

Native American Rights Fund

The National Indian Law Library

# ANNOUNCEMENTS

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## Development Of The National Indian Law Library

... Indian law is a vast hodgepodge of treaties, judicial and administrative rulings, and unrecorded practices in which the intricacies, the perplexities, the confusions and injustices of the law governing Indians lay concealed—

Felix Frankfurter

On May 23, 1972 the Carnegie Corporation of New York announced that it had made a \$119,000 grant to the Native American Rights Fund for the development of the National Indian Law Library.

Alan Pifer, President of Carnegie Corporation, in announcing the grant, said: "The National Indian Law Library is already well on its way to being the best source of documents on Indian law in the country. We are pleased to help it develop into a research and information center with a nation-wide reach. We hope its expanded services will encourage more lawyers to represent Indian clients and thereby secure justice for Native Americans now inadequately served."

In the fall of 1971, the Fund began to develop the concept of a central clearinghouse for Indian legal materials. The formation of the first national Indian legal program, combined with already existing OEO Indian legal services and the resulting three-fold increase in Indian litigation, brought into sharp focus the need for such a project.

In the past, no single person or institution has been aware of all of the lawsuits affecting Indians which have been filed, and there has been no con-

certed effort at communicating the existence of such suits or other significant developments in Indian law. This has been particularly detrimental to the restoration of Indian rights because the efforts of those few attorneys who have been involved have been uncoordinated and the results (often even the existence) of Indian related litigation has not been generally known to others working in the field.

Many attorneys have been unable to represent Indians at all due to the difficulty of researching Indian law and keeping track of current developments and because of the specialized nature of the problems. Either the task has proven too great for the attorney or firm, or the cost has been prohibitive to the Indian client.



In all areas of Indian law, it is highly desirable to present the courts with issues in an orderly, carefully calculated manner so that the law in this

difficult and complex field of work develops favorably. Bad law can be made by having the "wrong" case decided too soon, and much work and many costly mistakes will now be avoided by attorneys and their preparations for litigation made more complete because of the compilation and ready access to the files of the National Indian Law Library.

As one of the first steps towards setting up the Library, Fund staff members, with encouragement from the Office of Economic Opportunity, visited the National Clearinghouse for Legal Services in Chicago and discussed with them all of the implications of the development of the Library project.

The Clearinghouse is widely known for providing comprehensive services to lawyers practicing poverty law, and in this capacity has developed a collection of Indian related cases. This month the Library, with the assistance and support of OEO, officially assumed the Indian law functions of the Clearinghouse with the transference to Boulder of all Indian law documents in the Clearinghouse collection.

The development of workable indices has proved to be the most difficult problem facing the Library. The Fund's staff represents the largest body of Indian law expertise in the country and all of the attorneys have been assisting with the refinement of the index in order that it might be a truly effective research and litigation tool. Consultants from across the country including law librarians, bibliographers and professors of Indian law have also been working with Melody MacKenzie, Librarian, and other staff to ascertain what improvements and changes should be made at this early stage of operation.

## Indian Claims Commission Decisions Now Available

As part of its function as a legal resources library, the National Indian Law Library began negotiations with the Indian Claims Commission in November 1971 and was able to obtain a complete set, arranged by volume, of the Commission's decisions.

The Library has indexed the entire set of Commission opinions by tribe and docket number and is completing the process of indexing the set by subject matter.

The decisions of the Commission have never before been indexed and annotated. For the first time they will be readily accessible to the public. The Commission and the Library are certain that this project will be an invaluable tool to those persons working or interested in the field of Indian Law.

The Commission has asked the Library to make the decisions available at minimal cost to other libraries, individuals or organizations, since the Commission has not been able to do so itself. The volumes are xeroxed copies and spiral bound in durable covers. The Library's actual cost is \$20.00 per single volume or \$500.00 for the entire set of twenty-seven volumes. This price includes postage and handling, as well as xeroxing and binding costs. Orders for complete sets take approximately four weeks to fill. Individual sections of the decisions (by tribe, docket number, etc.) are available on short notice.

## Additional Acquisitions Sought

Since February the National Indian Law Library has been attempting to obtain copies of the briefs and pleadings of both sides in cases relating to Indian law from all private firms, legal services programs and individual attorneys across the country who have been or are now litigating on behalf of Indians. This is an enormous task and the staff of the Library asks the

assistance of all those who may be able to help the Library make its collection of materials more complete.

Although attorneys may be hesitant to commit the time and money involved in searching their files to locate pertinent materials, the staff of the Library is certain that the consequent availability of a central collection of these materials will benefit all those litigating in Indian law. If xeroxing expenses are a problem, attorneys should feel free to send the Library originals with the assurance that they will be copied and returned promptly.

## How To Obtain Library Documents

Copies of all Library holdings are available to anyone requesting them. Minimal xeroxing costs of \$.03 per page are charged, except to legal services programs, Indian clients and tribes, and public interest law firms. When requesting materials, please direct your inquiries to:

Melody MacKenzie, Librarian  
The National Indian Law Library  
1506 Broadway  
Boulder, Colorado 80302  
Telephone: (303) 447-8760  
Ext. 67

The Library will mail any materials it has by return mail and, if it does not have copies of the specific pleadings requested, will make every attempt to locate them.

A list of the present holdings is included with this edition of *Announcements*. Each item listed has a library acquisition number shown in the upper left hand corner. Please include this number when ordering materials. Readers should return the subscription request form on the back page of this issue and should indicate specifically whether or not they wish to obtain a list of all the documents available in each individual case, as well as the Library Subject Catalogue which is in preparation.

There is no charge for a subscription to *Announcements*, which will be published monthly, or for the Library Catalogues.

