among the some 55 officers on the Bismarck police force. Has served in the position for more than four years, following graduation from the UTETC police science training course.

McLaughlin said he has seen no discrimination against Indians in arrest, booking or detention by the Bismarck police. "Everyone's been treated the same since I've been here", he said. "If you're drunk and rowdy, you might get bruised. But that's the same for everybody.

"There's a small group of the officers who might make some remark against Indians in the station. But as far as I know it hasn't shown in their performance." He said that sensitivity sessions about Indians might be beneficial.

**Dorothy Rolfstad**

Has been a court reporter for Burleigh County Judge Benny Graff for 3 1/2 years. Recently distinguished herself by filing an affidavit, in a support of a change-of-venue motion for Russell Means, in which she termed Bismarck-Mandan "very racist" towards Indians.

Rolfstad was unwilling to call the court system racist. "There's no problem with the judges," she said. "They're very fair. Remember, a good percentage of the Indian defendants are in for violent crimes.

"I've also seen no racism with the state's attorney. He tends to bend over backwards for Indians."

She was not sure about juries. "They have their prejudices. I've heard more complaints about long hair than I have about Indians, with ignorance as with hostility." She said juries may be more willing to convict an Indian than a non-Indian for a given crime, "although this would be hard to document."

A big problem, she said, is that Indians try to get out of jury duty.

"They must not feel like they're part of the system," she said. "But we run a lot of Indians through here who want jury trials. I know it: I was a skin I'd want to have some Indians on my jury. They should show up when they're called, dammit!"

**John Olson**

Has served as State's attorney for almost one year.

Olson denied claims that his office is particularly skeptical of Indians who come in wanting to press to complaint. "I can't remember one Indian coming in to press a claim in the past year," he said. He said that all complaints are scrutinized and many rejected, leaving the office with a 95 percent success rate on winning convictions.

Olson said that in cases involving Indian against Indian, he has noticed a tendency of jurors to back off. "They seemed to feel that Indians have their own system of justice, so they didn't want to find the defendant guilty," he claimed.

**Richard Baer**

Has been a private attorney in Bismarck for six years, and has represented numerous Indian clients.

"Overall, the court system seems to be pretty fair towards Indians," he said. "I can't complain. Judges have overcompensated for Indians so as to give no grounds for appeal. They seem to be the same for Indians and non-Indians.

"I would say that juries don't bend over backwards to be fair. But their verdict seems to depend on the personality of the defendant and the type of crime more than race."

**Dennis Schneider**

Served for five years as a state prosecutor, including a term as Burleigh County state's attorney.

Schneider said that to understand the system one must realize that judges are prejudiced towards the work ethic. He said there is no discrimination against Indian defendants who resemble non-Indians (well educated, employable, with strong family ties).

However, he claimed, with most of the Indian defendants the stereotype holds true: they are likely to be unskilled, have a past record and have a drinking problem.

"Say a young white is before the judge," Schneider offered. "He's likely to be educated, employable, and have strong family ties. He'll probably walk out with a probation if it's his first offense.

"Then, say an Indian of the same age is before the judge. He'll probably have a minimal education, no job skills, a juvenile record, maybe a drinking problem. He doesn't have things going for him. The defense lawyer has little to point why the Indian shouldn't be put away.

"He either goes out the door, with some supervisory probation by the overstaffed probation officers, or he's put away, where he can be rehabilitated.

"And it gets progressively worse as the Indian offender gets older."

Schneider said the percentage of Indian inmates in the state penitentiary might drop if the state would fund other programs such as new corrections facilities and halfway houses. "These have been talked about for some time, but haven't gotten any money yet," he said.

# Indian inmates have own counselor, for now

Corrine Waukazoo smiled as she recalled the conversation.

"When I first came here," said the new Indian counselor at the state penitentiary. "I met with each of the guys and told them, 'I'm not even sure I'm capable of doing the job, but I'm going to give it my best shot. I never worked in a prison before. I never even had any contact with prisoners.'"

"One of the guys reassured me. He said 'Don't worry, Corrine. You'll do just fine.' Boy, I thought, that's a switch. I'm supposed to make them feel better!"

That was three months ago. Since then, the Fort Yates native has developed a working relationship with other members of the prison staff, learned what services are available, improved her counseling skills, and, most important, built a sense of trust with the some 30 Indian inmates at the "joint."

WAUKAZOO BELIEVES that no other state prison has a counselor working full time inside the walls for Indian inmates.

Her performance has been praised by the inmates, prison administrators and judicial officials. "There has been an improvement in the attitude of the Indian inmates since Corrine started in September," said Winston Satran, deputy warden. "They have a better vehicle for communication with the administration, and have consistent counseling services."

But prison officials did not initiate the position, are not funding it, and appear to be reluctant to add the desk to its permanent counseling staff.

When the Indian Culture Group at the prison requested a special Indian counselor a year ago, they were told that the prison's budget had already been fully allocated for the next two years.

