

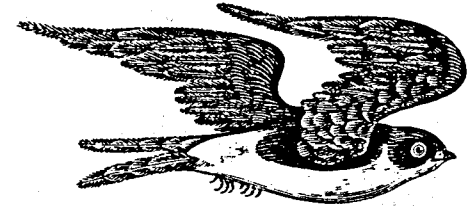
Native American Rights Fund

The National Indian Law Library

ANNOUNCEMENTS

Volume 3, No. 2, Part 2

April-June 1975



THE NATIONAL INDIAN LAW LIBRARY

The National Indian Law Library (NILL) is a special project of the Native American Rights Fund. It was established by NARF in May 1972 with a three-year development grant from the Carnegie Corporation of New York. It is now funded under a special governmental grant from the Office of Native American Programs, in the Department of Health, Education and Welfare. ~~NILL's main purpose is to serve as a national clearinghouse for attorneys and scholars working in the area of Indian law.~~

The recognition of a need for the National Indian Law Library came from the practical experiences of NARF attorneys and others in the field. They found that the standard commercial reporting systems employed indexing systems that failed to reflect major portions of this specialized law, and that therefore there was no method for keeping up-to-date in the rapidly growing field. Further, many who were working on reservations and in rural Indian communities lacked access to law libraries and other legal resources. Finally, until NILL was established, there was no center where current litigation in Indian law was being collected, catalogued and made available to attorneys.

Today the key to the NILL collection is a comprehensive General Index to Indian Law with more than 400 subject headings which was developed by NARF attorneys over a two-year period. All of NILL's holdings are catalogued under the Index. In addition, NILL holdings are also catalogued by tribe, state, plaintiff-defendant, defendant-plaintiff and author-title.

The NILL case files contain only the most important substantive pleadings and briefs. Procedural motions and other

minor court documents are not included unless they become a major issue in the case. ~~The NILL Librarian makes every attempt to maintain case files with all the important documents filed in every court which the case has been litigated.~~ However, great reliance is placed on attorneys working in Indian law to contribute such documents to the collection and contributions are welcomed. The NILL collection also includes legal memoranda and opinions, law review articles, special studies and government documents relating to Indian affairs.

Cases are shown with the essential data as follows

001234 ————— NILL Acquisition No.			
Wisconsin v. Gurnoe, Richard.			
Wisc.,	Sup. Ct.,	Chippewa,	d. 1972.
State	Court	Tribe	Date

The line directly below the title gives the state, court(s), tribe(s), and applicable date. The courts are state courts unless shown as federal or tribal courts or an administrative agency. The year preceded by "d" indicates that the case was decided that year although an appeal may be in process. Otherwise, it merely indicates the year the litigation began. The letter "C" and a NILL number, e.g., C. 001235, indicate a connected or consolidated case.

Articles, studies, hearings and other materials begin with the title of the document. Below the title is indicated the nature of the item and the publication, organization or institution involved. If the item is an article, the volume and page number are given. The third line is the author, if applicable, and the date of the item. The last line indicates the number of

pages in the holding and where it may be obtained other than from NILL.

THE NILL CATALOGUE AND SUPPLEMENTS

In 1973, Volume 1 of the NILL Catalogue was published listing NILL acquisitions from 001000 to 001700. Volume II of the Catalogue was published in 1974, and supplemented Volume I, with NILL acquisitions 001701 to 002300.

The January-March issue of *Announcements*, Volume 3, No. 1 added the acquisitions 002301 to 002400. This special *Announcement* supplement for NILL includes the next 99 acquisitions indexed by subject. Therefore, full and efficient use of the NILL collection requires the user to have both volumes of the Catalogue along with Volume 3, No. 1, of *Announcements* and this supplement.

Users interested in items not yet indexed in the Catalogues or supplements should request them anyway since materials are added daily to NILL's collection and the NILL staff also makes every effort to obtain requested materials not currently a part of the collection.

FIRST CUMULATIVE CATALOGUE

A cumulative edition of the NILL Catalogue containing all NILL holdings to date and updating the case holdings is scheduled for publication this fall. Please use the order form on the back of this issue to reserve your copy. The price of \$20.00 also includes quarterly supplements through September 30, 1976 since future issues of *Announcements* will no longer contain NILL holdings or other Catalogue material after this issue.

(Continued on page 38)



ABORIGINAL TITLE: EXTINGUISHMENT

002426

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Sac and Fox of Oklahoma, Iowa of Oklahoma, Iowa of Kansas and Nebraska, 1958, d. 1967.

Aboriginal title may be acquired after sovereign title attaches to land but damages for loss of aboriginal title are measured by value of land at date of taking and not by profit realized by government from sale of that land.

Opinions, 6 Ind. Cl. Comm. 464 (1958), 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 383 F.2d 991 (1967); cert. denied, 389 U.S. 900, 88 S.Ct. 212, 220, 19 L.Ed.2d 217 (1967).

ABORIGINAL TITLE: RECOGNITION OF

002428

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 83, Ct. Cl., Sac and Fox of Oklahoma, 1959, d. 1963.

Evidence fails to sustain tribe's claims that it had recognized and aboriginal title to lands for which it is entitled to compensation.

Opinions, 7 Ind. Cl. Comm. 675 (1959); 161 Ct. Cl. 189, 315 F.2d 896 (1963); cert. denied, 375 U.S. 921, 84 S.Ct. 266, 11 L.Ed.2d 165 (1963).

ABORIGINAL TITLE: USE AND OCCUPANCY

002426

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Sac and Fox of Oklahoma, Iowa of Oklahoma, Iowa of Kansas and Nebraska, 1958, d. 1967.

Aboriginal title may be acquired after sovereign title attaches to land but damages for loss of aboriginal title are measured by value of land at date of taking and not by profit realized by government from sale of that land.

Opinions, 6 Ind. Cl. Comm. 464 (1958), 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 383 F.2d 991 (1967); cert. denied, 389 U.S. 900, 88 S.Ct. 212, 220, 19 L.Ed.2d 217 (1967).

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ADMINISTRATION OF INDIAN AFFAIRS

002451

Creation of the Indian Trust Counsel Authority.

Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives, 93d Congress, 1st Session, August 6, 7, and 9 and September 27 and 28, 1973.

298 pgs.

Available from:

Superintendent of Documents

Government Printing Office

Washington, D.C. 20402

Serial No. 93-29

002480

Juvenile Delinquency Among the Indians.

Senate Report No. 1483, Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, pursuant to S.Res. 62, 84th Congress, 2nd Session, 1956.

125 pgs.

002482

A Study of Administrative Conflicts of Interest in the Protection of Indian Natural Resources.

Study, Prepared for the Subcommittee On Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate, 91st Congress, 2nd Session.

Chambers, Reid Peyton, 1971.

25 pgs.

002495

Dull Knife, Guy, Sr. v. Morton, Rogers C.B.

S.D., D.S.D., Oglala Sioux, 1974.

Action to compel local federal officials to commence probate proceedings of estates of deceased Indians involving trust property.

002496

Brendale, Philip v. United States.

Wash., E.D. Wash., Yakima Tribe, 1974.

Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe.

because devisee lacked required blood quantum to inherit allotment.

ADMINISTRATIVE LAW AND PROCEDURE

002437

Gutherie, Willis A. v. United States.

Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

002438

Dry Creek Lodge, Inc. v. United States.

Wyo., D.Wyo., 10th Cir., Shoshone, Arapahoe, 1974, (C.002437).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

Opinion reversing and remanding, May 3, 1975 (10th Cir., No. 74-1546).

ADMINISTRATIVE LAW AND PROCEDURE: ADMINISTRATIVE DISCRETION

002404

Pease, Louise v. Udall, Stewart.

Alas., 9th Cir., Alaska Natives, d. 1964.

Interior Secretary has discretion to refuse all applications under Mineral Leasing Act for leases on lands reserved for Indians.

Opinion, 332 F.2d 62 (9th Cir. 1964).

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission. Utah, D.Utah, Navajo, 1961, d. 1963.

Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.

Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

002463

Alaska Federation of Natives International v. Morton, Rogers C.B.

Alas., D.D.C., Alaska Natives, 1973, (C. 002094).

Opinion challenging Secretary's certification of election results showing that vote was against the creation of a

separate corporation for non-resident Native Alaskans under the Alaska Native Settlement Act on basis that a majority had validly voted in favor of it.

002471

Logan, Leroy v. Morton, Rogers C.B.

Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D. Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.

002488

Lee, Sharon v. Morton, Rogers C.B.

Alas., D.Alas., Alaskan Natives, 1974.

Class action to obtain enrollment rights under the Alaskan Native Claims Settlement Act.

002493

Walker, Wilbur v. Morton, Rogers C.B.

Ore., D.Ore., California Indians, 1973, d. 1974.

Secretary's decision denying plaintiff's claim to right to be enrolled set aside as arbitrary and capricious.

* Opinion, June 28, 1974 (Civil No. 73-714).

002496

Brendale, Philip v. United States.

Wash., E.D. Wash., Yakima Tribe, 1974.

Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe because devisee lacked required blood quantum to inherit allotment.

002498

Skokomish Indian Tribe v. General Services Administration.

Wash., W.D.Wash., Skokomish, 1973.

Suit to compel defendants to consider BIA's request for federal land for tribal use declared to be surplus federal property before transferring it to non-federal agency.

* Indicates some additional material available in this case.



ALLOTMENTS

002462

Great American Insurance Company v. Brown, Fred. N.M., Ct. App., Navajo, d. 1974.

New Mexico has authority to serve process on allotments where the case involves neither the allotted land nor the status of the person as allottee.

Opinion, June 19, 1974 (No. 1324).

ALLOTMENTS: ENCUMBRANCES

002416

Quinault Allottee Association v. United States.

Wash., Ct. Cl., U.S. Sup. Ct., Quinault, 1973, d. 1974, (C. 002417).

Fee assessed by government against sale price of timber it manages for Indians is not an encumbrance on trust property within terms of General Allotment Act.

* Opinion, 485 F.2d 1391 (Ct. Cl. 1973); cert. denied, 40 L.Ed.2d 312 (1974).

002425

Running Horse, Mary Hit Him v. Udall, Stewart.

Wash., D.C., D.D.C., Rosebud Sioux, d. 1962.

Interior Secretary may not lawfully authorize state to make claim against trust property or income produced from it subsequent to allottee's death.

Opinion, 211 F.Supp. 586 (D.D.C. 1962).

ALLOTMENTS: REMOVAL OF RESTRICTIONS

002416

Quinault Allottee Association v. United States.

Wash., Ct. Cl., U.S. Sup. Ct., Quinault, 1973, d. 1974, (C. 002417).

Fee assessed by government against sale price of timber it manages for Indians is not an encumbrance on trust property within terms of General Allotment Act.

* Opinion, 485 F.2d 1391 (Ct. Cl. 1973); cert. denied, 40 L.Ed.2d 312 (1974).

002448

Spector, Emma v. Pete, Ione.

Cal., Dist. Ct. App., Agua Caliente, d. 1958.

Agreement for sale of allotment conditioned on subsequent approval of issuance of fee patent by Interior Secretary is void and unenforceable.

Opinion, 157 Cal. App.2d 432, 321 P.2d 59 (Ct. App. 1958); cert. denied, 358 U.S. 822, 79 S.Ct. 36, 3 L.Ed.2d 63 (1958).

* Indicates some additional material available in this case.

002449

Spriggs, John v. McKay, Douglas.

Wash., D.C., D.D.C., D.C. Cir., Shoshone, 1954, d. 1955, (C. 002450).

Indian owner and government are indispensable parties to suit for interest in allotments.

Opinions, 119 F.Supp. 232 (D.D.C. 1954); aff'd, 228 F.2d 31 (D.C. Cir. 1955).

ALLOTMENTS: RIGHT TO

002467

Aquilar, Ethel v. Morton, Rogers C.B.

Alas., D.Alas., Alaskan Natives, 1974.

Class suit by Alaskan Natives claiming right to allotments under the Alaska Native Allotment Act of 1906.

ATTORNEYS: FEES AND EXPENSES

002420

Reed, Grover v. United States National Bank of Portland.