## The Cataloguing Procedure

The Library's cataloguing system includes the following procedures:

1. Each case is assigned an acquisition number. Individual pleadings, memoranda, opinions, etc., are given the same acquisition number in addition to an individual letter, re case number 100, pleading number 100A, memorandum number 100B.
2. Following the assignment of an acquisition number, a shelf list card, which is really a "master card," is prepared. This card contains all the important information about the case—i.e., the state, title of case, tribe, date, a brief synopsis of the case, and the individual pleadings.
3. Once the shelf list card has been prepared, the following additional tracings are added:
  - a. Two cards identical to the shelf list card so that the case appears under its state and tribe.
  - b. One to fifteen cards with the main subject heading(s) in capital letters; depending on the number of areas of law touched in a single case, there may be up to fifteen cards prepared at this step in the cataloguing system.
  - c. One card with the *plaintiff vs. defendant* (or author, if book or article) at the top.
  - d. One card with the heading of *defendant, plaintiff v.*

The resulting system is useful in two ways: If a request comes in for a specific case or article, it can be found under its state and tribe, under anywhere from one to fifteen general topics of Indian law (i.e., termination, relocation, etc.) and also under the plaintiff's name and under the defendant's name.

Secondly, the catalogue is an excellent research tool. *E.g.*, to find material on termination, one need only look up the subject heading and all of the cases ever filed related to this subject will be there; or, *e.g.*, to find cases on reservational jurisdiction in California, one will look up the subject heading JURISDICTION — RESERVATION, until he comes to the California cases which will appear altogether after the Arizona, etc., cases on the same subject.

## History and Development of the Native American Rights Fund

The Native American Rights Fund is a new legal program devoted to the assertion and the protection of Indian rights and to the orderly development of the body of law affecting Indians. The Fund's major emphasis is upon the preservation of Indian resources and the fulfillment of national obligations to Indian people.

The Ford Foundation helped to develop and establish the Fund through two grants it made to California Indian Legal Services, under which the Fund was started as a special national project in June 1970. Proceeding from a base of some expertise in the complex and undefined area of Indian law, and encouraged by a degree of success in their work at California Indian Legal Services, three attorneys, two of whom

were experienced members of the staff at CILS, and the third, a recent Indian law graduate, initiated a national program.

The Fund has now separated from its parent organization, CILS, and has established its headquarters in Boulder, Colorado. There is also a Washington, D.C. branch office which acts as an important link between the Fund and those administrative offices in the Capitol which serve Indians, as well as working on selected problems of Eastern Indians.

The staff of more than a dozen lawyers, which includes four Indian attorneys, are under the direction of a Steering Committee of Indian leaders and representatives from across the country.

The caseload of the Fund is a reflection of the criteria outlined by the Steering Committee. Matters involving the protection of Indian natural resources, treaty rights, and tribal sovereignty have been given high priority by the Committee. Other important areas of emphasis are education, termination, culture and religion. Because of the limited resources of the Fund, cases involving large numbers of Indians or dealing with laws affecting large numbers of Indians receive first consideration.

The work of the Fund is presently supported by a three-year core grant from the Ford Foundation and is supplemented by many individual contributions, as well as grants for the following special projects.



### Indian Law Back Up Center

The Fund acts as the national Indian Law Back Up Center under a contract from the Office of Economic Opportunity through the University of Colorado. In this capacity the Fund provides a wide variety of technical assistance and litigation support to all those legal services projects which have Indian clients.

Thomas L. Smithson has recently joined the Fund's staff to coordinate the Indian Law Back Up Center activities. After one year of practice with Neighborhood Legal Services Centers in Detroit, Michigan, as a Reginald

Heber Smith Community Lawyer Fellow, Smithson moved in 1968 to Pine Ridge, South Dakota, to practice in a one-man law office on the Pine Ridge Indian Reservation. The office, which served a population of approximately 10,000 Oglala Sioux people, was jointly funded by the Association on American Indian Affairs, Inc., and the Office of Economic Opportunity.

Mr. Smithson's background provides him with a special kind of expertise and understanding for the needs of legal services lawyers and their clients and his addition to the Fund's staff has added a vital link to the concept of the Indian Law Back Up Center.

### The Southwest Indian Environmental Project

The Field Foundation and the Akbar Fund have provided a significant amount of support for the development of the Southwest Indian Environmental Project. The Southwest is the heart of Indian country within the continental United States. There are some forty Indian reservations in the area and the air and water resources of all of these reservations are endangered by the construction of a gigantic power complex which is now in progress in the Four Corners area.



The Fund has filed several suits involving attempts on the behalf of Navajo, Hopi, the Jicarilla Apache, Chemehuevi, and Cocopah Indians to halt further destruction of Indian resources in the Southwest.

### Education Resources

In conjunction with the Harvard Center for Law and Education and under a grant from the Office of Economic Opportunity, the Fund is providing legal assistance and technical advice to Indian communities involved in educational change within their schools.

Further, The Norman Foundation provided the Fund with monies for four Know Your Rights: Indian Education Workshops in 1971.

### UCLA Clinical Study Program

The Fund is an important component in the University of California at Los Angeles School of Law "Intensive Quarter Program."

Under the program, second and third year students with an interest in the field of Indian law serve as law clerks and research assistants for Fund attorneys on a three to six month basis. While in residence at Boulder the students provide a necessary research function to the staff and at the same time receive valuable experience in the field of Indian law, as well as course credit for their experience. The students are under the supervision of Professors Monroe E. Price and Reid P. Chambers of the UCLA School of Law.

## Recent Native American Rights Fund Case Developments

### Pyramid Lake: Court Order Halts Secretary Morton.

In spite of the assurances given to the Pyramid Lake Tribe and to the court, the Secretary of Interior proposed new regulations for operating the Newlands Reclamation Project without consulting with the tribe or its attorneys.