OUTSIDE FUNDING was located last summer by Juanita Helphrey, North Dakota Indian affairs commissioner. Through Helphrey's office, a CETA (Comprehensive Employment and Training Act) grant was approved to fund a paraprofessional counselor for a year.

That funding will expire next August, and Helphrey will still be looked to by the prison for more funding. Satran said

that "we're already trying to get funding for 12 new positions. Another one would be shaky."

He indicated that if a vacancy occurs on the counseling staff, Waukazoo would be asked to fill it. "But I can't guarantee an ongoing Indian counselor," he said. "The need for it can be shown. But it's hard to find qualified Indian people."

The 25-year-old Waukazoo is a graduate of Blacks Hills State College, Spearfish, SD, and has had counseling experience for Upward Bound and summer enrichment programs in Spearfish.

"I THINK THE PRISON had trouble with some Indian employes in the past," she said. "They probably thought that I'd sluff off on the job. Being a woman as well as an Indian, I've had to work twice as hard to prove that I take the job seriously."

She said she is "walking a fine line" in her job. "On the one side are the inmates, who are my primary responsibility. On the other is the administration, which I have to please. If there's a conflict, I'm in the middle."

When she began her duties, she recalled, "some of the inmates were hard to approach. They hung back. Like one of them told me, they're not too proud of being here. They're not sure if people who come here are just curious, are going to gossip about them, or are sincere."

An initial problem in counseling, she said, was that "They were deathly afraid of being misinterpreted. They didn't know what their counselors were writing up about them, and were very self-conscious about what they said."

Through honest counseling sessions, Waukazoo has been able to build up a sense of trust with most of the Indian inmates, and even is counseling a few non-Indians.

SHE HAS AN ADVANTAGE in that she does not have to file regular reports to the probations office, as do the other counselors. If she joined the regular staff, she would.

She said that when she gains more experience, she hopes to lead group counseling sessions for Indian inmates. Such all-Indian sessions are a major goal of the Indian Culture Group, which has complained that Indian inmates have not benefited from mixed group counseling.



Corrine Waukazoo

"It is the general consensus," the group said in a proposal last month, "that the inability or the direct failure of the non-Indian counselors to acknowledge or even give credence to the fact that there is a basic cultural difference, results in the rejection of the group by a majority of the Indian population."

In the meantime, Waukazoo is processing forms for the guys, finding what legal, social and employment assistance is available, lining up speakers for the Indian Culture Club, and coordinating her efforts with such programs as United Tribes, the Dakota Association of Native Americans, the Institute for Community Understanding and the Indian Alcohol and Drug Abuse Program.

"My main interest," she said, "is in getting the men out and keeping them out."

## criminal justice center is sought at UTETC

In an attempt to improve the quality of justice which Indians receive, the United Tribes Educational Technical Center plans to seek funds to develop a National Indian Criminal Justice Training Center at UTETC.

As proposed, the center would provide interdisciplinary training, on both in-service and pre-service levels, to personnel of the reservation Indian criminal justice systems. And it would offer advanced training, workshops and outreach training to personnel working in both the Indian and non-Indian criminal justice systems.

"Criminal justice is perhaps the most critical problem facing Indian people today," said Warren W. Means, UTETC executive director, in explaining the need for NICJTC concept. "Reservations cannot find enough trained people to fill all the different law and order jobs. Pre-service training on all levels is greatly needed."

"The non-Indian community is uninformed about Indians' problems in the administration of justice," Means added. "This center would perform a service by educating non-Indian personnel."

The UTETC proposal has received some prestigious support. The resolutions committee of the National Congress of American Indians endorsed the plan at its recent convention in Portland.

North Dakota Gov. Arthur Link supported the idea of having the center at UTETC, and introduced a resolution in favor of the plan at the Midwestern Governors' Conference, last July in Cincinnati. The resolution was passed unanimously by the governors, and has been placed on the agenda of the National Governors' Conference, to be held in February in Washington, D.C.

Means said that funding for the

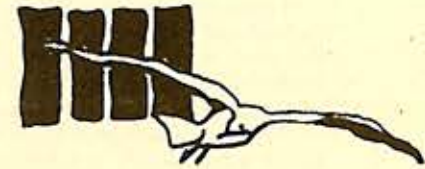
center will be sought from the national office of the Law Enforcement Assistance Administration. A facility to house the NICJTC will have to be erected, he said, and the UTETC planning department is compiling data and figures for the funding request.

United Tribes has a certified police science training vocation, which has graduated 36 students since it was first offered in 1971. The NICJTC would greatly broaden the scope of the police science curriculum, according to the proposal. Through a coordinated program with police science and two other UTETC vocations, human services and business-clerical, the NICJTC would offer training opportunities for up to 250 students a year in 22 criminal justice occupations.