Ore., D.Ore., Klamath, d. 1963.

Non-Indian heir to estate including termination trust fund which is part of tribal management plan is not entitled to withdraw his interest in that tribal property from trust status.

Opinion, 213 F.Supp. 919 (D.Ore. 1963).

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission. Utah, D.Utah, Navajo, 1961, d. 1963.

Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.

Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

ATTORNEYS: FEES AND EXPENSES; INDIAN CLAIMS COMMISSION

002419

Red Lake and Pembina Bands v. Turtle Mountain Band of Chippewa.

Little Shell Band of Chippewa Indians v. Red Lake, Pembina and White Earth Bands.

Ind. Cl. Comm. Nos. 18-A, 113, 191, Ct. Cl., Chippewa, 1964, d. 1965.

Tribal attorney who provided no service in claims case is not entitled to share in fee awarded by commission, and an identifiable group of Indians has standing to sue if it consists of current descendants of Indians who

were members of wronged group at time of wrong.
Opinions, 13 Ind. Cl. Comm. 574 (1964); 173 Ct. Cl. 928,
355 F.2d 936 (1965).

ATTORNEYS: LEGAL SERVICES

002453

Sam, Dan v. United States.

N.M., 10th Cir., Navajo, d. 1967.

Right to counsel not violated when court refused to permit Indian to choose own attorney after court appointed one at his request, and court's discretion under statute to sentence to imprisonment is not unconstitutional delegation of legislative authority.
Opinion, 385 F.2d 213 (10th Cir. 1967).

CAPACITY TO SUE

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe.

Okla., N.D.Okla., Pawnee, 1973, d. 1974.

Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States.

* Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

CAPACITY TO SUE: INDISPENSABLE PARTY

002437

Gutherie, Willis A. v. United States.

Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

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Dry Creek Lodge, Inc. v. United States.

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Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

* Opinion reversing and remanding, May 3, 1975 (10th Cir., No. 74-1546).

002440

Simons, Edward v. Vinson, Jerry.

Texas, 5th Cir., d. 1968.

United States is an indispensable party which has not consented to suit in dispute over accreted lands on river which forms an interstate boundary.

Opinion, 394 F.2d 732 (5th Cir. 1968); cert. denied, 393 U.S. 968, 89 S.Ct. 398, 21 L.Ed.2d 379 (1968).

002443

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1959, (C. 002444).

Federal court has jurisdiction over trespass suit by tribe but federal and state governments may not be joined in case as defendants without their consent.
Opinion, 269 F.2d 555 (9th Cir. 1959).

002449

Spriggs, John v. McKay, Douglas.

Wash., D.C., D.D.C., D.C. Cir., Shoshone, 1954, d. 1955, (C. 002450).

Indian owner and government are indispensable parties to suit for interest in allotments.

Opinions, 119 F.Supp. 232 (D.D.C. 1954); aff'd, 228 F.2d 31 (D.C. Cir. 1955).

002450

Spriggs, John v. Seaton, Fred.

Wyo., 10th Cir., Shoshone, d. 1959, (C. 002449).

Suit claiming that government fraudulently induced transfer of land by representing that it was in trust for noncompetent Indian does not require involvement of that Indian in case as indispensable party.

Opinion, 271 F.2d 583 (10th Cir. 1959).

CAPACITY TO SUE: INDIVIDUAL INDIANS; INDIAN CLAIMS COMMISSION

002419

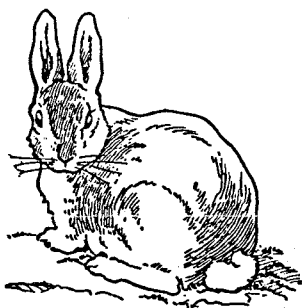
Red Lake and Pembina Bands v. Turtle Mountain Band of Chippewa.

Little Shell Band of Chippewa Indians v. Red Lake, Pembina and White Earth Bands.

Ind. Cl. Comm. Nos. 18-A, 113, 191, Ct. Cl., Chippewa, 1964, d. 1965.

Tribal attorney who provided no service in claims case is not entitled to share in fee awarded by commission, and an identifiable group of Indians has standing to sue if it consists of current descendants of Indians who were members of wronged group at time of wrong.

Opinions, 13 Ind. Cl. Comm. 574 (1964); 173 Ct.Cl. 928, 355 F.2d 936 (1965).



CAPACITY TO SUE: INDIVIDUAL INDIANS; PROPERTY RIGHTS

002408

Poafpybitty, Frank v. Skelly Oil Company.
Okla., U.S. Sup. Ct., Comanche, d. 1968, (C. 002452).
Indian lessors have capacity to maintain an action seeking damages for the alleged breach of an oil and gas lease.
Opinion, 390 U.S. 365, 88 S.Ct. 982, 19 L.Ed.2d 1238 (1968).

CAPACITY TO SUE: INTERVENTION

002413

Prairie Band of Potawatomi Indians v. United States.
Citizen Band of Potawatomi Indians v. United States.
Ind. Cl. Comm. Nos. 15-J, 71-A, Ct. Cl., Prairie Band of Potawatomi, Citizen Band of Potawatomi, Hannahville Indian Community, 1956, d. 1958.
Non-emigrating eastern Indian bands are not entitled to share in claims award to main body of tribe which relocated on western lands pursuant to treaty.
Opinions, 4 Ind. Cl. Comm. 514 (1956); aff'd, 143 Ct.Cl. 131, 165 F.Supp. 139 (1958); cert. denied, 359 U.S. 908, 79 S.Ct. 587, 3 L.Ed.2d 574 (1959).

CITIZENSHIP: INDIANS AS CITIZENS

002432

United States v. McCloud, Michael.
Wash., C.M.A., Walla Walla-Umatilla, 1974.
Indian asserts that he is exempt from compulsory military service on basis of treaty provisions and his rejection of United States citizenship.
*

002479

Goodluck, Leslie E. v. Apache County.
United States v. Arizona.
Ariz., D.Ariz., Navajo, 1973.
Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.
*

CITIZENSHIP: VOTING

002470

Davenport, Howard v. Synhorst, Melvin.
Iowa, N.D.Iowa, Sac and Fox, d. 1974.
Consent judgment requiring state election officials to hold special state primary election in Indian-populated

counties which were denied right to vote in state's general primary election.

* Opinion, consent judgment of June 24, 1974 (No. C 74-24).

002479

Goodluck, Leslie E. v. Apache County.
United States v. Arizona.
Ariz., D.Ariz., Navajo, 1973.
Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.
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CIVIL JURISDICTION: CIVIL ACTIONS ARISING IN INDIAN COUNTRY

002472

Rolette County v. Eltobji, Mohammed M.K.
N.D., Dist. Ct., Sup. Ct., Devils Lake Sioux, 1973, d. 1974.
State court has jurisdiction over action by county against non-Indian obligor for child support to Indian residing on reservation in non-P.L. 280 state.
* Opinion, 221 N.W.2d 645 (N.D. 1974).

CIVIL JURISDICTION: CONSENT TO APPLICATION OF STATE LAWS; PUBLIC LAW 280

002439

New Mexico v. Lewis, L.T.
New Mexico v. Hagerman Canal Co.
N.M., Dist. Ct., Mescalero Apache, 1974.
Federal government asserts that McCarran Act was not intended to be waiver of sovereign immunity in relation to Indian water rights.
*

002458

Sessions, Inc. v. Morton, Rogers.
Cal., C.D.Cal., Agua Caliente, d. 1972.
Default by lessee warrants decision of Interior Secretary to permit cancellation of lease because, although lessors continued to accept rent, they did not intend to waive their rights.
Opinion, 348 F.Supp. 694 (C.D.Cal. 1972).

CIVIL JURISDICTION: INDIAN COUNTRY

002445

Smith, Michael v. Temple, Douglas.
S.D., Sup. Ct., Oglala Sioux, d. 1967.
State court has no jurisdiction over action by one In-

* Indicates some additional material available in this case.

dian against other Indians for damages resulting from auto accident on state highway within reservation. Opinion, 82 S.D. 650, 152 N.W.2d 547 (S.D. 1967).

002459

Sigana, Roman v. Bailey, Allen.

Minn., Sup. Ct., Red Lake Chippewa, d. 1969.

State court has no jurisdiction over automobile accident case between Indians which arose on highway improved and maintained by state across reservation. Opinion, 282 Minn. 367, 164 N.W.2d 886 (Minn. 1969).

002462

Great American Insurance Company v. Brown, Fred.
N.M., Ct. App., Navajo, d. 1974.

New Mexico has authority to serve process on allotments where the case involves neither the allotted land nor the status of the person as allottee.

Opinion, June 19, 1974 (No. 1324).

002487

Sac and Fox Tribe of Mississippi in Iowa v. Licklider, Les.

Iowa, N.D.Iowa, Sac and Fox of Mississippi, 1974.

Suit for injunctive and declaratory relief to protect hunting and fishing rights.

CIVIL JURISDICTION: LICENSING, BUSINESSES

002446

Snohomish County v. Seattle Disposal Company.

Wash., Super. Ct., Sup. Ct., U.S. Sup. Ct., Tulalip, d. 1967.

State lacks power to apply a local zoning ordinance for control of garbage dumps and sewage landfills to non-Indian company leasing lands within a reservation.

Opinion, 70 Wash.2d 668, 425 P.2d 22 (Wash. 1967); cert. denied, 389 U.S. 1016, 88 S.Ct. 585, 19 L.Ed.2d 662 (1967).

CIVIL JURISDICTION: LOCAL LAWS AND ORDINANCES

002446

Snohomish County v. Seattle Disposal Company.

Wash., Super. Ct., Sup. Ct., U.S. Sup. Ct., Tulalip, d. 1967.

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Opinion, June 19, 1974 (No. 1324).

002465

Fond du Lac Band, Mimesota Chippewa Tribe v. Board of Supervisors.

Minn., D.Minn., Chippewa, 1974.

P.L. 280 sufficiently abrogates treaty protections to authorize application of state statute consolidating township overlapping Indian land and city into one municipality over objections of tribe.

Opinion, June 10, 1974 (Civ. 5-74-6).

CIVIL JURISDICTION: RULES OF CIVIL PROCEDURE

002417

Quinault Allottee Association and Individual Allottees v. United States.

Wash., Ct. Cl., Quinault, d. 1972, (C. 002416).

Claim by Indian allottees against government administration of their timber rights directed to be conducted as class action in Court of Claims.

Opinion, 453 F.2d 1272 (Ct. Cl. 1972).

002431

Alfred, Fred v. Anderson, Hon. Franklin G.

N.M., Sup. Ct., Navajo, d. 1974.

Writ of mandamus is inappropriate process by which to recover from state court the garnished wages earned by Indians during employment on reservation.

Opinion, April 26, 1974 (No. 9743).

002449

Spriggs, John v. McKay, Douglas.

Wash., D.C., D.D.C., D.C. Cir., Shoshone, 1954, d. 1955, (C. 002450).

Indian owner and government are indispensable parties to suit for interest in allotments.

Opinions, 119 F.Supp. 232 (D.D.C. 1954); aff'd, 228 F.2d 31 (D.C. Cir. 1955).

CIVIL RIGHTS: EQUAL PROTECTION

002470

Davenport, Howard v. Synhorst, Melvin.

Iowa, N.D.Iowa, Sac and Fox, d. 1974.

Consent judgment requiring state election officials to hold special state primary election in Indian-populated counties which were denied right to vote in state's general primary election.



* Opinion, consent judgment of June 24, 1974 (No. C 74-24).

002479

Goodluck, Leslie E. v. Apache County.
United States v. Arizona.
Ariz., D.Ariz., Navajo, 1973.

Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.

002492

Concerned Citizens For A Better Education v. Klamath-Trinity Unified School District.
Cal., N.D.Cal., Hoopa Valley Tribe, 1974.
Class action by Indian parents against school officials for alleged arbitrary and abusive physical punishment of, and arbitrary disciplinary action against Indian students.

CIVIL RIGHTS: STATE ACTION

002467

Aquilar, Ethel v. Morton, Rogers C.B.
Alas., D.Alas., Alaskan Natives, 1974.
Class suit by Alaskan Natives claiming right to allotments under the Alaska Native Allotment Act of 1906.