Most of the water which would maintain the level of Pyramid Lake is taken for the Newlands Reclamation Project which is operated under criteria established by the Secretary of Interior. The government had assured the Tribe and the Federal District Court in Washington, D.C., which has before it the Pyramid Lake Tribe's case against the Secretary of Interior, that the tribe would be given an opportunity to comment on any proposed changes in the operating criteria and that they would be submitted to the court for its prior approval. These assurances were violated when the Secretary published new operating criteria for the Newlands Reclamation Project in the Federal Register early in April. Within a few days, Fund attorney Bob Pelcyger went to Washington, D.C. and asked the Federal Court to restrain the Secretary of Interior from implementing the new criteria.

The Tribe contended that the Secretary's new criteria were actually worse than the old ones. The judge agreed and issued an order invalidat-

ing those parts of the new criteria that had the effect of taking more water away from Pyramid Lake from the old criteria. This was a tremendous victory for the Pyramid Lake Tribe and for the Fund in that it halted further destructive acts by the government against the tribe's most valuable resource. The judge also set the case for a full trial in July.

### Oil Companies Attempt to Stop Eskimo Borough Election Thwarted.

Seven oil companies recently brought suit to stop the establishment of a borough under the control of Eskimos on the North Slope of Alaska. Before the borough is officially established, there must be an election held in which the voters of the North Slope can indicate their desire to become incorporated. The election is presently scheduled for June 20.

On April 26, 1972 the oil companies asked the court in Alaska to stay the holding of the election. Fund attorney David Getches argued against the motion on behalf of the Arctic Slope Native Association, five of the North Slope villages, and two individual Eskimos. The judge ruled that the oil companies could not stop the election. Further proceedings in the matter are scheduled for June 12.

### Pawnee School Stopped from Excluding Indian Children with Long Hair.

Fund attorneys Yvonne Knight and Charles Wilkinson filed suit against a

school district in Oklahoma to reinstate three Pawnee youths who had been suspended from school for wearing their hair in a long, traditional hair style. Although the existing law is to the effect that federal courts do not have jurisdiction to stop schools from regulating the hair style of students, a Federal District Court judge in Oklahoma City held that it would violate the rights of Indian children whose culture was the basis for their particular hair styles.

A temporary restraining order was entered against the school district and the students returned to school. A hearing on a request for a permanent injunction is scheduled for June 5.

### Supreme Court Petition Filed in Hopi Strip Mining Case.

Several weeks ago a Federal District Court in Washington, D.C. ordered the Fund's case to set aside the Secretary of Interior's approval of the lease permitting strip mining on the Hopi lands transferred to Phoenix, Arizona. A petition for writ of mandate was filed with the Court of Appeals for the District of Columbia, but was denied.

Recently, Fund attorney John Echohawk prepared and filed a petition for a writ of certiorari with the United States Supreme Court in an attempt to have the high court review the trans-

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## National Indian Law Library Catalogue Current Holdings June 1972

The following is an alphabetical list of the cases, articles and other materials now available through the National Indian Law Library. The com-

plete catalogue of the documents available in each case is too lengthy to be included in this newsletter.

If you are interested in receiving this catalogue of documents or if you would

like to receive the catalogue with subject headings when it is complete later this year, please fill out the Subscription and Catalogue Request on the last page of this issue.

### Cases

The line directly below the title gives the state, court(s), tribe(s) and date(s) when applicable. The court, except where shown as a Federal Court, tribal court or administrative agency, is a court of the state indicated at the beginning of the line. The courts listed are not meant to be a history of the case, but only refer to the documents in the library files. The date is that of the earliest document in the case in our files. The date preceded by the letter "d." indicates the date on which the case was settled or decided. If no date preceded by the letter "d." is shown, then the case is undecided, on appeal in another court, or the decision is unreported and we have no record of it. If only a date preceded by the letter "d." is shown, then all of the litigation in our file occurred during the year of the decision. The symbol (C.—) indicates a connected or consolidated case.

Although the Library has made every effort to make our files as complete and accurate as possible, there may be errors which we rely upon you to help us correct.

1005 — Acquisition Number  
Wisconsin v. Richard Gurnoe.  
Wisc., Cir. Ct., Sup. Ct., Chippewa, 1970, d. 1972

State	Courts	Tribe	Dates
Wisconsin	Cir. Ct., Sup. Ct.	Chippewa	1970, d. 1972

(C. 1006).—Connected or consolidated case

- 1224  
Affiliated Ute Citizens v. United States.  
Ct. Cl., Ute, 1971.
- 1211  
Affiliated Ute Citizens v. United States.  
Utah, U.S. Sup. Ct., Affiliated Utes, 1971,  
(C. 1191).
- 1197  
Agua Caliente Band of Mission Indians v.  
County of Riverside.  
Cal., 9th Cir., Sup. Ct., Agua Caliente Band of  
Mission Indians, 1970.
- 1029  
Ames, Jackson v. Walter Hickel.  
Cal., N.D. Cal., Hoopa, 1969.
- 1021  
Arnett, G. Raymond v. 5 Gill Nets.  
Cal., Ct. App., 1970.
- 1239  
Bad Bear, Grace v. Fall River County Subcom-  
mission for the Mentally Retarded.  
S.D., Cir. Ct., Oglala Sioux, 1972.
- 1096  
Benally, Herbert v. Glenn Sills.  
N.M., Dist. Ct., Navajo, 1970, d. 1971.
- 1183  
Bennett, Ramona v. Thor Tollefson.  
Wash., Sup. Ct., Puyallup, 1970.
- 1092  
Benson, Gloria v. Board of Education of Inde-  
pendent School District No. 22.  
N.M., D.N.M., 1971.
- 1101  
Benson, Michael v. Joseph Rich.  
N.M., 10th Cir., Navajo, 1971.
- 1060  
Big Knife, Joe v. Rocky Boy's Chippewa-Cree  
Tribal Business Committee.  
Mont., D. Mont., Chippewa-Cree, 1971.
- 1185  
Bitsie, Marie v. William McGee.  
Ariz., D. Ariz., Navajo, 1972.
- 1082  
Black Tomahawk, Mary Lame Woman v. Dale