The proposed center also would offer four types of in-service training. These would include interdisciplinary workshops for personnel involved in Indian justice at all levels - tribal, federal and state; refresher courses for police, lay advocates, lawyers, paraprofessional and professional probation and parole officers and social service workers; and outreach training. Aided by a mobile unit, an outreach staff would teach condensed courses on reservations for all interested personnel.

The NICJTC proposal explains the need for pre-service training for police officers on reservations. Crime rates are high, but police forces are understaffed and inadequately trained.

While the reservation systems are grossly undermanned, the proposal notes, the Bureau of Labor Statistics reports that the demand for criminal justice personnel nationally is high and likely to remain so through 1985.



## Survey shows prejudice

[continued from page 1]

of the police are wrong" (Question 8). Fully 42.7% think that "If the authorities go to the trouble of bringing someone to trial, he's probably guilty" and thus fail to accord defendants the presumption of innocence to which they are legally entitled (Question 8).

"A frequently used index of authoritarianism 'obedience and respect for authority are the most important virtues children can learn' (Question 5) was agreed to by 97% of the population, the highest proportion that I have ever seen. The arbitrary placing of 'obedience and respect for authority' as more important virtues than honesty, self-reliance, and love clearly reflects authoritarian tendencies.

"The combined effects of the first three authoritarian items considered above (Questions 10, 8, and 6) equals 89.9%, meaning that nine out of ten surveyed exhibited an authoritarian response on one or more questions. . .

"Perhaps the best measure of the defendants inability to receive a fair and impartial trial is the level of open

prejudgement of the case. Fully 43.6% of those surveyed did not think that they could be fair and impartial jurors in the Means case.

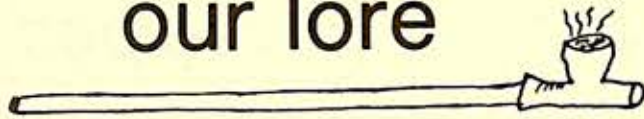
"In addition 32.2% think that Means is guilty of the offense he is charged with in this case. One-third (32.5%) of those who stated that they could be fair and impartial juror or that they think that Means is guilty. Thus from the outset, even ignoring racial prejudice and authoritarianism generally, over half of the potential jury pool have pre-judged the case.

"Over forty percent (41.5%) would require the defendant to prove himself innocent and would ignore the judges instructions to the contrary.

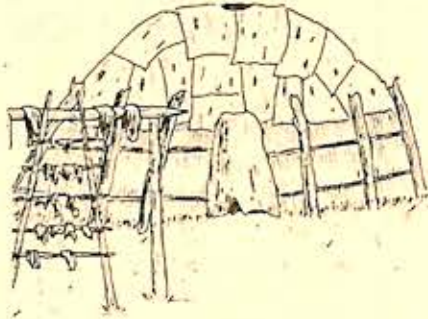
"Of those who would deny defendants the presumption of innocence (Question 11) four out of ten (43.2%) nevertheless said that they could be fair and impartial jurors.

"This level of out of hand pre-judgement of the case is extremely high and reflects a level of community hostility such that it pervades the entire social context in which this criminal case occurs."

our lore



From lakes and trees  
to a sea of grass - Chippewa



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

The Chippewa originally lived in the well-watered woodlands of Canada and northern Minnesota. When the French fur traders came to our part of the country we moved with them to the Turtle Mountains of North Dakota and tried to live the same as we had in the wooded homes we left.

Our family stayed together. During the winter we hunted and fished and had little contact with other people. In the spring we met other families at maple groves to collect the sap from the trees. Each family owned a section of the sugar groves and the ownership was handed down over the generations.

THE WEATHER WAS WARM AND ENJOYABLE, but there was little time for recreation. Women assumed the major role in sugar making, but everyone in the family helped to gather the sap. We made a cut in the tree and placed a birch-bark pan (*wigwass makak*) at the base to collect the sap.

When the pans were full we emptied them into huge kettles. The women placed the kettles over fires and stirred the sap while it boiled. Each tub of sap was treated differently depending on whether we wanted syrup, ground sugar or block sugar (boiled for the longest time.)

When the community disbanded, the women began to cultivate their crops. The men began to hunt wild game until September when we harvested our most important crop, wild rice (*manomim*). The rice grows in shallow lakes and rivers. Each family had a right to a certain section of the rice land.

A HUSBAND POLED A BIRCH bark canoe through the rice fields. His wife reached the top of the plants with a straight, pointed stick, pulled it down, and hit the plant tops with another stick so the kernels would fall into the canoe.

After the rice had dried for several days, it was parched and then poured into a buckskin-lined hole in the ground. The men and boys, wearing high-topped moccasins, tramped on it to loosen the husks from the kernels. The grain was put into a birchbark tray and fanned in the wind. The wind carried away the chaff and left the edible kernels. The rice was stored in fawnskin bags.

Harvesting was an exciting time because it was the end of the growing season. We had many celebrations at this time.