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United States v. Arizona.
Ariz., D.Ariz., Navajo, 1973.
Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.

CLAIMS AGAINST UNITED STATES

002415

Provancial, Antoine v. United States.
S.D., 8th Cir., Rosebud Sioux, d. 1972.
Local policemen specially deputized by B.I.A. to assist with reservation law enforcement are federal employees within terms of Federal Tort Claims Act.
Opinion, 454 F.2d 72 (8th Cir. 1972).

COMPENSATION FOR TAKING BY UNITED STATES

002441

Sioux Tribe of Lower Brule Reservation, South Dakota v. United States.

Ind. Cl. Comm. No. 78, Ct. Cl., Lower Brule Sioux, d. 1963.

Appropriation of Indian lands resulting from survey error is compensable taking by government and offsets against that claim should be determined in light of entire course of dealing by government with tribe.
Opinions, 9 Ind. Cl. Comm. 544 (1961); 161 Ct. Cl. 413, 315 F.2d 378 (1963); cert. denied, 375 U.S. 825, 84 S.Ct. 66, 11 L.Ed.2d 57 (1963).

002442

Sioux Tribe of Indians v. United States.
Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).
Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.
Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

002491

Salt River Pima-Maricopa Indian Community v. Salt River Project Agricultural Improvement and Power District.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action for damages and a declaration that water projects within the reservation are owned by the United States exclusively for tribe's benefit.

CONFLICT OF INTEREST

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission.
Utah, D.Utah, Navajo, 1961, d. 1963.

Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.
Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

CONSTITUTION, UNITED STATES: AS A SOURCE OF FEDERAL AUTHORITY OVER INDIAN AFFAIRS

002422

Robinson, Enoch v. Sigler, Maurice.
Neb., Sup. Ct., Omaha, d. 1971.

* Indicates some additional material available in this case.

State court has jurisdiction to convict Indian of murdering another Indian on reservation.
Opinion, 187 N.W.2d 756 (Neb. 1971).

002492

Concerned Citizens For A Better Education v. Klamath-Trinity Unified School District.
Cal., N.D.Cal., Hoopa Valley Tribe, 1974.
Class action by Indian parents against school officials for alleged arbitrary and abusive physical punishment of, and arbitrary disciplinary action against Indian students.

CONSTITUTION, UNITED STATES: AS A SOURCE OF FEDERAL AUTHORITY OVER INDIAN AFFAIRS: COMMERCE CLAUSE

002423

Robinson, Enoch v. Wolff, Charles.
Neb., D.Neb., 8th Cir., Omaha, d. 1972.
State court has jurisdiction over crime of murder by Indian against Indian on reservation.
Opinions, 349 F.Supp. 514 (D.Neb. 1972); aff'd, 468 F.2d 438 (8th Cir. 1972).

CONSTITUTION, UNITED STATES: LIMITED FEDERAL AUTHORITY OVER INDIAN AFFAIRS; DUE PROCESS CLAUSE

002423

Robinson, Enoch v. Wolff, Charles.
Neb., D.Neb., 8th Cir., Omaha, d. 1972.
State court has jurisdiction over crime of murder by Indian against Indian on reservation.
Opinions, 349 F.Supp. 514 (D.Neb. 1972); aff'd, 468 F.2d 438 (8th Cir. 1972).

002460

Simmons, Joseph v. Eagle Seelatsee.
Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.
Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.
Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); aff'd, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

002493

Walker, Wilbur v. Morton, Rogers C.B.
., D.Ore., California Indians, 1973, d. 1974.

* Indicates some additional material available in this case.

Secretary's decision denying plaintiff's claim to right to be enrolled set aside as arbitrary and capricious.
* Opinion, June 28, 1974 (Civil No. 73-714).

CONSTITUTION, UNITED STATES: LIMITED FEDERAL AUTHORITY OVER INDIAN AFFAIRS; EQUAL FOOTING DOCTRINE

002484

Kila, Georgiana v. Hawaiian Homes Commission.
Hawaii, D.Hi., Hawaiian Natives, 1974.
Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

COURT OF CLAIMS

002417

Quinault Allottee Association and Individual Allottees v. United States.
Wash., Ct. Cl., Quinault, d. 1972, (C. 002416).
Claim by Indian allottees against government administration of their timber rights directed to be conducted as class action in Court of Claims.
Opinion, 453 F.2d 1272 (Ct. Cl. 1972).

COURT OF CLAIMS: APPEALS FROM INDIAN CLAIMS COMMISSION

002413

Prairie Band of Potawatomi Indians v. United States.
Citizen Band of Potawatomi Indians v. United States.
Ind. Cl. Comm. Nos. 15-J, 71-A, Ct. Cl., Prairie Band of Potawatomi, Citizen Band of Potawatomi, Hannahville Indian Community, 1956, d. 1958.
Non-emigrating eastern Indian bands are not entitled to share in claims award to main body of tribe which relocated on western lands pursuant to treaty.
Opinions, 4 Ind. Cl. Comm. 514 (1956); aff'd, 143 Ct. Cl. 131, 165 F.Supp. 139 (1958); cert. denied, 359 U.S. 908, 79 S.Ct. 587, 3 L.Ed. 2d 574 (1959).

002419

Red Lake and Pembina Bands v. Turtle Mountain Band of Chippewa.
Little Shell Band of Chippewa Indians v. Red Lake, Pembina and White Earth Bands.
Ind. Cl. Comm. Nos. 18-A, 113, 191, Ct. Cl., Chippewa, 1964, d. 1965.



Tribal attorney who provided no service in claims case is not entitled to share in fee awarded by commission, and an identifiable group of Indians has standing to sue if it consists of current descendants of Indians who were members of wronged group at time of wrong. Opinions, 13 Ind. Cl. Comm. 574 (1964); 173 Ct. Cl. 928, 355 F.2d 936 (1965).

002455

Seminole Indians of Florida v. United States.
Ind. Cl. Comm. No. 73-A, Ct. Cl., Seminole of Florida, d. 1973.

Appeal to Court of Claims from Indian Claims Commission decision on one of multiple claims is not permitted prior to decision on all claims unless Commission specifically certifies that decision on that issue is final.

Opinions, 25 Ind. Cl. Comm. 25 (1971); 471 F.2d 614 (Ct. Cl. 1973).

COURT OF CLAIMS: SPECIAL JURISDICTION ACTS

002401

Paul, William v. Nauska, Norman.

Alas., Sup. Ct., Tlingit and Haida, d. 1964.

State court has jurisdiction to determine collateral issues of tribal membership and participation in management plan for funds acquired in Court of Claims judgment against United States.

Opinion, 395 P.2d 260 (Alas. 1964).

COURTS OF INDIAN OFFENSES

002481

"Problems of the Navajo Tribal Courts in Transition."

Article, **Human Organization**, 24:250.

Shepardson, Mary, Fall, 1965.

4 pgs.

CREDIT AND LOANS: TO INDIVIDUALS

002431

Alfred, Fred v. Anderson, Hon. Franklin G.

N.M., Sup. Ct., Navajo, d. 1974.

Writ of mandamus is inappropriate process by which to recover from state court the garnished wages earned by Indians during employment on reservation.

Opinion, April 26, 1974 (No. 9743).

002484

Kila, Georgiana v. Hawaiian Homes Commission.

Hawaii, D.Hi., Hawaiian Natives, 1974.

Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without Congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

CRIMINAL JURISDICTION

002474

Matzke, Robert, In re.

S.D., Cir. Ct., Sup. Ct., Rosebud Sioux, 1974.

Reservation resident claims he is not subject to state criminal jurisdiction because he has 3/32 Indian blood and is considered Indian by community although he is not a tribal member.

CRIMINAL JURISDICTION: CONSENT TO APPLICATION OF STATE LAWS; ACTS OF CONGRESS

002422

Robinson, Enoch v. Sigler, Maurice.

Neb., Sup. Ct., Omaha, d. 1971.

State court has jurisdiction to convict Indian of murdering another Indian on reservation.

Opinion, 187 N.W.2d 756 (Neb. 1971).

CRIMINAL JURISDICTION: CONSENT TO APPLICATION OF STATE LAWS; PUBLIC LAW 280

002422

Robinson, Enoch v. Sigler, Maurice.

Neb., Sup. Ct., Omaha, d. 1971.

State court has jurisdiction to convict Indian of murdering another Indian on reservation.

Opinion, 187 N.W.2d 756 (Neb. 1971).

002423

Robinson, Enoch v. Wolff, Charles.

Neb., D.Neb., 8th Cir., Omaha, d. 1972.

State court has jurisdiction over crime of murder by Indian against Indian on reservation.

Opinions, 349 F.Supp. 514 (D.Neb. 1972); *aff'd*, 468 F.2d 438 (8th Cir. 1972).

* Indicates some additional material available in this case.

CRIMINAL JURISDICTION: INDIAN COUNTRY

002421

Roberts, Douglas v. Schneckloth, Merle.
Wash., Sup. Ct., Colville, d. 1959.
State court has no jurisdiction over crime of assault with a dangerous weapon committed by Indian in Indian country.
Opinion, 346 P.2d 669 (Wash. 1959).

002423

Robinson, Enoch v. Wolff, Charles.
Neb., D.Neb., 8th Cir., Omaha, d. 1972.
State court has jurisdiction over crime of murder by Indian against Indian on reservation.
Opinions, 349 F.Supp. 514 (D.Neb. 1972); *aff'd*, 468 F.2d 438 (8th Cir. 1972).

002483

Nebraska v. Tyndall, Dennis.
Neb., Dist. Ct., Sup. Ct., U.S. Sup. Ct., D.Neb., 8th Cir., Omaha, 1970, d. 1972, (C. 001203).
Indian's habeas corpus petition following conviction by state for rape of non-Indian on reservation, challenged on basis that state had retroceded criminal jurisdiction over reservation, is denied.
* Opinions, 187 Neb. 48, 187 N.W.2d 298 (Neb. 1971); cert. denied, 404 U.S. 1004, 92 S.Ct. 561, 30 L.Ed.2d 558 (1971); 471 F.2d 52 (8th Cir. 1972).

002489

Analla, Frank v. United States.
N.M., D.N.M., 10th Cir., U.S. Sup. Ct., Laguna Pueblo, 1973.
Indian appeals conviction under Ten Major Crimes Act of assaulting another Indian on reservation.
* Opinions, 490 F.2d 1204 (10th Cir. 1974); vacated and remanded, 42 L.Ed.2d 40 (1974).

CRIMINAL JURISDICTION: TEN MAJOR CRIMES ACT (18 U.S.C. § 1153)

002410

Pocatello, Ray v. United States.
Idaho, 9th Cir., d. 1968.
Indian who raped child in Indian country is subject to criminal jurisdiction of federal court which defines crime according to law of state where offense took place.
Opinion, 394 F.2d 115 (9th Cir. 1968).

* Indicates some additional material available in this case.

002421

Roberts, Douglas v. Schneckloth, Merle.
Wash., Sup. Ct., Colville, d. 1959.
State court has no jurisdiction over crime of assault with a dangerous weapon committed by Indian in Indian country.
Opinion, 346 P.2d 669 (Wash. 1959).

002453

Sam, Dan v. United States.
N.M., 10th Cir., Navajo, d. 1967.
Right to counsel not violated when court refused to permit Indian to choose own attorney after court appointed one at his request, and court's discretion under statute to sentence to imprisonment is not unconstitutional delegation of legislative authority.
Opinion, 385 F.2d 213 (10th Cir. 1967).

002483

Nebraska v. Tyndall, Dennis.
Neb., Dist. Ct., Sup. Ct., U.S. Sup. Ct., D.Neb., 8th Cir., Omaha, 1970, d. 1972, (C. 001203).
Indian's habeas corpus petition following conviction by state for rape of non-Indian on reservation, challenged on basis that state had retroceded criminal jurisdiction over reservation, is denied.
* Opinions, 187 Neb. 48, 187 N.W.2d 298 (Neb. 1971); cert. denied, 404 U.S. 1004, 92 S.Ct. 561, 30 L.Ed.2d 558 (1971); 471 F.2d 52 (8th Cir. 1972).