- Carlson.  
S.D., 10th Cir., Sioux, 1968.
- 1059  
Blackwolf, Leland v. Juvenile Court of Sixteenth  
Judicial District.  
Mont., Sup. Ct., Cheyenne, 1971, d. 1972.
- 1147  
Bobidosh, Alvis, *In re Estate of*.  
Colo., Dept. of Interior, Lac du Flambeau  
Chippewa, d. 1968.
- 1083  
Bravebird, Elmer v. Don Sheppard.  
S.D., 10th Cir., 1969.
- 1067  
Bridges, Alvin v. Thor Tollefson.  
Wash., W.D. Wash., Nisqually, Puyallup, Still  
aguamish, 1969.
- 1148  
Brooks, Donna Reiter v. Wilmer Peters.  
Wisc., E.D. Wisc., Menominee, d. 1971.
- 1050  
California v. Foster Alphonse Red Elk.  
Cal., Ct. App., Sioux, 1970.
- 1020  
California v. Paul Donahue, Donahue, Paul  
California Justice Court for the Klamath Trib-  
ity Judicial District.  
Cal., Justice Ct., Ct. App., Sup. Ct., Hoopa, 1969  
1019
- 1019  
California v. Willard Rhoades.  
Cal., Ct. App., U.S. Sup. Ct., Pitt River Trib-  
1970.
- 1049  
Campbell, Della Cooper v. Department of the  
Interior.  
Cal., N.D. Cal., Pomo, 1969.
- 1040  
Campbell, Thomas v. Walter Hickel.  
Cal., N.D. Cal., 1970.



- 1112 Cannon, Joseph, *In re Estate of*. Okla., Dept. of Interior, Osage, 1969.
- 1158 Capocman, Horton v. United States. Ct. Cl., Quinault, d. 1971.
- 1038 Carle, George Vandal v. Charlotte Ann Carle. Alaska, Sup. Ct., Haida, 1971.
- 1178 Carmeneros, Lucy M., *In re*. Colo., Before State Bd. of Social Services, Southern Ute, 1970, d. 1971.
- 1270 Caywood, Lafayette v. Fannie January. Okla., Sup. Ct., Cherokee, 1966.
- 1028 Celestine, Alex, *In re*. Ariz., B.I.A., Papago, 1969.
- 1099 Chavez, Raymond v. Gregory Kenny. N.M., D.N.M., Navajo, 1970.
- 1266 Chemehuevi Tribe v. Federal Power Commission. Wash., D.C., F.P.C., D.C. Cir., Chemehuevi Tribe, Cocopah Tribe, 1971.
- 1228 Cheyenne-Arapahoe Tribe v. United States. Ct. Cl., Cheyenne-Arapahoe, Colo. River Tribes, Confederated Colville Tribes, Yakima, Confederated Tribes of the Umatilla Res., Hoopa Valley Tribe, Indians of Cal., Pyramid Lake Paiutes, Southern Utes, Confederated Utes, Western Shoshone, Yankton Sioux, 1970.
- 1227 Cheyenne-Arapahoe Tribe v. United States. Ct. Cl., Cheyenne-Arapahoe, Confederated Colville Tribes, Yakima, Confederated Tribes of the Umatilla Res., Ft. McDermitt and Fallon Res., Paiute-Shoshone, Pyramid Lake Paiute, Reno Sparks Indian Colony, Walker River and Yerington Paiutes, Paviotso, Monos, Oregon Paiutes, Hoopa Valley Tribes, Indians of Cal., Southern Utes, Confederated Utes, Tlingit, Haida, Yankton Sioux, 1970.
- 1144 Chicago Indian Village v. Richard M. Nixon. Ill., N.D. Ill., 1971.
- 1199 Children of the Chippewa, Ottawa, and Potawatomi Tribes v. Regents of the University of Michigan. Mich., Cir. Ct., Chippewa, Ottawa, Potawatomi, 1971.
- 1097 Chiquito, Johnson v. James Maloney. N.M., D.N.M., Navajo, 1970.
- 1085 Claw, Wallace v. George Armstrong. Colo., D. Colo., Ute, 1970.
- 1214 Cochiti Pueblo v. Bernalillo Municipal School District Board of Education, Sandia Pueblo v. Bernalillo Municipal School District Board of Education. N.M., D.N.M., 10th Cir., Cochiti Pueblo, Sandia Pueblo, San Felipe Pueblo, Santa Ana Pueblo, Santo Domingo Pueblo, 1971.
- 1201 Cocopah Tribe v. Walter J. Hickel, Cocopah Tribe v. Rogers C. B. Morton. Ariz., D. Ariz., Cocopah, 1970.
- 1198 Colliflower, John E. v. Roger Morton. Mont., D. Mont., Assiniboine, Gros Ventre, 1971.
- 1153 Colville Confederated Tribes v. Boyd Walton. Wash., E.D. Wash., Colville Confederated Tribes, 1970.
- 1292 Confederated Salish and Kootenai Tribes v. John C. Moe. Mont., D. Mont., Salish, Kootenai, 1972.
- 1252 Confederated Tribes of the Umatilla Reservation v. Robert Froehke. Ore., D. Ore., Confederated Tribes of Umatilla Reservation, 1972.
- 1215 Confederated Tribes of the Warm Springs Reservation v. United States. Ct. Cl., Confederated Tribes of Warm Springs Res., 1965.
- 1113 Cook, John v. Board of Education of Salmon River Central School District No. 1. N.Y., 2nd Cir., St. Regis Mohawk, d. 1970.
- 1061 Cree, Eugene v. Leonard Tomaskin. Wash., E.D. Wash., Yakima, d. 1971.
- 1255 Crossguns, Virgil, *In re*. Mont., D. Mont., Blackfeet, 1969, (C. 1253, 1254).
- 1274 Daly, Mary v. United States. S.D., D.S.D., Crow Creek Sioux, 1972.
- 1012 Daly, Shirley A. v. Natural Resources Board of the State of Wisconsin. Wisc., Cir. Ct., Menominee, 1970.
- 1291 Day, Joseph v. Montana. Mont., Dist. Ct., 1972.
- 1234 DeFuns, Marco, Jr. v. Charles E. Odegaard. Wash., Super. Ct., Sup. Ct., 1971.
- 1048 Deganawidah—Quetzalcoatl University v. Elliot Richardson. Cal., E.D. Cal., 1970.
- 1042 Del Valle, Elizabeth v. Ralph De Voto. Cal., N.D. Cal., 1969.
- 1093 Denetclarence, Thomas v. Board of Education of Independent School Dist. No. 22. N.M., D.N.M., Navajo, 1971.
- 1024 Department of Game v. Alvin Settler. Wash., W.D. Wash., Yakima, 1971.
- 1018 Department of Game v. Puyallup Tribe, Inc. Wash., Super. Ct., Sup. Ct., Puyallup, 1970.
- 1154 Department of Revenue v. Jack Moses. Wash., Super. Ct., Puyallup, 1971.
- 1037 Dodge, John v. Raymond Nakal. Ariz., D. Ariz., Navajo, d. 1969.
- 1176 Edwardsen, Charles v. Rogers C. B. Morton. Wash., D.C., D.D.C., Alaska Natives-Eskimos, 1972.
- 1057 El-Em Band of Pomo Indians of Sulphur Bank Rancheria v. 49th District Agricultural Fair Association. Cal., N.D. Cal., Pomo, 1970.
- 1111 English, Reuben, *In re Estate of*. Okla., Dept. of Interior, Otoe, d. 1969.
- 1260 Escondido, City of v. Escondido Mutual Water Company. Cal., Super. Ct., Rincon and La Jolla Mission Indians, 1968.
- 1276 Felder, William v. Board of Education of Winnebago School District No. 17. Neb., D. Neb., 1972.
- 1175 Fire, John v. City of Winner. S.D., D.S.D., 1971.
- 1098 Fowler, Mitchell v. Edward Merry. N.M., D.N.M., 1971.
- 1091 Fox, Ella B. v. Walter Hickel. Mont., B.I.A., Gros Ventre, 1969.