DURING AUTUMN WE MOVED to a hunting camp. We sought deer, buffalo, moose and bear. We shot them with bow and arrow and followed their trail of blood. Trappers began their work then, too, and continued through the winter. We used deadfall traps which pinned the animal to the ground after it tripped a trigger. We caught some animals in nets and snares.

Another important food for us was fish, as they could be caught in all seasons. The first fish was caught by a *Mide* (priest). It was cooked and eaten in a very respectful manner. We thought of the first fish as the leader. Its soul would travel back to the others to tell them about the event and they would swarm upstream.

We moved often and made temporary shelters called

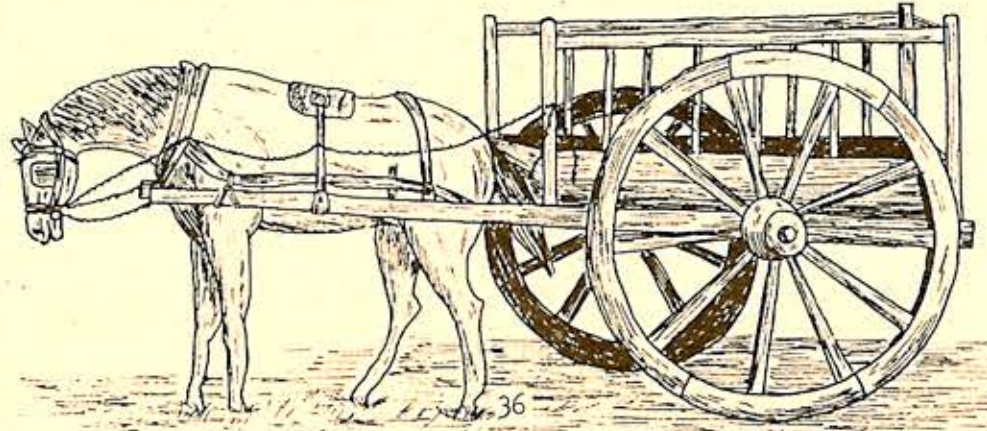
wigwams. We cut saplings, placed the end of several in the ground and enough to match on the other side. The tops were lashed together. Over the framework, the women placed woven mats, then bark for a second covering. We laid heavy poles against the sides to keep the bark in place.

INSIDE WAS A FIRE PLACE which the women tended all day. We spread cedar boughs on the ground to sit and sleep on. At night we covered ourselves with buffalo robes and rolled them up during the day to use for seats. We built racks outside to store food and other articles. We did not collect many things because it was difficult to transport them.

Originally we traveled in birchbark canoes which were light and easy to maneuver. We packed our tools and equipment, bark wigwam coverings, dogs and ourselves in the canoes and followed the river. Later, when we lived on the prairie and acquired horses, we built carts to carry furs and food to the traders.

WE BEGAN TO CALL ourselves *Bungi*, which means "a little bit." By this we meant that we were changing from our woodland style to a plains way of life. We were a "little bit" of each.

Gradually we turned to the plains style. A wigwam was not as easy to construct on the prairies as a skin tipi. We concentrated on hunting buffalo more and more and began to use horses more often than canoes. When we lived in the woods we wore soft-soled moccasins, but here on the prairie we had to make moccasins with hard soles.



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# getting by

advice

## Housing discrimination

By Jason Warran

United Tribes VISTA Attorney

**Q.** What protections are there against housing discrimination?

**A.** There are two federal laws protecting against discrimination in the sale or rental of housing. One of these is the Fair Housing Law (Title VIII of the Civil Rights Act of 1968); The other is the Civil Rights Act of 1866. (Some states have their own laws against housing discrimination; however, North Dakota does not.)

**Q.** What is covered by the Fair Housing Law?

**A.** With certain exceptions, the following acts are prohibited by the Fair Housing Law if they are done because you are Indian:

- a. Refusing to sell or rent, or to negotiate sale or rental of housing.
- b. Discriminating in the terms or conditions of sale or rental, or in the provision of services or facilities (For example, charging you a higher rent because you are Indian.)
- c. Printing discriminatory advertisements (For example, "For rent to Whites only").
- d. Discriminating by claiming that a dwelling is not available for inspection or sale or rent when the dwelling in fact is available.
- e. Discrimination in the financing of housing by a bank or similar institution.
- f. Discrimination in the provision of real estate brokerage services.

**Q.** You said there were some exceptions. What are they?

**A.** First of all, the Fair Housing Law does not cover single-family housing owned by private individuals unless certain circumstances are present. Secondly, the Fair Housing Law does not apply to housing units in a dwelling having quarters for four or fewer families, if one of the units is occupied by the owner. As can be seen, a lot of the housing in the Bismarck area could fall under these exceptions.

However, if you are faced with discrimination, do not be concerned with the chance that it falls under one of the exceptions; let the person who assists you be the one to worry about that.