002489

Analla, Frank v. United States.
N.M., D.N.M., 10th Cir., U.S. Sup. Ct., Laguna Pueblo, 1973.
Indian appeals conviction under Ten Major Crimes Act of assaulting another Indian on reservation.
* Opinions, 490 F.2d 1204 (10th Cir. 1974); vacated and remanded, 42 L.Ed.2d 40 (1974).

CUSTOMS, TRADITIONS, AND CULTURE

002411

Ponina, Allie v. Leland, Robert.
Nev., Sup. Ct., Pyramid Lake Paiute, Klamath, d. 1969.
Indian custom marriage entered into off reservation held valid under state law even though certain legal formalities were not fulfilled.
Opinion, 454 P.2d 16 (Nev. 1969).

CUSTOMS, TRADITIONS, AND CULTURE: ABORIGINAL LAW

002481

"Problems of the Navajo Tribal Courts in Transition."
Article, *Human Organization*, 24:250.
Shepardson, Mary, Fall 1965.
4 pgs.



DOMESTIC RELATIONS: MARRIAGE

002411

Ponina, Allie v. Leland, Robert.
Nev., Sup. Ct., Pyramid Lake Paiute, Klamath, d. 1969.
Indian custom marriage entered into off reservation held valid under state law even though certain legal formalities were not fulfilled.
Opinion, 454 P.2d 16 (Nev. 1969).

DOMESTIC RELATIONS: SUPPORT AND ALIMONY

002472

Rolette County v. Eltobjl, Mohammed M.K.
N.D., Dist. Ct., Sup. Ct., Devils Lake Sioux, 1973, d. 1974.
State court has jurisdiction over action by county against non-Indian obligor for child support to Indian residing on reservation in non-P.L. 280 state.
* Opinion, 221 N.W.2d 645 (N.D. 1974).

DUE PROCESS

002434

Rincon Band of Mission Indians v. Weinberger, Casper W.
Cal., N.D.Cal., Rincon Band of Mission Indians, 1974.
Indians seek to remedy discriminatory denial of health services to them by federal agencies.
*

002437

Gutherie, Willis A. v. United States.
Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).
Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.
*

002438

Dry Creek Lodge, Inc. v. United States.
Wyo., D.Wyo., 10th Cir., Shoshone, Arapahoe, 1974, (C. 002437).
Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.
* Opinion reversing and remanding, May 3, 1975 (10th Cir., No. 74-1546).

* Indicates some additional material available in this case.

002453

Sam, Dan v. United States.
N.M., 10th Cir., Navajo, d. 1967.
Right to counsel not violated when court refused to permit Indian to choose own attorney after court appointed one at his request, and court's discretion under statute to sentence to imprisonment is not unconstitutional delegation of legislative authority.
Opinion, 385 F.2d 213 (10th Cir., 1967).

002479

Goodluck, Leslie E. v. Apache County.
United States v. Arizona.
Ariz., D.Ariz., Navajo, 1973.
Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.
*

002489

Analla, Frank v. United States.
N.M., D.N.M., 10th Cir., U.S. Sup. Ct., Laguna Pueblo, 1973.
Indian appeals conviction under Ten Major Crimes Act of assaulting another Indian on reservation.
* Opinions, 490 F.2d 1204 (10th Cir. 1974); vacated and remanded, 42 L.Ed.2d 40 (1974).

002492

Concerned Citizens For A Better Education v. Klamath-Trinity Unified School District.
Cal., N.D.Cal., Hoopa Valley Tribe, 1974.
Class action by Indian parents against school officials for alleged arbitrary and abusive physical punishment of, and arbitrary disciplinary action against Indian students.
*

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS

002433

Red School House, Inc. v. Office of Economic Opportunity.
Minn., D.Minn., 1973, d. 1974.
Manner in which government officials suspended and terminated federal grant funds to Indian education organization violated procedural due process.
* Opinion, 386 F.Supp. 1177 (D.Minn. 1974).

002488

Lee, Sharon v. Morton, Rogers C.B.
Alas., D.Alas., Alaskan Natives, 1974.
Class action to obtain enrollment rights under the Alaskan Native Claims Settlement Act.
*

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS; JUDICIAL REVIEW

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe.

Okla., N.D.Okla., Pawnee, 1973, d. 1974.

Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States.

* Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

002458

Sessions, Inc. v. Morton, Rogers.

Cal., C.D.Cal., Agua Caliente, d. 1972.

Default by lessee warrants decision of Interior Secretary to permit cancellation of lease because, although lessors continued to accept rent, they did not intend to waive their rights.

Opinion, 348 F.Supp. 694 (C.D.Cal. 1972).

002460

Immons, Joseph v. Eagle Seelatsee.

Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.

Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.

Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); aff'd, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

002461

Simons, Earlene v. Udall, Stewart.

Mont., D.Mont., d. 1967.

Federal statute making Interior Secretary's decision approving Indian's last will and testament final and non-reviewable is not a denial of due process.

Opinion, 276 F.Supp. 75 (D.Mont. 1967).

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS; PROBATE HEARINGS

002461

Simons, Earlene v. Udall, Stewart.

Mont., D.Mont., d. 1967.

Federal statute making Interior Secretary's decision approving Indian's last will and testament final and non-reviewable is not a denial of due process.

Opinion, 276 F.Supp. 75 (D.Mont. 1967).

* Indicates some additional material available in this case.

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS; RULE MAKING

002463

Alaska Federation of Natives International v. Morton, Rogers C.B.

Alas., D.D.C., Alaska Natives, 1973, (C. 002094).

Action challenging Secretary's certification of election results showing that vote was against the creation of a separate corporation for non-resident Native Alaskans under the Alaska Native Settlement Act on basis that a majority had validly voted in favor of it.

002471

Logan, Leroy v. Morton, Rogers C.B.

Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

EDUCATION

002433

Red School House, Inc. v. Office of Economic Opportunity.

Minn., D.Minn., 1973, d. 1974.

Manner in which government officials suspended and terminated federal grant funds to Indian education organization violated procedural due process.

* Opinion, 386 F.Supp. 1177 (D.Minn. 1974).

EDUCATION: DISCRIMINATION

002492

Concerned Citizens For A Better Education v. Klamath-Trinity Unified School District.

Cal., N.D.Cal., Hoopa Valley Tribe, 1974.

Class action by Indian parents against school officials for alleged arbitrary and abusive physical punishment of, and arbitrary disciplinary action against Indian students.

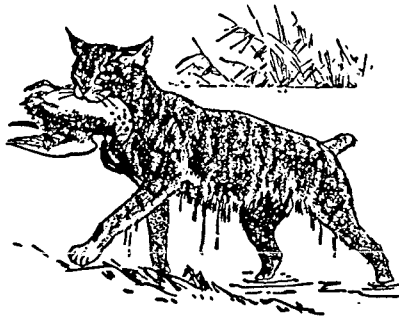
EDUCATION: IMPACT AID (20 U.S.C. § 236)

002473

Nahkai, James T. v. Kirkpatrick, Robert.

N.M., D.N.M., Navajo, d. 1974.

Suit against state school administrators for withholding state education funds from schools



receiving Federal Impact Aid because of their Indian enrollment is dismissed on grounds that state's action is permissible under new federal law.

EMINENT DOMAIN: ALLOTMENTS

002405

California Department of Public Works v. 25.09 Acres of Land.

Cal., S.D.Cal., Quechan, d. 1971.

State's condemnation of lands in government irrigation project reduced project's assessment base for which federal government is entitled to compensation.

Opinion, 329 F.Supp. 230 (S.D.Cal. 1971).

EMINENT DOMAIN: FEDERAL POWERS

002457

Seneca Nation of Indians v. Brucker, Wilber.

Wash., D.C., D.D.C., D.C. Cir., U.S. Sup. Ct., Seneca, d. 1958.

General legislation, authorizing flood control project which would inundate reservation, held to abrogate treaty setting aside that land for Indians.

Opinions, 162 F.Supp. 580 (D.D.C. 1958); aff'd, 262 F.2d 27 (D.C. Cir. 1958); cert denied, 360 U.S. 909, 79 S.Ct. 1294, 3 L.Ed.2d 1260 (1959).

EMINENT DOMAIN: STATE POWERS

002405

California Department of Public Works v. 25.09 Acres of Land.

Cal., S.D.Cal., Quechan, d. 1971.

State's condemnation of lands in government irrigation project reduced project's assessment base for which federal government is entitled to compensation.

Opinion, 329 F.Supp. 230 (S.D.Cal. 1971).

EMINENT DOMAIN: TRIBAL LAND

002457

Seneca Nation of Indians v. Brucker, Wilber.

Wash., D.C., D.D.C., D.C. Cir., U.S. Sup. Ct., Seneca, d. 1958.

General legislation, authorizing flood control project which would inundate reservation, held to abrogate

treaty setting aside that land for Indians.

Opinions, 162 F.Supp. 580 (D.D.C. 1958); aff'd, 262 F.2d 27 (D.C. Cir. 1958); cert. denied, 260 U.S. 909, 79 S.Ct. 1294, 3 L.Ed.2d 1260 (1959).

ENROLLMENT

002463

Alaska Federation of Natives International v. Morton, Rogers C.B.

Alas., D.D.C., Alaska Natives, 1973, (C. 002094).

Action challenging Secretary's certification of election results showing that vote was against the creation of a separate corporation for non-resident Native Alaskans under the Alaska Native Settlement Act on basis that a majority had validly voted in favor of it.

ENROLLMENT: FEDERAL AUTHORITY

002460

Simmons, Joseph v. Eagle Seelatsee.

Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.

Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.

Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); aff'd, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed. 2d 480 (1966).

002488

Lee, Sharon v. Morton, Rogers C.B.

Alas., D.Alas., Alaskan Natives, 1974.

Class action to obtain enrollment rights under the Alaskan Native Claims Settlement Act.

002493

Walker, Wilbur v. Morton, Rogers C.B.

Ore., D.Ore., California Indians, 1973, d. 1974.

Secretary's decision denying plaintiff's claim to right to be enrolled set aside as arbitrary and capricious.

* Opinion, June 28, 1974 (Civil No. 73-714).

ENROLLMENT: QUALIFICATIONS

002493

Walker, Wilbur v. Morton, Rogers C.B.

Ore., D.Ore., California Indians, 1973, d. 1974.

Secretary's decision denying plaintiff's claim to right to be enrolled set aside as arbitrary and capricious.

* Opinion, June 28, 1974 (Civil No. 73-714).

* Indicates some additional material available in this case.



ENVIRONMENTAL REGULATION: FEDERAL LAWS

002475

"Environmental Law — National Environmental Policy Act — Approval by Interior Department Constitutes Major Federal Action (Davis v. Morton)." Article-comment, New York Law Forum, 19:386. 1973. 12 pgs.

002485

Damming the West: Ralph Nader's Study Group Report on the Bureau of Reclamation. Book, Center for the Study of Responsive Law. Berkman, Richard and Viscusi, W. Kip, 1973. 272 pgs. Available from: Grossman Publishers 625 Madison Avenue New York, New York 10022

ENVIRONMENTAL REGULATION: NATIONAL ENVIRONMENTAL POLICY ACT

002475

"Environmental Law — National Environmental Policy Act — Approval by Interior Department Constitutes Major Federal Action (Davis v. Morton)." Article-comment, New York Law Forum, 19:386. 1973. 12 pgs.

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EXTRADITION

002474

Matzke, Robert, In re. S.D., Cir. Ct., Sup. Ct., Rosebud Sioux, 1974. Reservation resident claims he is not subject to state criminal jurisdiction because he has 3/32 Indian blood

* Indicates some additional material available in this case.

and is considered Indian by community although he is not a tribal member.

FEDERAL AUTHORITY OVER INDIAN AFFAIRS

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe. Okla., N.D.Okla., Pawnee, 1973, d. 1974. Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States. * Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

002477

Indian Judgment Funds Distribution Act of 1973 (Act of October 19, 1973). Legislative history, compiled by the National Indian Law Library.