- 1180  
Frank, William, Jr. v. George Kinnear.  
Ore., D. Ore., Nisqually, d. 1971.  
Wash., W.D. Wash., Nisqually, 1972.
- 1287  
Gallup-McKinley County Board of Education,  
*In re* the Protest of.  
N.M., State Board of Education, Navajo, 1969.
- 1286  
Garcia, Emily v. Bernalillo Municipal School  
District Board of Education.  
N.M., D.N.M., 1969.
- 1162  
Garvie, Robert v. Rogers C. B. Morton.  
Wash., D.C., D.D.C., 1971.
- 1078  
Gayton, Lydena v. Rogers Morton.  
S.D., D.S.D., Sioux, 1971.
- 1189  
Gila River Indian Community v. United States,  
Gila River Pima-Maricopa Indian Community v.  
United States.  
Ct. Cl., U.S. Sup. Ct., 1969, d. 1970.
- 1008  
Great Lakes Inter-Tribal Council, Inc. v. Lester  
P. Voight.  
Wisc., W.D. Wisc., Great Lakes Inter-Tribal  
Council, Inc., 1968, d. 1970.
- 1116  
Green, Jess v. Angus A. Wilson.  
Idaho, 9th Cir., Nez Perce, d. 1964.
- 1044  
Guadalupe Organization, Inc. v. Tempe Ele-  
mentary School District No. 3.  
Ariz., D. Ariz., Yaqui Indians, 1971.
- 1110  
Gude, Ruth C., *In re* Estate of.  
N.M., I.R.S., Zuni, 1970.
- 1056  
Harmon, John J., Sr. v. Lake County Board of  
Supervisors.  
Cal., N.D. Cal., 1968.
- 1076  
Herman, Dorothy v. United States.  
S.D., D.S.D., Sioux, 1970.
- 1036  
Homer, Theodore v. Walter J. Hickel.  
Ariz., D. Ariz., Papago, 1969.
- 1136  
Hudson, Alvin, *In re* Estate of.  
Ore., Dept. of Interior, Quinaliet, d. 1969.
- 1223  
Hustito, Helen C., *In re*.  
N.M., H.E.W., Zuni.
- 1031  
Idaho v. Gerald Cleo Tinno.  
Ida., Sup. Ct., Shoshone and Bannock Tribe,  
1971.
- 1045  
Indians Against Exploitation v. Chevron Oil  
Company.  
N.M., Dist. Ct., 1971.
- 1000  
Interstate Counseling Service v. Robert Ken-  
nerly, Montana *ex rel* Robert Kennerly v. Dis-  
trict Court of Ninth Judicial District.  
Mont., Dist. Ct., Sup. Ct., U.S. Sup. Ct., Black-  
feet, 1969, d. 1971.
- 1080  
Jackson, Phoebe v. United States.  
S.D., D.S.D., 1970.
- 1094  
James, Jimmy Joe v. Stanley Hammond.  
N.M., D.N.M., Navajo, 1970.
- 1155  
Jessepe, Lester v. Jack Carson.  
Kansas, D. Kansas, Prairie Band of Potawatomic,  
1971.
- 1262  
Jicarilla Apache Tribe v. Rogers C. B. Morton.  
Wash., D.C., D.D.C., Ariz., D. Ariz., 9th Cir.  
Jicarilla Apache Tribe v. Hon. John H. Pratt.  
Wash., D.C., D.C. Cir., Jicarilla Apache, Navajo,  
1971, (C. 1263).
- 1033  
Joe, Jim v. John O. Graham.  
Ariz., Super. Ct., Navajo, 1969.
- 1102  
Jose, Ben v. Gallup-McKinley County School  
Board.  
N.M., Dist. Ct., Navajo, 1969.
- 1041  
Kelly, Maude v. United States Department of  
Interior.  
Cal., E.D. Cal., Mewak Tribe, 1969.
- 1001  
Kellywood, George v. First National Bank in  
Albuquerque.  
N.M., Dist. Ct., Ct. App., Navajo, 1971.
- 1179  
King, Corwin v. George Kinnear, Puyallup  
Tribe v. George Kinnear.  
Wash., W.D. Wash., 9th Cir., Puyallup, 1971.
- 1288  
Kirk, Donald v. William Henry Kirk.  
Ore., Sup. Ct., Klamath, d. 1968.
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*The boldface title indicates the nature of the item and the institution, publication or organization involved. The last line gives the author, tribe and date, when applicable.*