**Q.** Who can I look to for assistance if I encounter housing discrimination because I am Indian?

**A.** You can contact the United Tribes Legal Department for assistance. Or, if you are away from United Tribes, you can call either your local office of HUD (Federal Department of Housing and Urban Development - listed in the phone book under United States Government) or HUD's regional office in Denver, Colorado; the phone number of the Denver office is (303) 837-4726, and their address is: Region VIII, HUD Equal Opportunity, Federal Office Building, 19th and Stout, Denver, Colorado 80202.

**Q.** How about the 1866 Civil Rights Act?

**A.** The 1866 Civil Rights Act prohibits racial discrimination in the sale or rental of property, without exceptions. However, because it can only be enforced by filing a case in federal court, it ordinarily will not be used if the provisions of the Fair Housing Law are available.

**Q.** What are the procedures under the Fair Housing Law?

**A.** Several different procedures are available. The most effective is to submit a complaint to the HUD Office in Denver. The United Tribes Legal Department has the necessary form, and will help you in filling it out. This complaint must be submitted within 180 days of the occurrence of the discrimination.

HUD will investigate the complaint, and may attempt conciliation with the person charged with the discrimination, in order to end the discriminatory practice. If this does not bring about compliance within 30 days after the complaint is filed with HUD, the person who filed the complaint may bring suit in Federal Court within the next 30 days.

(Also, suit may be filed in federal court - or, in states which have their own housing discrimination laws, in state court - within 180 days of the occurrence of discrimination, whether or not a complaint has been filed with HUD.)

**Q.** What relief is available under the Fair Housing Law?

**A.** The conciliation route may result in the person charged agreeing to sell or rent the property to the person filing the complaint, or else in an enforceable agreement to cease such discrimination in the future.

If court action is taken, it may result in an order restraining the person from discriminatory acts, and also in the discrimination, as well as up to \$1,000 in punitive damages; further, under certain circumstances, the court may appoint an attorney for the complaining party without charge, and not require the party to pay other costs.

## Native recipes

### Chippewa wild rice

1 cup wild rice, washed in cold water  
 2 1/2 cups water  
 1 1/2 teaspoons salt  
 4 strips bacon cut into julienne strips  
 6 eggs  
 1/4 teaspoon pepper  
 2 tablespoons minced chives  
 Bacon drippings plus melted butter or margarine to measure 1/3 cup.

1. Place the wild rice, water and 1 teaspoon salt in a saucepan, and bring slowly to a boil. Reduce heat and simmer uncovered, until all water is absorbed.

2. Render the bacon in a large, heavy skillet. Drain bacon on paper toweling. Save drippings.

3. Beat eggs, 1/2 teaspoon salt and the pepper until light. Pour into the skillet in which you browned the bacon, and brown the eggs lightly. Then turn gently, as you would a pancake, and brown on the other side. When eggs are firm, cut into julienne strips.

4. Lightly toss the bacon, julienne egg strips, chives, bacon drippings plus melted butter or margarine with the rice. Serve hot as a main dish.

Makes 4 servings

[From an Indian Recipe book compiled by the staff of the United Tribes Employment Training Center.]

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# DANA business council honors 3 employers

Eagle Feather awards expressing gratitude for a close working relationship have been awarded to three area employers by the North Dakota Association of Native Americans.

Accepting the awards were Walter Hjelle of the State Highway Department; Steve Wegner of Sears; and Phil Nickey, of the Ramada Inn. The awards were presented at a meeting of the Business Advisory Council to DANA held Dec. 2, in Bismarck.

In the opening statements, Bud Baldwin, equal opportunity officer for the National Guard, told the businessmen present to spread the word about DANA. DANA is not "looking for a handout, but it does want and need your help". He added that DANA's intention is to give something in return.

A panel discussion was held with Mayor Bob Heskin, Sue Schafer of Castle Realty; Steve Wegner of Sears; and

Bob Saueressig, from Hawley, Candee, Saueressig Marketing and Advertising, Inc.

HESKIN DISCUSSED city affirmative action plans and said the city faces some of the same problems as businesses in training unskilled people and finding training programs. He also said that the city can become involved in particular instances of discrimination only when "some definite legal requirements" are fulfilled, such as the filing of a complaint.

Schaefer asked that realtors help by providing references for Indian renters and by not discriminating.

Saueressig said that the local media was doing a decent job, but said that more could be done in the area of explaining programs such as DANA.

WEGNER GAVE SOME positive reinforcement about Indian employees at Sears. He also talked about his company's reasons for working with DANA: 1) to

help comply with its Affirmative Action requirements, 2) moral commitment, and 3) sound business practice.

Other problems discussed were the shortage of Indians applying for job openings, civil rights suits against landlords, and problem employees.

BAC-DANA was formed in October to involve business people from such fields as housing, health care, legal aid, day care, unions, transportation and employment, in overcoming the adjustment problems faced by Indians coming off the reservations.