FEDERAL AUTHORITY OVER INDIAN AFFAIRS: LEASING

002475

"Environmental Law — National Environmental Policy Act — Approval by Interior Department Constitutes Major Federal Action (Davis v. Morton)." Article-comment, New York Law Forum, 19:386. 1973. 12 pgs.

FEDERAL BENEFITS, ENTITLEMENT TO

002433

Red School House, Inc. v. Office of Economic Opportunity. Minn., D.Minn., 1973, d. 1974. Manner in which government officials suspended and terminated federal grant funds to Indian education organization violated procedural due process. * Opinion, 386 F.Supp. 1177 (D.Minn. 1974).

002434

Rincon Band of Mission Indians v. Weinberger, Casper W. Cal., N.D.Cal., Rincon Band of Mission Indians, 1974. Indians seek to remedy discriminatory denial of health services to them by federal agencies.



FRAUD, DURESS: CLAIMS AGAINST UNITED STATES BASED UPON

002429

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind., Cl. Comm. No. 220, Ct. Cl., Sac and Fox of Oklahoma, 1962, d. 1964.

Price paid by government to Indian tribe for surplus unallotted reservation land was below fair market value and negotiated with duress.

Opinions, 11 Ind. Cl. Comm. 578, 608 (1962); 167 Ct. Cl. 710, 340 F.2d 368 (1964).

002442

Sioux Tribe of Indians v. United States.

Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).

Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.

Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

FUNDS

002464

Choctaw Nation v. Oklahoma.

Okla., 10th Cir., Choctaw, Chickasaw, d. 1974, (C. 001330).

State not required to account for and pay into court interest and income received from investment of receipts from leasing of riverbed lands thought to belong to state but later found to belong to tribes.

Opinion, 490 F.2d 521 (10th Cir. 1974).

GRAZING: TAYLOR GRAZING ACT (43 U.S.C. § 315 et seq.)

002466

United States v. Dann, Mary.

Nev., D.Nev., Western Shoshone, 1974.

Injunctive suit for trespass and damages against Indians for grazing cattle on land purportedly under exclusive control and jurisdiction of the Bureau of Land Management but claimed to be beneficially owned by tribe.

HEALTH AND SAFETY: MEDICAL TREATMENT

002434

Rincon Band of Mission Indians v. Weinberger, Casper W.

Cal., N.D.Cal., Rincon Band of Mission Indians, 1974. Indians seek to remedy discriminatory denial of health services to them by federal agencies.

HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: ABORIGINAL

002444

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1963, (C. 002443).

Treaty establishing reservation which bordered shoreline will not be construed to vest title to tidelands in tribe where no intent is shown to do so.

Opinion, 320 F.2d 205 (9th Cir. 1963); cert. denied, 376 U.S. 943, 84 S.Ct. 799, 11 L.Ed.2d 767 (1964).

002476

"Indian Law — State Regulation — Hunting and Fishing Rights (Leech Lake Band of Chippewa Indians v. Herbst)."

Article-comment, New York Law Forum, 18:442.

1972.

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HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: FEDERAL CONTROL

002476

"Indian Law — State Regulation — Hunting and Fishing Rights (Leech Lake Band of Chippewa Indians v. Herbst)."

Article-comment, New York Law Forum, 18:442.

1972.

5 pgs.

HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: RESERVATION

002436

United States v. Washington.

Wash., W.D. Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

* Indicates some additional material available in this case.

002476

"Indian Law — State Regulation — Hunting and Fishing Rights (Leech Lake Band of Chippewa Indians v. Herbst)."

Article-comment, New York Law Forum, 18:442. 1972.

5 pgs.

002487

Sac and Fox Tribe of Mississippi in Iowa v. Licklider, Les.

Iowa, N.D.Iowa, Sac and Fox of Mississippi, 1974.

Suit for injunctive and declaratory relief to protect hunting and fishing rights.

HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: STATE CONTROL

002436

United States v. Washington.

Wash., W.D. Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

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"Indian Law — State Regulation — Hunting and Fishing Rights (Leech Lake Band of Chippewa Indians v. Herbst)."

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5 pgs.

002487

Sac and Fox Tribe of Mississippi in Iowa v. Licklider, Les.

Iowa, N.D.Iowa, Sac and Fox of Mississippi, 1974.

Suit for injunctive and declaratory relief to protect hunting and fishing rights.

HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: TREATIES

002436

United States v. Washington.

Wash., W.D. Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Indicates some additional material available in this case.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

002476

"Indian Law — State Regulation — Hunting and Fishing Rights (Leech Lake Band of Chippewa Indians v. Herbst)."

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002487

Sac and Fox Tribe of Mississippi in Iowa v. Licklider, Les.

Iowa, N.D.Iowa, Sac and Fox of Mississippi, 1974.

Suit for injunctive and declaratory relief to protect hunting and fishing rights.

INCOMPETENT INDIAN

002448

Spector, Emma v. Pete, Ione.

Cal., Dist. Ct. App., Agua Caliente, d. 1958.

Agreement for sale of allotment conditioned on subsequent approval of issuance of fee patent by Interior Secretary is void and unenforceable.

Opinion, 157 Cal.App.2d 432, 321 P.2d 59 (Ct. App. 1958); cert. denied, 358 U.S. 822, 79 S.Ct. 36, 3 L.Ed.2d 63 (1958).

INDIAN: DEFINED

002474

Matzke, Robert, In re.

S.D., Cir. Ct., Sup. Ct., Rosebud Sioux, 1974.

Reservation resident claims he is not subject to state criminal jurisdiction because he has 3/32 Indian blood and is considered Indian by community although he is not a tribal member.

002484

Kila, Georgiana v. Hawaiian Homes Commission.

Hawaii, D.Hi., Hawaiian Natives, 1974.

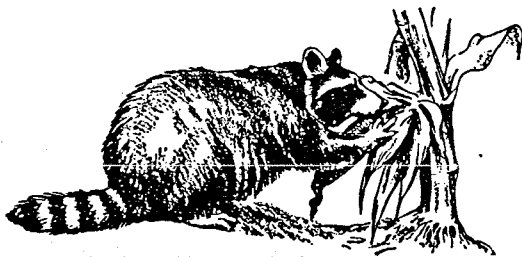
Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

INDIAN CIVIL RIGHTS ACT

002471

Logan, Leroy v. Morton, Rogers C.B.

Okla., N.D.Okla., Osage, 1974.



Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

INDIAN CIVIL RIGHTS ACT: DUE PROCESS

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.

INDIAN CIVIL RIGHTS ACT: JURISDICTION IN FEDERAL COURTS

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.

002494

Hickey, Roland, d/b/a Hickey Drilling v. Crow Creek Housing Authority.

S.D., D.S.D., Crow Creek Sioux, d. 1974.

Suit by non-Indian dismissed by federal court on grounds it had no jurisdiction under the Indian Civil Rights Act and no federal question was involved.

Opinion, 379 F.Supp. 1002 (D.S.D. 1974).

INDIAN CLAIMS COMMISSION: DAMAGES, RELIEF, OFFSETS AND INTEREST

002403

Pawnee Indian Tribe of Oklahoma v. United States.

Ind. Cl. Comm. No. 10, Ct. Cl., Pawnee Tribe of Oklahoma, d. 1962.

* Indicates some additional material available in this case.

Periodic payments to tribe pursuant to treaty may not be commuted to their cash value at date treaty was signed for purpose of determining credits to which government is entitled.

Opinions, 9 Ind. Cl. Comm. 82 (1961); 301 F.2d 667 (Ct. Cl. 1962); cert. denied, 370 U.S. 918, 82 S.Ct. 1556, 8 L.Ed.2d 498 (1962).

002406

Peoria Tribe v. United States.

Ind. Cl. Comm. No. 65, Ct. Cl., U.S. Sup. Ct., Peoria, 1962, d. 1968.

Government is responsible to tribe for interest on income it would have received on tribe's behalf from public sales of ceded lands which instead were sold privately below market value.

Opinions, 11 Ind. Cl. Comm. 171 (1962), 15 Ind. Cl. Comm. 123, 488 (1965); 177 Ct. Cl. 762, 369 F.2d 1001 (1966); rev'd, 390 U.S. 468, 88 S.Ct. 1137, 20 L.Ed.2d 39 (1968).

002426

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Sac and Fox of Oklahoma, Iowa of Oklahoma, Iowa of Kansas and Nebraska, 1958, d. 1967.

Aboriginal title may be acquired after sovereign title attaches to land but damages for loss of aboriginal title are measured by value of land at date of taking and not by profit realized by government from sale of that land.

Opinions, 6 Ind. Cl. Comm. 464 (1958), 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 383 F.2d 991 (1971); cert. denied, 289 U.S. 900, 88 S.Ct. 212, 220, 19 L.Ed.2d 217 (1967).

002441

Sioux Tribe of Lower Brule Reservation, South Dakota v. United States.

Ind. Cl. Comm. No. 78, Ct. Cl., Lower Brule Sioux, d. 1963.

Appropriation of Indian lands resulting from survey error is compensable taking by government and offsets against that claim should be determined in light of entire course of dealings by government with tribe.

Opinions, 9 Ind. Cl. Comm. 544 (1961); 161 Ct. Cl. 413, 315 F.2d 378 (1963); cert. denied, 375 U.S. 825, 84 S.Ct. 66, 11 L.Ed.2d 57 (1963).

INDIAN CLAIMS COMMISSION: EVIDENTIARY PROBLEMS

002428

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 83, Ct. Cl., Sac and Fox of Oklahoma, 1959, d. 1963.

Evidence fails to sustain tribe's claims that it had recognized and aboriginal title to lands for which it is entitled to compensation.

Opinions, 7 Ind. Cl. Comm. 675 (1959); 161 Ct. Cl. 189, 315 F.2d 896 (1963); cert. denied, 375 U.S. 921, 84 S.Ct. 266, 11 L.Ed.2d 165 (1963).

002429

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 220, Ct. Cl., Sac and Fox of Oklahoma, 1962, d. 1964.

Price paid by government to Indian tribe for surplus unallotted reservation land was below fair market value and negotiated with duress.

Opinions, 11 Ind. Cl. Comm. 578, 608 (1962); 167 Ct. Cl. 710, 340 F.2d 368 (1964).

INDIAN CLAIMS COMMISSION: PROCEDURES

002455

Seminole Indians of Florida v. United States.

Ind. Cl. Comm. No. 73-A, Ct. Cl., Seminole of Florida, d. 1973.

Appeal to Court of Claims from Indian Claims Commission decision on one of multiple claims is not permitted prior to decision on all claims unless Commission specifically certifies that decision on that issue is final.

Opinions, 25 Ind. Cl. Comm. 25 (1971); 471 F.2d 614 (Ct. Cl. 1973).

INDIAN CLAIMS COMMISSION: REHEARING AND RECONSIDERATION

002455

Seminole Indians of Florida v. United States.

Ind. Cl. Comm. No. 73-A, Ct. Cl., Seminole of Florida, d. 1973.

Appeal to Court of Claims from Indian Claims Commission decision on one of multiple claims is not permitted prior to decision on all claims unless Commission specifically certifies that decision on that issue is final.

Opinions, 25 Ind. Cl. Comm. 25 (1971); 471 F.2d 614 (Ct. Cl. 1973).

* Indicates some additional material available in this case.

INDIAN CLAIMS COMMISSION: UNCONSCIONABLE CONSIDERATION

002406

Peoria Tribe v. United States.

Ind. Cl. Comm. No. 65, Ct. Cl., U.S. Sup. Ct., Peoria, 1962, d. 1968.

Government is responsible to tribe for interest on income it would have received on tribe's behalf from public sales of ceded lands which instead were sold privately below market value.

Opinions, 11 Ind. Cl. Comm. 171 (1962), 15 Ind. Cl. Comm. 123, 488 (1965); 177 Ct. Cl. 762, 369 F.2d 1001 (1966); rev'd, 390 U.S. 468, 88 S.Ct. 1137, 20 L.Ed.2d 39 (1968).

002429

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 220, Ct. Cl., Sac and Fox of Oklahoma, 1962, d. 1964.