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Part VII: The Indian Tribes of California

Part IX: The Northwest and Alaska

Part X: The Northwest and Alaska (cont'd.)

Part XI: The Basin—Plateau Tribes

Part XII: The Basin—Plateau Tribes (cont'd.)

For sets or a complete monograph, write:

Dr. George E. Fay  
Museum of Anthropology  
University of Northern Colorado  
Greeley, Colorado 80631

Constitutions and By-Laws of individual Tribes available through the Library.

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extension 67



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fer decision of the Court of Appeals. Besides being a forum very close to the politically charged issue of power plant construction in the Southwest, the court to which the case was transferred is the same court which ruled adversely in the National Environmental Policy Act case which seeks to stop further governmental approvals of power plant construction in the Southwest. The strip mines on Hopi lands are, of course, the source of fuels for the power plant complex.

#### **Attorney General Need Not Represent Indians in Water Claim.**

Some time ago the Federal District Court in San Diego ruled that the U.S. Attorney was not required to represent the Rincon and La Jolla Bands of Mission Indians in Southern California in their claim against a city and a water company which had been infringing on their water rights for over 75 years. The ruling was part of the San Luis Rey River water rights litigation which is continuing in the district court.

An appeal was taken on the particular ruling by Fund attorney Bob Pelcyger. Last week the Court of Appeals for the Ninth Circuit affirmed the decision of the District Court holding that requirement of 25 U.S.C. § 175 that the U.S. Attorney "shall represent Indians in all cases at law and in equity" did not make it mandatory for him to do so in this case where the government was also defending an

Indian Claims Commission matter against the same Indians who brought the lawsuit. The court ruled the potential conflict of interest makes it unnecessary for the U.S. Attorney to act under the circumstances.

#### **BLM Chaining of Pinon Juniper Trees Stopped.**

For some time Fund attorneys Bruce Greene and Yvonne Knight have been assisting Western Shoshone Indians in Nevada in their attempts to stop the Bureau of Land Management from tearing out Pinon Juniper trees to increase grazing yield of lands which historically belonged to the Shoshones.

By drawing a huge chain between two bulldozers, hundreds of trees can be uprooted very quickly. This has been done in part of the area which the Western Shoshones traditionally used for gathering pinon nuts which the trees produce. Objections have been made administratively to the Bureau of Land Management and after the matter was called to the attention of Senator Kennedy, the matter was among the subjects into which he inquired during hearings of his Subcommittee on Administrative Practices and Procedures.

The Bureau of Land Management has recently issued an order stopping all Pinon Juniper chainings pending further study into the matter.

#### **Southwest Energy Complex Challenged in the Court of Appeals.**

The United States Court of Appeals for the Ninth Circuit recently granted

Fund attorney Bruce Greene's motion for expedited consideration of an appeal from an adverse ruling by a Federal District Court judge in Phoenix. This suit challenges federal authorizations issued to effectuate the construction of six large coal burning, electric generating plants located on or near Indian reservations in the Southwest on the grounds that the National Environmental Policy Act has not been followed.

The Fund has pressed the federal government for over one year to study the cultural and environmental impacts of their proposed actions before irrevocable decisions are made. The case is set for argument in San Francisco on July 13, 1972 before a three judge court of appeals.

#### **Indian Students Ordered Reinstated in Nebraska School.**

A Federal District Court judge in Omaha, Nebraska ordered two Winnabago youths who had been expelled from school immediately reinstated. His temporary restraining order was upheld after a full hearing of the matter two weeks later.

The judge found that removal of the students from school had been for minor infractions and was undertaken without the students being afforded the due process which they are guaranteed under the United States Constitution. The students are represented by Fund attorneys Charles Wilkinson and Dan Taaffe.

#### **Fund Assists Family of Yellow Thunder.**

The murder of Raymond Yellow Thunder received extensive attention in the press. The situation in Gordon, Nebraska and on the nearby Pine Ridge Indian Reservation became extremely tense after Yellow Thunder was found dead several days after he was forced into the trunk of a car taken to an American Legion hall where a dance was in progress and forced to dance Indian style without his trousers.