THROUGH SUBCOUNCILS organized in each city in which DANA has offices (Bismarck, Fargo, Grand Forks, Williston and Minot), BAC-DANA HOPES TO sensitize employers to equal opportunity and affirmative action legislation.

Pam Holand, a state senator and West Fargo businesswoman, was elected statewide chairperson of BAC-DANA.

## United Tribes Indian Culture Center

The United Tribes is actively soliciting federal monies, foundation grants and private contributions to help support and expand the newly created Indian Culture Center located on the UTETC campus.

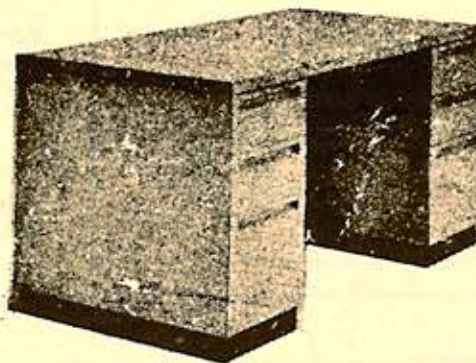
Donations of tables, chairs, couches, lamps and bookshelves to help furnish the center will be welcomed and accepted.

Please call 701-255-3285 (ext. 247)

Or write:  
Mike Kaquatosh  
Indian Culture Center  
3315 S. Airport Road  
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## united tribes news



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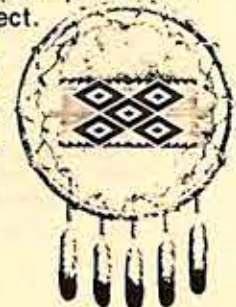
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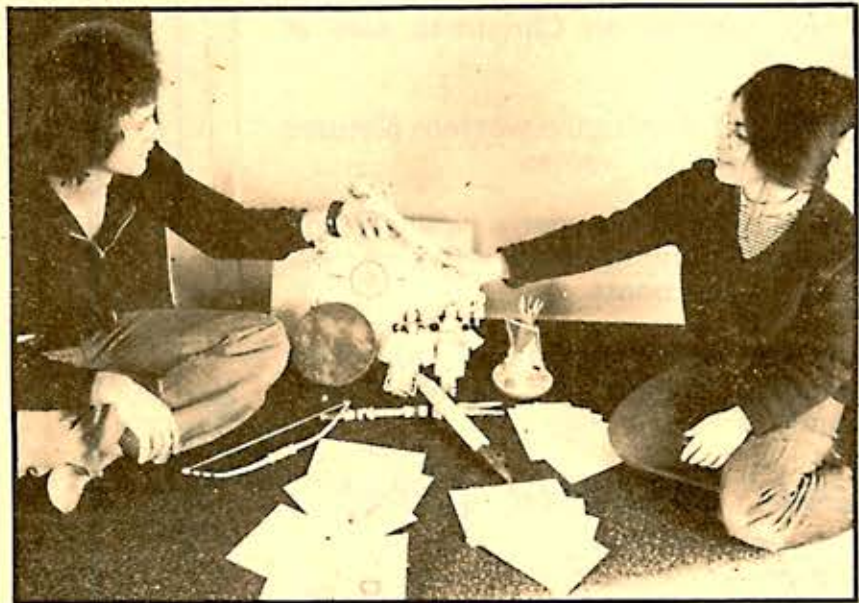
## united tribes educational technical center

Located on 105 spacious, wood-  
ed acres south of Bismarck, the  
United Tribes Educational Tech-  
nical Center offers a compre-  
hensive training program in ten dif-  
ferent 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 rehabili-  
tation project and a CETA (Comprehensive  
Employment Training Act) project.

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





## American Indian Curricula Development Program

Educating. Sensitizing. Making aware. A determined effort towards bridging the expanse between Indian and white cultures. That's the essence of the American Indian Curricula Development Program [AICDP]. That and more.

Founded in 1972 as a branch of the United Tribes of North Dakota Development Corp., AICDP dedicated itself to an enormous task: filling the gaping void of Indian studies in North Dakotan schools. Filling it with meaningful curriculum about Indians - researched, designed and written by Indians.

In that year Indian-staffed offices opened on each of North Dakota's five reservations with the job of collecting authenticated, ethnographic data about the Plains Indian tribes. Through hundreds of hours of tape-recorded interviews with tribal elders and members, often in their native languages, that job was done.

AICDP with its staff of Indian educators, artists and writers then took up residence at the United Tribes Educational Technical Center in Bismarck, N.D. The staff began the needed organizing of mountains of gathered information: culling, selecting and arranging the data into curricula units.

From those units, a curriculum is being developed for students from kindergarten through high school that tells of the Indian way of life as Indians know it. With the K-5 curriculum finished and the junior high materials just released, two-thirds of the project is complete. Underway now is the development of a high school curriculum.

The grade school [K-5] curriculum comes in kits of color-coded, illustrated cards and booklets, overhead transparencies and teachers' manuals. The junior high curriculum includes five exhaustive books and 14 posters of tribal leaders. Both groups can be enhanced with optional slide-tape presentations and both explain the traditional culture of the Plains Indians: religion, social customs, arts, crafts, music, history and tribal leaders.