Price paid by government to Indian tribe for surplus unallotted reservation land was below fair market value and negotiated with duress.

Opinions, 11 Ind. Cl. Comm. 578, 608 (1962); 167 Ct. Cl. 710, 340 F.2d 368 (1964).

002442

Sioux Tribe of Indians v. United States.

Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).

Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.

Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

INDIAN CLAIMS COMMISSION: VALUATION

002403

Pawnee Indian Tribe of Oklahoma v. United States.

Ind. Cl. Comm. No. 10, Ct. Cl., Pawnee Tribe of Oklahoma, d. 1962.

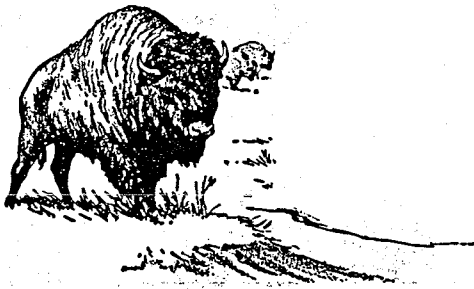
Periodic payments to tribe pursuant to treaty may not be commuted to their cash value at date treaty was signed for purpose of determining credits to which government is entitled.

Opinions, 9 Ind. Cl. Comm. 82 (1961); 301 F.2d 667 (Ct. Cl. 1962); cert. denied, 370 U.S. 918, 82 S.Ct. 1556, 8 L.Ed.2d 498 (1962).

002429

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 220, Ct. Cl., Sac and Fox of Oklahoma, 1962, d. 1964.



Price paid by government to Indian tribe for surplus unallotted reservation land was below fair market value and negotiated with duress.
Opinions, 11 Ind. Cl. Comm. 578, 608 (1962); 167 Ct. Cl. 710, 340 F.2d 368 (1964).

002442

Sioux Tribe of Indians v. United States.
Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).
Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.
Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

INDIAN COUNTRY: DEFINED

002459

Sigana, Roman v. Bailey, Allen.
Minn., Sup. Ct., Red Lake Chippewa, d. 1969.
State court has no jurisdiction over automobile accident case between Indians which arose on highway improved and maintained by state across reservation.
Opinion, 282 Minn. 367, 164 N.W.2d 886 (Minn. 1969).

INDIAN COUNTRY: JURISDICTION, GENERALLY

002472

Rolette County v. Eltobji, Mohammed M.K.
N.D., Dist. Ct., Sup. Ct., Devils Lake Sioux, 1973, d. 1974.
State court has jurisdiction over action by county against non-Indian obligor for child support to Indian residing on reservation in non-P.L. 280 state.
* Opinion, 221 N.W.2d 645 (N.D. 1974).

IRRIGATION: ASSESSABILITY OF CHARGES AND LIENS

002405

California Department of Public Works v. 25.09 Acres of Land.
Cal., S.D.Cal., Quechan, d. 1971.
State's condemnation of lands in government irrigation project reduced project's assessment base for which federal government is entitled to compensation.
Opinion, 329 F.Supp. 230 (1971).

* Indicates some additional material available in this case.

JUDGMENT FUNDS

002401

Paul, William v. Nauska, Norman.
Alas., Sup. Ct., Tlingit and Haida, d. 1964.
State court has jurisdiction to determine collateral issues of tribal membership and participation in management plan for funds acquired in Court of Claims judgment against United States.
Opinion, 395 P.2d 260 (Alas. 1964).

JUDGMENT FUNDS: DISTRIBUTION

002414

Prairie Band of Potawatomi Tribe of Indians v. Puckkee, Mage.
Kan., 10th Cir., Prairie Band of Potawatomi, 1963, d. 1966.
Federal court has no jurisdiction to determine internal tribal dispute over which Indians are eligible to participate in claims award.
Opinions, 321 F.2d 767 (10th Cir. 1963); *aff'd sub nom.* **Prairie Band of Potawatomi v. Udall**, 355 F.2d 364 (10th Cir. 1966); *cert. denied*, 385 U.S. 831, 87 S.Ct. 70, 17 L.Ed.2d 67 (1966).

002477

Indian Judgment Funds Distribution Act of 1973 (Act of October 19, 1973).
Legislative history, compiled by the National Indian Law Library.

JURISDICTION, FEDERAL COURT: ADMINISTRATIVE REVIEW (5 U.S.C. § 701 et seq.)

002458

Sessions, Inc. v. Morton, Rogers.
Cal., C.D.Cal., Agua Caliente, d. 1972.
Default by lessee warrants decision of Interior Secretary to permit cancellation of lease because, although lessors continued to accept rent, they did not intend to waive their rights.
Opinion, 348 F.Supp. 694 (C.D.Cal. 1972).

JURISDICTION, FEDERAL COURT: ALLOTMENTS (25 U.S.C. § 345)

002454

Seifert, Carl v. Udall, Stewart.
Mont., D.Mont., Flathead, d. 1968.
Federal courts do not have jurisdiction over an action by owner of shorefront allotment to determine his rights in lands between high and low watermarks.



because it does not involve question of initial right to allotment.

Opinion, 280 F.Supp. 443 (D.Mont. 1968).

002414

Prairie Band of Potawatomi Tribe of Indians v. Puckkee, Mage.

Kan., 10th Cir., Prairie Band of Potawatomi, 1963, d. 1966.

Federal court has no jurisdiction to determine internal tribal dispute over which Indians are eligible to participate in claims award.

Opinion, 321 F.2d 767 (10th Cir. 1963); *aff'd sub nom.* **Prairie Band of Pottawatomi v. Udall**, 355 F.2d 364 (10th Cir. 1966); *cert. denied*, 385 U.S. 831, 87 S.Ct. 70, 17 L.Ed.2d 67 (1966).

002460

Simmons, Joseph v. Eagle Seelatsee.

Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.

Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.

Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); *aff'd*, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

JURISDICTION, FEDERAL COURT: FEDERAL QUESTION, GENERALLY (28 U.S.C. § 1331)

002407

Pinnow, Barbara M. v. Shoshone Tribal Council.

Wyo., D.Wyo., Arapahoe, Shoshone, d. 1970, (C. 001106).

Court has no jurisdiction to hear controversy pertaining to tribal enrollment practices.

Opinion, 314 F.Supp. 1157 (D.Wyo. 1970).

002414

Prairie Band of Potawatomi Tribe of Indians v. Puckkee, Mage.

Kan., 10th Cir., Prairie Band of Potawatomi, 1963, d. 1966.

Federal court has no jurisdiction to determine internal tribal dispute over which Indians are eligible to participate in claims award.

Opinion, 321 F.2d 767 (10th Cir. 1963); *aff'd sub nom.* **Prairie Band of Pottawatomi v. Udall**, 355 F.2d 364 (10th Cir. 1966); *cert. denied*, 385 U.S. 831, 87 S.Ct. 70, 17 L.Ed.2d 67 (1966).

002433

Red School House, Inc. v. Office of Economic Opportunity.

* Indicates some additional material available in this case.

Minn., D.Minn., 1973, d. 1974.

Manner in which government officials suspended and terminated federal grant funds to Indian education organization violated procedural due process.

* Opinion, 386 F.Supp. 1177 (D.Minn. 1974).

002443

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1959, (C. 002444).

Federal court has jurisdiction over trespass suit by tribe but federal and state governments may not be joined in case as defendants without their consent.

Opinion, 269 F.2d 555 (9th Cir. 1959).

002484

Kila, Georgiana v. Hawaiian Homes Commission.

Hawaii, D.Hi., Hawaiian Natives, 1974.

Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

*

002494

Hickey, Roland, d/b/a Hickey Drilling v. Crow Creek Housing Authority.

S.D., D.S.D., Crow Creek Sioux, d. 1974.

Suit by non-Indian dismissed by federal court on grounds it had no jurisdiction under the Indian Civil Rights Act and no federal question was involved.

Opinion, 379 F.Supp. 1002 (D.S.D. 1974).

JURISDICTION, FEDERAL COURT: MANDAMUS (28 U.S.C. § 1361)

002414

Prairie Band of Potawatomi Tribe of Indians v. Puckkee, Mage.

Kan., 10th Cir., Prairie Band of Potawatomi, 1963, d. 1966.

Federal court has no jurisdiction to determine internal tribal dispute over which Indians are eligible to participate in claims award.

Opinions, 321 F.2d 767 (10th Cir. 1963); *aff'd sub nom.* **Prairie Band of Pottawatomi v. Udall**, 355 F.2d 364 (10th Cir. 1966); *cert. denied*, 385 U.S. 831, 87 S.Ct. 70, 17 L.Ed.2d 67 (1966).

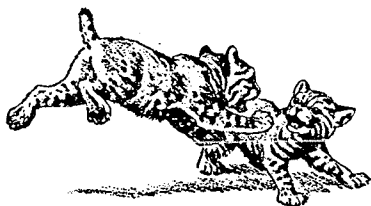
002495

Dull Knife, Guy, Sr. v. Morton, Rogers C.B.

S.D., D.S.D., Oglala Sioux, 1974.

Action to compel local federal officials to commence probate proceedings of estates of deceased Indians involving trust property.

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**JURISDICTION, FEDERAL COURT:
FEDERAL QUESTION, TRIBES
(28 U.S.C. § 1362)**

002494

Hickey, Roland, d/b/a Hickey Drilling v. Crow Creek Housing Authority.
S.D., D.S.D., Crow Creek Sioux, d. 1974.
Suit by non-Indian dismissed by federal court on grounds it had no jurisdiction under the Indian Civil Rights Act and no federal question was involved.
Opinion, 379 F.Supp. 1002 (D.S.D. 1974).

**JURISDICTION, FEDERAL COURT:
U.S.-PLAINTIFF (28 U.S.C. § 1345)**

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe.
Okla., N.D.Okla., Pawnee, 1973, d. 1974.
Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States.
* Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

JUVENILES

002480

Juvenile Delinquency Among the Indians.
Senate Report No. 1483, Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, pursuant to S.Res. 62, 84th Congress, 2nd Session, 1956.
125 pgs.

JUVENILES: CHILD WELFARE

002472

Rolette County v. Eltoji, Mohammed M.K.
N.D., Dist. Ct., Sup. Ct., Devils Lake Sioux, 1973, d. 1974.
State court has jurisdiction over action by county against non-Indian obligor for child support to Indian residing on reservation in non-P.L. 280 state.
* Opinion, 221 N.W.2d 645 (N.D. 1974).

* Indicates some additional material available in this case.

LANDS: VALUATION

002496

Brendale, Philip v. United States.
Wash., E.D.Wash., Yakima Tribe, 1974.
Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe because devisee lacked required blood quantum to inherit allotment.
*

LEASING: ALLOTMENTS

002458

Sessions, Inc. v. Morton, Rogers.
Cal., C.D.Cal., Agua Caliente, d. 1972.
Default by lessee warrants decision of Interior Secretary to permit cancellation of lease because, although lessors continued to accept rent, they did not intend to waive their rights.
Opinion, 348 F.Supp. 694 (C.D.Cal. 1972).

LEASING: FEDERAL AUTHORITY

002404

Pease, Louise v. Udall, Stewart.
Alas., 9th Cir., Alaska Natives, d. 1964.
Interior Secretary has discretion to refuse all applications under Mineral Leasing Act for leases on lands reserved for Indians.
Opinion, 332 F.2d 62 (Alas. 1964).

002408

Poafpybitty, Frank v. Skelly Oil Company.
Okla., U.S. Sup. Ct., Comanche, d. 1968, (C. 002452).
Indian lessors have capacity to maintain an action seeking damages for the alleged breach of an oil and gas lease.
Opinion, 390 U.S. 365, 88 S.Ct. 982, 19 L.Ed.2d 1238 (1968).

002424

Rundle, Edgar v. Udall, Stewart.
Ariz., D.D.C., D.C. Cir., d. 1967.
Interior Secretary may withdraw from entry and restore subsurface rights in mineral lands to tribal ownership even though mining claim had been staked and work begun on it.
Opinion, 379 F.2d 112 (D.C. Cir. 1967).