While there was little doubt that he was murdered, rumors concerning mutilation of his body and the circumstances surrounding his death abounded. At the request of the deceased man's family, the Fund's Deputy Director John Echohawk and attorney Bruce Greene went to Gordon and the Pine Ridge Reservation to help resolve the situation. An eminent pathologi-



from Denver was engaged to perform a second autopsy on the body which was exhumed. The cause of death and the condition of the body were reaffirmed and an explosive situation in the area, which had attracted thousands of Indians from the Sioux reservation and from throughout the country, was calmed.

The Fund now represents the family of the victim and a decision as to what action shall be taken against the persons causing his death and other parties will await the outcome of a criminal trial now in progress.

#### **Brief Filed in Reservation Gambling Case.**

An amicus curiae brief in the Ninth Circuit Court of Appeals was filed by the Fund supporting the right of an Indian tribe to exercise a local option to allow certain forms of gambling within their reservation just as a county can exercise such an option. The case arose in California which is a Public Law 280 state and concerns the Rincon Band of Mission Indians. Fund attorney Robert Pelcyger, assisted by UCLA Professor Monroe E. Price, prepared the brief.

#### **Dam Construction Stopped by Umatilla Tribe and Individual Yakima Indians.**

A suit brought by the Fund on behalf of the Umatilla Tribe and several individual Yakima Indians resulted in an injunction on March 30, 1972 against further construction of dams along the Lower Columbia River.

The Army Corps of Engineers was in the process of modifying and increasing the size of several giant dams on the Columbia in order to increase the amount of electrical power which would be available during peak use periods. Raising the dams would have a serious effect on the anadromous fish in the Columbia, upon which many of the Indian plaintiffs depend for their

livelihood. Furthermore, several fishing sites would be flooded periodically.

No Act of Congress specifically authorized taking the Indian property rights and thus the chief judge of the Federal District Court in Portland found that the Indians' treaty rights would be violated. He also ruled that the National Environmental Policy Act had not been complied with by the Army Corps of Engineers. Reid Chambers, of counsel to the Fund, represented the plaintiffs.

#### **Brief Filed in Oneida Case.**

An amicus curiae brief was filed in a case in which Oneida Indians claim that the transactions by which the State of New York took their land in 1795 was in violation of the Non-Intercourse Act. The lower court found that it had no jurisdiction to hear the matter since it was merely a question of property rights and therefore the state court should hear the case.

The Fund's brief supports the position of the Indian plaintiffs that a federal question was raised and that the court should have jurisdiction.

The brief which was filed in the Second Circuit Court of Appeals was prepared by Fund attorneys Peter Aschenbrenner and David Getches.



# Steering Committee Of The Native American Rights Fund

**Charles Lohah, Chairman.** Mr. Lohah is an Osage Indian from Oklahoma. He is an Assistant Professor at the Baltimore-Washington Campus of Antioch College, where he is in charge of the Indian Studies Program. He is a former County and District Court Judge of Oklahoma.

**David Risling, Jr., Vice-Chairman.** Mr. Risling is a Hoopa Indian from California. He was Chairman of the Board of Trustees of California Indian Legal Services for four years, and still serves as a member of the CILS Executive Committee. He is a Professor and Coordinator of Ethnic Studies at the University of California at Davis and a former President of the California Indian Education Association.

**La Nada Means, Executive Committee member.** Ms. Means is a Shoshone-Bannock Indian from Idaho. She is a graduate student at Idaho State University and has been active in Indian affairs on her home reservation at Fort Hall, Idaho, and previously in the San Francisco Bay area.

**Alfonso Ortiz, Executive Committee member.** Dr. Ortiz is from the San Juan Pueblo in New Mexico. He is a Professor of Anthropology at Princeton University and an authority on Indian culture.

**Wendell Chino.** Mr. Chino is Chairman of the Mescalero Apache Tribe and is a past president of the National Congress of American Indians. He presently serves on the Executive Board of the National Tribal Chairmans' Association.

**Fred Gabourie.** Mr. Gabourie is a member of the Seneca Tribe of the Iroquois Nation of the Six Nations Reserve, Ontario, Canada. He practices law in Los Angeles and is a member of the Board of Trustees of California Indian Legal Services.

**Leo Haven.** Mr. Haven is a Navajo Indian and the Director of the Dinebeina Nahiilna Be Agaditaha Legal Services Program serving the Navajo Nation. He has been active in Navajo tribal affairs and is an experienced tribal court advocate.

**Phillip Martin.** Mr. Martin is a member of the Mississippi Choctaw Tribe in Philadelphia, Mississippi. He was recently elected Tribal Chairman of the Choctaws.

**Francis McKinley.** Mr. McKinley is a Navajo and Ute. He is Director of the National Indian Training and Research Center at Tempe, Arizona. He has assisted in the development of Indian education programs for the Office of Economic Opportunity.

**John Stevens.** Mr. Stevens was Governor of the Passamaquoddy Tribe in Maine for nineteen years. He is now State Commissioner of Indian Affairs.

**Richard Trudell.** Mr. Trudell is a Sioux from South Dakota. He recently graduated from the law school at The Catholic University of America. Formerly president of the American Indian Law Student Association, he now is employed by the Robert F. Kennedy Memorial.

## Staff Of The Native American Rights Fund

**David H. Getches** is the Fund's Director. He has carried the primary responsibility for the

Fund's development. Prior to assuming the directorship of the Fund in June 1970, he spent three years in the field as a co-director of one of California Indian Legal Services field offices. During that time he developed special competence in criminal and civil jurisdiction over Indians and Indian education problems and has specialized in Indian treaty fishing rights. Before joining CILS and following his graduation from the University of Southern California School of Law, Mr. Getches was in private practice.

**John E. Echohawk** is the Deputy Director of the Fund. Mr. Echohawk is a Pawnee, and was the first graduate of the University of New Mexico's special program to train Indian lawyers and has received national prominence in that capacity. He was an officer of the American Indian Law Students Association while in law school and has specialized in resource law and jurisdiction problems since joining the Fund.