The high school curriculum will center on contemporary Indian issues including treaties, tribal governments, the BIA, Indian education, art, music, literature, minority and majority relations.

There are other curriculum development programs, most functioning on local, reservation levels. But few possess the scope and direction of the American Indian Curricula Development Program. While priority is given to reservation schools in disseminating AICDP's curriculum, a large percentage of the program's materials are used in predominately white suburban and urban schools.

That is not by chance. By design, AICDP's curricula are for all students, Indian and white. That design keeps faith with AICDP's goal of bridging the cultural and knowledge gap between Indian and white communities. Of building respect for each culture through education and awareness.

American Indian Curricula Development Program. For more information, write: AICDP, 3315 S. Airport Road, Bismarck, N.D. 58501.

... an Indian curriculum from Indian people. ...

# Tribes must invite intervention, court rules

State courts cannot claim jurisdiction over civil actions concerning Indians on reservations unless the tribe votes its consent, the North Dakota Supreme Court has ruled.

The court said a law, passed by Congress in 1968, allows the state jurisdiction over actions arising in Indian country only if the tribe okays it in a separate election.

The case involved a motor vehicle collision within Fort Totten Reservation. The defendant in the case signed a document giving consent to civil jurisdiction of the state courts of North Dakota.

However, there was a motion to dismiss the action for lack of jurisdiction because the defendant was an Indian residing on a reservation.

THE HIGH COURT, in its ruling, said, "We realize that our decision will, in all likelihood, leave . . . the plaintiffs in the case at bar without a forum in which to redress their injuries. Federal courts will not accept jurisdiction unless the statutory bases for federal jurisdiction are present . . . The tribal court is limited in its jurisdiction to cases involving less than \$300."

## Means found guilty

SIOUX FALLS, SD — American Indian Movement leader Russell Means was found guilty Dec. 15 of riot in a 1974 courtroom fight between police and spectators.

Means said he would appeal the verdict, which he called "a political decision."

He could face two to 10 years in prison. Circuit Court Judge Richard Braithwaite, who tried the case without a jury, set sentencing for Dec. 31.

THE 1974 COURTROOM INCIDENT began when spectators at the trial refused to stand for the judge. Tactical squad police were called in and a fight erupted in which courthouse windows were broken by rocks and debris.

Defense attorney Sidney Strange said the Sioux Falls tactical squad came to the courthouse spoiling for a fight. He said Means could do nothing but defend himself.

Means, 36, said he wouldn't last four hours in prison. He predicted that he would be killed by a guard.

## Offer accepted

NEW TOWN, ND — The Three Affiliated Tribes of Fort Berthold have voted to accept an offer of \$9.7 million for former Indian land.

The government offered settlement of \$6.5 million and \$3.2 million for the two claims filed under the Indian Claims Commission Act of 1946, which provides compensation to Indian tribes for land taken by the federal government without adequate payment.

The general council's vote must now be approved by the Indian Claims Commission.

## Crow tour mines

HARDIN, MT. — Twenty Crow tribal members recently returned from a three-day tour of coal mining projects on the Navajo and Hopi reservations in New Mexico and Arizona. Most were not impressed with what they saw.

The group represented all six reservation districts as well as the off-reservation district in Billings. Nearly half of the participants are land owners whose lands are underlain with Crow-owned coal, said Angela Russell, director of community education at Crow Agency.

THE PURPOSE OF the visit was to assess similarities in coal development on Indian lands in the Southwest to the Crow situation so that implications from this visit could be drawn and used as a resource in future decision-making on Crow coal development.

The tour was sponsored by the Crow Tribe's Office of Coal Research as part of its educational program.

## Tribe shot down

WALKER, MN — Cass County Judge James Preece has declared unconstitutional a state law allowing Indians to levy hunting and fishing taxes on non-Indian sportsmen at the Leech Lake Reservation in northern Minnesota.

At the same time, Preece upheld the conviction of three non-Indians found guilty of violating the law, which spelled out a compact between the Chippewa Band and the state of Minnesota.

Preece found that the law violates the equal protection provisions of the state and federal constitutions. The 1973 law was a peacemaking gesture between white and Indian factions quarreling over hunting and fishing rights on the Leech Lake Reservation in northern Minnesota.

THE NON-INDIANS got moral and financial support from area whites organized as the Leech Lake Citizens Action Committee.

## news briefs

The legislature passed a measure that enabled the state to enter a pact with the Chippewas, after U.S. District Judge Edward Devitt ruled at St. Paul that the Indians enjoyed hunting and fishing rights exclusive of state jurisdiction. He based it on old treaty rights between Indians and the U.S. government.

The pact provided that Indians would not hunt or fish commercially on the reservation, which includes some of Minnesota's choice walleye fishing lakes.