002452

Poafpybitty, Frank v. Skelly Oil Company.
Okla., Sup. Ct., Comanche, d. 1973, (C. 002408).
Development of mineral lease on Indian land is responsibility of lessee and claim against lessees for waste cannot be estopped by showing that lessees

acted with government approval.
Opinion, 517 P.2d 432 (Okla. 1973).

002458

Sessions, Inc. v. Morton, Rogers.
Cal., C.D.Cal., Agua Caliente, d. 1972.
Default by lessee warrants decision of Interior Secretary to permit cancellation of lease because, although lessors continued to accept rent, they did not intend to waive their rights.
Opinion, 348 F.Supp. 694 (C.D.Cal. 1972).

002475

"Environmental Law — National Environmental Policy Act — Approval by Interior Department Constitutes Major Federal Action (Davis v. Morton)." Article-comment, New York Law Forum, 19:386. 1973.
12 pgs.

LEASING: MINERAL RIGHTS

002404

Pease, Louise v. Udall, Stewart.
Alas., 9th Cir., Alaska Natives, d. 1964.
Interior Secretary has discretion to refuse all applications under Mineral Leasing Act for leases on lands reserved for Indians.
Opinion, 332 F.2d 62 (Alas. 1964).

002408

Poafpybitty, Frank v. Skelly Oil Company.
Okla., U.S. Sup. Ct., Comanche, d. 1968, (C. 002452).
Indian lessors have capacity to maintain an action seeking damages for the alleged breach of an oil and gas lease.
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Ariz., D.D.C., D.C. Cir., d. 1967.
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Okla., Sup. Ct., Comanche, d. 1973, (C. 002408).
Development of mineral lease on Indian land is responsibility of lessee and claim against lessees for waste cannot be estopped by showing that lessees

acted with government approval.
Opinion, 517 P.2d 432 (Okla. 1973).

002464

Choctaw Nation v. Oklahoma.
Okla., 10th Cir., Choctaw, Chickasaw, d. 1974, (C. 001330).
State not required to account for and pay into court interest and income received from investment of receipts from leasing of riverbed lands thought to belong to state but later found to belong to tribes.
Opinion, 490 F.2d 521 (10th Cir. 1974).

MINERAL RIGHTS

002482

A Study of Administrative Conflicts of Interest In the Protection of Indian Natural Resources.
Study, Prepared for the Subcommittee On Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate, 91st Congress, 2nd Session.
Chambers, Reid Peyton, 1971.
25 pgs.

MISTAKE OF LAW OF FACT: CLAIMS AGAINST UNITED STATES BASED UPON

002497

Clincher, Mercy N. v. United States.
Ct. Cl., d. 1974.
United States held not liable to reservation Indian federal employees for state income taxes erroneously withheld since private employers would not be so liable under state law.
Opinion, 499 F.2d 1250 (Ct. Cl. 1974).

PROBATE: ALLOTMENTS

002409

Porter, Idabelle v. Ratliff, Oline.
Okla., Sup. Ct., Chickasaw, d. 1968.
Land allotted to Indian during marriage is not jointly acquired property for inheritance purposes, to which spouse would be entitled upon death of allottee intestate.
Opinion, 44 P.2d 179 (Okla. 1968).

002460

Simmons, Joseph v. Eagle Seelatsee.
Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.
Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an un-

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constitutional classification based on race in violation of due process.

Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); *aff'd*, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

002495

Dull Knife, Guy, Sr. v. Morton, Rogers C.B.
S.D., D.S.D., Oglala Sioux, 1974.

Action to compel local federal officials to commence probate proceedings of estates of deceased Indians involving trust property.

002496

Brendale, Philip v. United States.

Wash., E.D.Wash., Yakima Tribe, 1974.

Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe because devisee lacked required blood quantum to inherit allotment.

PROBATE: DESCENT AND DISTRIBUTION

002409

Porter, Idabelle v. Ratliff, Oline.

Okla., Sup. Ct., Chickasaw, d. 1968.

Land allotted to Indian during marriage is not jointly acquired property for inheritance purposes, to which spouse would be entitled upon death of allottee in-testate.

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002496

Brendale, Philip v. United States.

Wash., E.D.Wash., Yakima Tribe, 1974.

Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe because devisee lacked required blood quantum to inherit allotment.

PROBATE: FEDERAL REGULATIONS

002495

Dull Knife, Guy, Sr. v. Morton, Rogers C.B.

S.D., D.S.D., Oglala Sioux, 1974.

Action to compel local federal officials to commence probate proceedings of estates of deceased Indians involving trust property.

* Indicates some additional material available in this case.

PUBLIC DOMAIN: DISPOSAL OF LANDS IN

002467

Aquilar, Ethel v. Morton, Rogers C.B.

Alas., D.Alas., Alaskan Natives, 1974.

Class suit by Alaskan Natives claiming right to allotments under the Alaska Native Allotment Act of 1906.

002498

Skokomish Indian Tribe v. General Services Administration.

Wash., W.D.Wash., Skokomish, 1973.

Suit to compel defendants to consider BIA's request for federal land for tribal use declared to be surplus federal property before transferring it to non-federal agency.

PUBLIC DOMAIN: SURPLUS LANDS

002498

Skokomish Indian Tribe v. General Services Administration.

Wash., W.D.Wash., Skokomish, 1973.

Suit to compel defendants to consider BIA's request for federal land for tribal use declared to be surplus federal property before transferring it to non-federal agency.

PUBLIC LAW 280

002472

Rolette County v. Eltoji, Mohammed M.K.

N.D., Dist. Ct., Sup. Ct., Devils Lake Sioux, 1973, d. 1974.

State court has jurisdiction over action by county against non-Indian obligor for child support to Indian residing on reservation in non-P.L. 280 state.

* Opinion, 221 N.W.2d 645 (N.D. 1974).

PUBLIC LAW 280: "ENCUMBERING" TRUST LANDS

002446

Snohomish County v. Seattle Disposal Company.

Wash., Super. Ct., Sup. Ct., U.S. Sup. Ct., Tulalip, d. 1967.

State lacks power to apply a local zoning ordinance for control of garbage dumps and sewage landfills to non-Indian company leasing lands within a reservation.

Opinion, 70 Wash.2d 668, 425 P.2d 22 (Wash. 1967); cert. denied, 389 U.S. 1016, 88 S.Ct. 585, 19 L.Ed.2d 662 (1967).

002465

Fond du Lac Band, Minnesota Chippewa Tribe v. Board of Supervisors.

Minn., D.Minn., Chippewa, 1974.

P.L. 280 sufficiently abrogates treaty protections to authorize application of state statute consolidating township overlapping Indian land and city into one municipality over objections of tribe.

Opinion, June 10, 1964 (Civ. 5-74-6).

PUBLIC LAW 280: RETROCESSION

002483

Nebraska v. Tyndall, Dennis.

Neb., Dist. Ct., Sup. Ct., U.S. Sup. Ct., D.Neb., 8th Cir., Omaha, 1970, d. 1972, (C. 001203).

Indian's habeas corpus petition following conviction by state for rape of non-Indian on reservation, challenged on basis that state had retroceded criminal jurisdiction over reservation, is denied.

* Opinions, 187 Neb. 48, 187 N.W.2d 298 (Neb. 1971); cert. denied, 404 U.S. 1004, 92 S.Ct. 561, 30 L.Ed.2d 558 (1971); 471 F.2d 52 (8th Cir. 1972).

RESERVATIONS: BOUNDARIES

002436

United States v. Washington.

Wash., W.D.Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

002444

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1963, (C. 002443).

Treaty establishing reservation which bordered shoreline will not be construed to vest title to tidelands in tribe where no intent is shown to do so.

Opinion, 320 F.2d 205 (9th Cir. 1963); cert. denied, 376 U.S. 943, 84 S.Ct. 799, 11 L.Ed.2d 767 (1964).

002468

Salt River Pima-Maricopa Indian Community v. Scottsdale, City of.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action by tribe against adjacent city for declaration that land annexed by city belongs to reservation.

RESERVATIONS: CREATION; EXECUTIVE ORDERS

002468

Salt River Pima-Maricopa Indian Community v. Scottsdale, City of.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action by tribe against adjacent city for declaration that land annexed by city belongs to reservation.

RESERVATIONS: DIMINISHED BY ACTS OF CONGRESS

002436

United States v. Washington.

Wash., W.D.Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

RIGHTS OF WAY AND EASEMENTS: ALLOTMENTS

002456

Seminole Nation v. White, Nelly.

Okla., E.D.Okla., 10th Cir., U.S. Sup. Ct., Seminole, d. 1955.

Title to land under railroad right of way vests in owner of abutting allotment and not in tribe from whose land right of way was created by federal statute.

Opinion, 244 F.2d 173 (10th Cir. 1955); cert. denied, 350 U.S. 895, 76 S.Ct. 153, 100 L.Ed. 787 (1955).

002499

Messine, Angelo v. United States.

N.D., D.N.D., Three Affiliated Tribes of Fort Berthold, 1974.

Non-Indian suit against tribal and federal officials for damages and to gain permanent access across tribal and allotted land to private property.

RIGHTS OF WAY AND EASEMENTS: CREATION OF

002427

St. Louis-San Francisco Railway Co. v. Francis, Town of.

Okla., 10th Cir., d. 1957.

Where railway had option under federal statute to acquire fee title to lands on right of way but failed to do

* Indicates some additional material available in this case.



so, that failure constituted an abandonment of fee title. Opinion, 249 F.2d 546 (10th Cir. 1957).

002499

Messine, Angelo v. United States.
N.D., D.N.D., Three Affiliated Tribes of Fort Berthold, 1974.

Non-Indian suit against tribal and federal officials for damages and to gain permanent access across tribal and allotted land to private property.

RIGHTS OF WAY AND EASEMENTS: HIGHWAYS AND ROADS

002437

Gutherie, Willis A. v. United States.
Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

002438

Dry Creek Lodge, Inc. v. United States.
Wyo., D.Wyo., 10th Cir., Shoshone, Arapahoe, 1974, (C. 002437).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

* Opinion, May 3, 1975, reversing and remanding (10th Cir., No. 74-1546).

Sigana, Roman v. Bailey, Allen.

Minn., Sup. Ct., Red Lake Chippewa, d. 1969.

State court has no jurisdiction over automobile accident case between Indians which arose on highway improved and maintained by state across reservation. Opinion, 282 Minn. 367, 164 N.W.2d 886 (Minn. 1969).

002499

Messine, Angelo v. United States.
N.D., D.N.D., Three Affiliated Tribes of Fort Berthold, 1974.

Non-Indian suit against tribal and federal officials for damages and to gain permanent access across tribal and allotted land to private property.

RIGHTS OF WAY AND EASEMENTS: RAILROADS

002427

St. Louis-San Francisco Railway Co. v. Francis, Town of.

Okla., 10th Cir., d. 1957.

Where railway had option under federal statute to acquire fee title to lands on right of way but failed to do so, that failure constituted an abandonment of fee title. Opinion, 249 F.2d 546 (10th Cir. 1957).

002456

Seminole Nation v. White, Nelly.
Okla., E.D.Okla., 10th Cir., U.S. Sup. Ct., Seminole, d. 1955.

Title to land under railroad right of way vests in owner of abutting allotment and not in tribe from whose land right of way was created by federal statute.

Opinion, 244 F.2d 173 (10th Cir. 1955); cert. denied, 350 U.S. 895, 76 S.Ct. 153, 100 L.Ed. 787 (1955).

RIGHTS OF WAY AND EASEMENTS: TRIBAL LAND

002499

Messine, Angelo v. United States.
N.D., D.N.D., Three Affiliated Tribes of Fort Berthold, 1974.

Non-Indian suit against tribal and federal officials for damages and to gain permanent access across tribal and allotted land to private property.

SOURCES OF FEDERAL AUTHORITY OVER INDIAN AFFAIRS: ADMINISTRATIVE POWERS

002471

Logan, Leroy v. Morton, Rogers C.B.
Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

SOVEREIGNTY: SOVEREIGN IMMUNITY

002454

Seifert, Carl v. Udall, Stewart.

Mont., D.Mont., Flathead, d. 1968.