### STAFF ATTORNEYS

**L. Graeme Bell** is the staff attorney in the Fund's Washington, D.C. office. A graduate of Harvard Law School, he taught law and procedures at Columbus School of Law at the Catholic University of America prior to joining the Fund, and also helped to develop the Indian law program at Catholic University. During law school he was an intern with DNA on the Navajo reservation.

**Joseph J. Brecher** has extensive experience in the fields of environmental policy and law. He is the author of the first handbook on environmental law for lawyers and is involved in most of the litigation the Fund is handling in conjunction with the Four Corners Power complex and other environmental destruction of Indian lands. Mr. Brecher is a graduate of New York University Law School.

**Thomas W. Fredericks**, a Mandan Indian from the Fort Berthold Reservation in North Dakota, is the most recent addition to the Fund's staff. A 1972 graduate of the University of Colorado School of Law, Mr. Fredericks was treasurer of the American Indian Law Students Association. He was a tribal administrator for the Standing Rock Sioux Tribe at Fort Yates, North Dakota from 1966-1969. His special areas of interest are administrative and natural resource law. Mr. Fredericks is presently preparing for the Colorado Bar exam.

**Bruce R. Greene** has acquired extensive experience in administrative law, having been legal advisor for two years to a Commissioner of the Federal Power Commission. He acts as one of the Fund's experts in its National Environmental Policy Act suits, as well as a wide variety of other matters. He graduated valedictorian and Order of the Coif at Hastings School of Law where he served as Editor of the Hastings Law Journal.

**Yvonne T. Knight**, a Ponca, is the first Indian woman law school graduate from the University of New Mexico's Indian law program and one of the few Indian women lawyers in the country. Her areas of special emphasis include Indian education and economic development.

**Robert S. Pelcyger**, a graduate of Yale Law School and a Fulbright Fellow, specializes in water rights and jurisdiction problems. He gained prior experience with DNA, the Navajo legal services program, and as a Director of the Escondido Office of California Indian Legal Services where he practiced Indian law for three years.

**Leland J. Pond** is an Assiniboine Indian and a graduate of the UCLA School of Law. Mr. Pond was instrumental in the organization of the Rocky Boy Indian School, which is one of the few Indian controlled schools in the country. Prior to joining the Fund, Mr. Pond worked with

the United Scholarship Service as the community coordinator for their Indian Corrective Program. Mr. Pond is presently preparing for the Colorado Bar exam.

**Thomas L. Smithson** recently joined the Fund staff as the head of the Indian Law Back Up Center. His experiences as the only attorney at the Pine Ridge Reservation in South Dakota during the past three years make him an invaluable asset to the Fund and all of the legal services programs across the nation which the Back Up Center serves. Mr. Smithson is a graduate of the University of Michigan School of Law.

**Daniel J. Taaffe** compiled an impressive academic record while at Boalt Hall at the University of California, graduating in the top 5 percent of his class. He acquired practical experience in Indian legal problems working summer with California Indian Legal Services. Since joining the Fund he has specialized in education law and prison reform.

**Charles F. Wilkinson** is in charge of the Fund's Indian education project and has developed several important litigation strategies in this field. Prior to joining the Fund he practiced privately with major law firms in Phoenix and San Francisco for five years. He is a graduate of Stanford University School of Law.

### OF COUNSEL

**Reid Peyton Chambers** teaches administrative property and Indian law at UCLA. He studied Oxford University, Bailliol College, prior to graduation from Harvard Law School. Professor Chambers has been counsel on several important Indian lawsuits, most notably the Trans-Alaska Pipeline case, and has authored a monograph on the subject of governmental conflict interest vis-a-vis Indians for the Administrative Conference of the United States.

**Thomas N. Tureen** has been involved with the problems of Eastern Indians for several years as director of the Indian Legal Services Unit of Pine Tree Legal Assistance in Maine. He is presently working on a special research project for the Fund relating to the problems of obtaining federal recognition for Eastern Indians and the relative value of state vs. federal status. Mr. Tureen's special emphasis in this study is containing valid information for Indian organizations and groups to use in the presentation of their claims, and in producing a definitive document and article which will be of use to Eastern tribes. Mr. Tureen is a graduate of George Washington University School of Law.

### SUPPORT STAFF OF THE FUND

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**Staff Positions Open**

The Fund has immediate openings for experienced attorneys. With the exception of Indian law graduates, only candidates with three or more years of litigation experience will be considered.

The Fund is interested in applicants with expertise in Indian law, education law, taxation, and economic development. Federal court litigation experience is especially valuable.

Resumes and inquiries should be directed to either David H. Getches or John E. Echohawk at the Fund's offices in Boulder.

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In future issues of *Announcements*, legal services programs serving Indians are encouraged to publish notices of staff openings. The publication deadline is the 20th of each month and notices should be sent to *Announcements* at the Fund's offices in Boulder.

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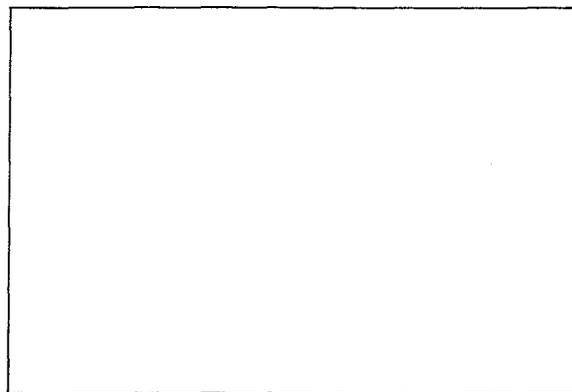
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