Indians were allowed to collect a \$1 hunting and fishing fee from non-reservation sportsmen, added to the state license when purchased. The fee was \$2 if the license was bought separately.

## Bicen funds 4 tribes

PIERRE, SD — Four South Dakota tribes will receive \$160,000 in grants for Bicentennial projects. The Oglala Sioux at Pine Ridge will receive \$60,000 to mark historical sites on the reservation. The Rosebud Sioux receive \$40,000 for a rodeo grounds and park landscaping. The Yankton Sioux get \$40,000 for a cultural preservation program. The Sisseton-Wahpeton Sioux receive \$20,000 for landscaping a ceremonial park.

## Indians buy hat firm

OKLAHOMA CITY — The Oklahoma Indian Development Corp. has purchased The Moore Hat Co., a well known name in the western-style straw hat business. Financing was arranged by the BIA under the Indian Finance Act. On-the-job training funds have been obtained from the Commanche Tribe, through its CETA program.

Moore Hats was founded in 1946, and in the past year had orders totaling nearly half a million dollars.

## Project MEDIA is 3

MINNEAPOLIS — Project MEDIA of the National Indian Education Association is now in its third year of processing all materials concerning Native Americans. Project MEDIA has acquired approximately 4,000 titles by, about and for Natives.

The Information System for Native American MEDIA, or ISNAM, is now in operation. Information requests are retrieved according to media form, tribe subject, author or artist and audience level, as well as the language the material was written or produced in.

If you would like further information concerning Project MEDIA and the activities/publications, please contact:

Rebecca Murray, Director  
Project MEDIA  
National Indian Education Association  
3036 University Ave. SE  
Minneapolis, MN 55414

## BIA picks Barber

WASHINGTON — A full-blooded Navajo, Wilson Barber, Jr., has been appointed superintendent of the Bureau of Indian Affairs, Cheyenne River agency at Eagle Butte, SD.

Barber, 34, has been realty officer at the Eastern Navajo agency in New Mexico. He succeeds Thomas Claymore, who has retired.

## "Bear walk" curse

WIKWEMIKONG, ONTARIO — An all native coroner's jury is investigating the suicides of seven young Indians during the past 12 months on the reservation located on Manitoulin Island.

A psychiatrist, Dr. John Ward, told the jury that an Indian curse and a breakdown of family ties may have been factors in what he called a "suicide epidemic" on the reservation in Wikwemikong. Another 34 people attempted suicide in the same period.

Dr. Ward said one victim wrote that there was a curse on the area, and three people who attempted suicide believed they were victims of a "bear walk" curse, that is cast by medicine men and causes death.

Some people are concerned that the Indians are forgotten....



don't worry, they won't be....



they still have some land left.



Kaquatosh

## Jazzin' up Jamestown

A statewide project of the North Dakota Mental Health Association is providing wall hangings and paintings for the Jamestown State Hospital, to add to the therapeutic atmosphere and general welfare of the patients. State hospital accreditation requirements include enhancing the appearance of the drab wards and bare walls.

Paintings or pictures, framed or unframed, are requested. Area artists and donors should contact the ND Mental Health Association, Box 160, Bismarck, or their local Mental Health Association chapters.

## Conference on aging

HELENA, MT. — The first annual Montana Conference on Aging American Indians was held here Dec. 4 and 5. The conference was sponsored by the Montana United Indian Association and the Montana Committee of the Humanities.

Charles I. Chattin, director of the MUIA Elderly Urban Indian Project, said, "The social, economic and health needs of the older American Indian are immense. Their life span is shorter than other older Americans, and their health requirements reflect the unique problems that exist on Indian reservations and in urban areas where thousands of North American Indians now live."

## More bureaucrats

WASHINGTON — Two division directors for the Office of Indian Education have been appointed by the U.S. Department of Health, Education and Welfare's Office of Education. They are Leroy Antell, Chippewa, Montana, and Swinney Gabe Paxton, Jr., Choctaw, Tahleah, OK.

Antell will be responsible for grants to local education agency programs under Part A of the Local Educational Agency Assistance Act. His spending authority will release federal dollars for classroom equipment and programming to meet the special education needs of the 253,670 Indian children in 845 public school districts.

DR. PAXTON, AS DIRECTOR of special projects and programs, will be responsible for Parts B and C of the legislation, as well as the non-local Education Agency Assistance under Part A.

Part B authorized nearly \$12 million for the current year to Indian tribes and organizations and to state and local educational agencies for the development and operation of projects to meet the special education needs of Indian students. Part C makes \$3 million available for adult education programs. Part A provides nearly \$2.3 million to Indian schools on or near reservations.

I am an obscure member of a nation that formerly honored and respected my opinion . . .



. . . that you may never experience the humiliation that the power of the American government has reduced me to, is the wish of him who was once as proud as you . . .

[Chief Blackhawk - 1832]

Drawing by Mike Kaquatosh