Federal courts do not have jurisdiction over an action

* Indicates some additional material available in this case.

by owner of shorefront allotment to determine his rights in lands between high and low watermarks because it does not involve question of initial right to allotment.

Opinion, 280 F.Supp. 443 (D.Mont. 1968).

SOVEREIGNTY: SOVEREIGN IMMUNITY; FEDERAL

002433

Red School House, Inc. v. Office of Economic Opportunity.

Minn., D.Minn., 1973, d. 1974.

Manner in which government officials suspended and terminated federal grant funds to Indian education organization violated procedural due process.

* Opinion, 386 F.Supp. 1177 (D.Minn. 1974).

002437

Guthrie, Willis A. v. United States.

Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

002438

Dry Creek Lodge, Inc. v. United States.

Wyo., D.Wyo., 10th Cir., Shoshone, Arapahoe, 1974, (C. 002437).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

* Opinion, May 3, 1975, reversing and remanding. (10th Cir., No. 74-1546).

002439

New Mexico v. Lewis, L.T.

New Mexico v. Hagerman Canal Co.

N.M., Dist. Ct., Mescalero Apache, 1974.

Federal government asserts that McCarran Act was not intended to be waiver of sovereign immunity in relation to Indian water rights.

002440

Simons, Edward v. Vinson, Jerry.

Texas, 5th Cir., d. 1968.

United States is an indispensable party which has not consented to suit in dispute over accreted lands on river which forms an interstate boundary.

Opinion, 394 F.2d 732 (5th Cir. 1968); cert. denied, 393 U.S. 968, 89 S.Ct. 398, 21 L.Ed.2d 379 (1968).

* Indicates some additional material available in this case.

SOVEREIGNTY: SOVEREIGN IMMUNITY; STATE

002443

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1959, (C. 002444).

Federal court has jurisdiction over trespass suit by tribe but federal and state governments may not be joined in case as defendants without their consent.

Opinion, 269 F.2d 555 (9th Cir. 1959).

SOVEREIGNTY: SOVEREIGN IMMUNITY; TRIBAL

002407

Pinnow, Barbara M. v. Shoshone Tribal Council.

Wyo., D.Wyo., Arapahoe, Shoshone, d. 1970, (C. 001106).

Court has no jurisdiction to hear controversy pertaining to tribal enrollment practices.

Opinion, 314 F.Supp. 1157 (D.Wyo. 1970).

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe.

Okla., N.D.Okla., Pawnee, 1973, d. 1974.

Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States.

* Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

STATE BENEFITS, ENTITLEMENT OF INDIANS: EDUCATION

002473

Nahkai, James T. v. Kirkpatrick, Robert.

N.M., D.N.M., Navajo, d. 1974.

Suit against state school administrators for withholding state education funds from schools receiving Federal Impact Aid because of their Indian enrollment is dismissed on grounds that state's action is permissible under new federal law.

STATUTES: AS A SOURCE OF FEDERAL AUTHORITY OVER INDIANS

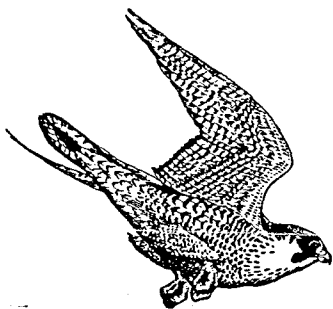
002402

Paul, William v. Nauska, Norman.

Alas., Sup. Ct., Tlingit and Haida, d. 1965.

Federal statute recognizing council as authorized to represent tribal group renders moot challenge in state court to council's legitimacy.

Opinion, 407 P.2d 179 (Alas. 1965).



002404

Pease, Louise v. Udall, Stewart.

Alas., 9th Cir., Alaska Natives, d. 1964.

Interior Secretary has discretion to refuse all applications under Mineral Leasing Act for leases on lands reserved for Indians.

Opinion, 332 F.2d 62 (9th Cir. 1964).

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission.

Utah, D.Utah, Navajo, 1961, d. 1963.

Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.

Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

002436

United States v. Washington.

Wash., W.D.Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

002439

New Mexico v. Lewis, L.T.

New Mexico v. Hagerman Canal Co.

N.M., Dist. Ct., Mescalero Apache, 1974.

Federal government asserts that McCarran Act was not intended to be waiver of sovereign immunity in relation to Indian water rights.

002460

Simmons, Joseph v. Eagle Seelatsee.

Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.

Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.

Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); aff'd, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

002461

Simons, Earlene v. Udall, Stewart.

Mont., D.Mont., d. 1967.

Federal statute making Interior Secretary's decision approving Indian's last will and testament final and non-reviewable is not a denial of due process.

Opinion, 276 F.Supp. 75 (D.Mont. 1967).

002465

Fond du Lac Band, Minnesota Chippewa Tribe v. Board of Supervisors.

Minn., D.Minn., Chippewa, 1974.

P.L. 280 sufficiently abrogates treaty protections to authorize application of state statute consolidating township overlapping Indian land and city into one municipality over objections of tribe.

Opinion, June 10, 1974 (Civ. 5-74-6).

002484

Kila, Georgiana v. Hawaiian Homes Commission.

Hawaii, D.Hi., Hawaiian Natives, 1974.

Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

STATUTES: CONSTRUCTION FAVORABLE TO INDIANS

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission.

Utah, D.Utah, Navajo, 1961, d. 1963.

Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.

Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

STATUTES: STATE

002411

Ponina, Allie v. Leland, Robert.

Nev., Sup. Ct., Pyramid Lake Paiute, Klamath, d. 1969.

Indian custom marriage entered into off reservation held valid under state law even though certain legal formalities were not fulfilled.

Opinion, 454 P.2d 16 (Nev. 1969).

002465

Fond du Lac Band, Minnesota Chippewa Tribe v. Board of Supervisors.

Minn., D.Minn., Chippewa, 1974.

P.L. 280 sufficiently abrogates treaty protections to authorize application of state statute consolidating township overlapping Indian land and city into one municipality over objections of tribe.

Opinion, June 10, 1974 (Civ. 5-74-6).

002484

Kila, Georgiana v. Hawaiian Homes Commission.

Hawaii, D.Hi., Hawaiian Natives, 1974.

Native Hawaiians' contention that state cannot amend Hawaiian Homes Commission Act without congressional consent is dismissed since loans granted plaintiffs are out of a separate fund subject to state regulations.

* Indicates some additional material available in this case.

SUBMERGED LANDS AND WETLANDS: RIVERBEDS

002436

United States v. Washington.
Wash., W.D.Wash., 9th Cir., U.S. Sup. Ct., Puyallup,
1971, d. 1974.
Reservation boundaries continue to exist absent
specific Congressional intent to terminate reservation.
* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert.
denied, 42 L.Ed.2d 307 (1974).

002464

Choctaw Nation v. Oklahoma.
Okla., 10th Cir., Choctaw, Chickasaw, d. 1974, (C.
001330).
State not required to account for and pay into court
interest and income received from investment of
receipts from leasing of riverbed lands thought to
belong to state but later found to belong to tribes.
Opinion, 490 F.2d 521 (10th Cir. 1974).

SUBMERGED LANDS AND WETLANDS: TIDELANDS

002444

Skokomish Indian Tribe v. France, E.L.
Wash., 9th Cir., Skokomish, d. 1963, (C. 002443).
Treaty establishing reservation which bordered
shoreline will not be construed to vest title to tidelands
in tribe where no intent is shown to do so.
Opinion, 320 F.2d 205 (9th Cir. 1963); cert. denied, 376
U.S. 943, 84 S.Ct. 799, 11 L.Ed.2d 767 (1964).

SURVEY ERRORS: CLAIMS AGAINST UNITED STATES

002441

**Sioux Tribe of Lower Brule Reservation, South Dakota
v. United States.**
Ind. Cl. Comm. No. 78, Ct. Cl., Lower Brule Sioux, d.
1963.
Appropriation of Indian lands resulting from survey
error is compensable taking by government and offsets
against that claim should be determined in light of
entire course of dealings by government with tribe.
Opinions, 9 Ind. Cl. Comm., 544 (1961); 161 Ct. Cl. 413,
315 F.2d 378 (1963); cert. denied, 375 U.S. 825, 84 S.Ct.
66, 11 L.Ed.2d 57 (1963).

* Indicates some additional material available in this
case.

TAXATION: ALLOTMENTS

002418

Red Eagle, Harry v. United States.
Ct. Cl., Osage, d. 1962, (C. 001857).
Court of Claims adopts opinion in **Big Eagle v. United
States** as its decision in this case involving non-
competent Osages' challenge to government trustee's
management of their restricted trust funds.
Opinion, 156 Ct. Cl. 680, 300 F.2d 772 (1962).

TAXATION: IMMUNITY, EXEMPTION

002412

**Pourier, Loren v. Board of County Commissioners of
Shannon County.**
S.D., Sup. Ct., Oglala Sioux, d. 1968.
Indians' cattle, located on reservation and purchased
with trust benefit property allotment from govern-
ment, are exempt from state taxation.
Opinion, 157 N.W.2d 532 (S.D. 1968).

002418

Red Eagle, Harry v. United States.
Ct. Cl., Osage, d. 1962, (C. 001857).
Court of Claims adopts opinion in **Big Eagle v. United
States** as its decision in this case involving non-
competent Osages' challenge to government trustee's
management of their restricted trust funds.
Opinion, 156 Ct. Cl. 680, 300 F.2d 772 (1962).

002447

Sohol, Frances v. Clark, Robert.
Wash., Sup. Ct., Quinault, d. 1967.
Power of state to tax improvements to property on
reservation resort depends on whether improvements
are personal property or part of real estate exempt
from tax because it is trust property.
Opinions, 71 Wash.2d 664, 430 P.2d 548 (Wash. 1967); 78
Wash. 2d 813, 479 P.2d 925 (Wash. 1971).

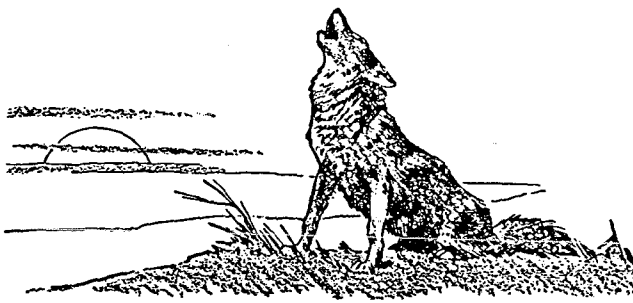
002469

**Swimming Turtle v. Board of County Commissioners
of Miami County.**
Ind., N.D.Ind., Miami, 1974.
Suit to recover real property taxes claimed to be
wrongfully assessed and collected on Indian's land.
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TAXATION: INCOME, FEDERAL

002418

Red Eagle, Harry v. United States.
Ct. Cl., Osage, d. 1962, (C. 001857).
Court of Claims adopts opinion in **Big Eagle v. United
States** as its decision in this case involving non-



competent Osages' challenge to government trustee's management of their restricted trust funds.
Opinion, 156 Ct. Cl. 680, 300 F.2d 772 (1962).

TAXATION: INCOME, STATE

002497

Clincher, Mercy N. v. United States.
Ct. Cl., d. 1974.

United States held not liable to reservation Indian federal employees for state income taxes erroneously withheld since private employers would not be so liable under state law.

Opinion, 499 F.2d 1250 (Ct. Cl. 1974).

TAXATION: PERSONAL PROPERTY

002412

Pourier, Loren v. Board of County Commissioners of Shannon County.

S.D., Sup. Ct., Oglala Sioux, d. 1968.

Indians' cattle, located on reservation and purchased with trust benefit property allotment from government, are exempt from state taxation.

Opinion, 157 N.W.2d 532 (S.D. 1968).

002447

Sohol, Frances v. Clark, Robert.

Wash., Sup. Ct., Quinault, d. 1967.

Power of state to tax improvements to property on reservation resort depends on whether improvements are personal property or part of real estate exempt from tax because it is trust property.

Opinions, 71 Wash.2d 664, 430 P.2d 548 (Wash. 1967); 78 Wash.2d 813, 479 P.2d 925 (Wash. 1971).

TAXATION: REAL PROPERTY

002469

Swimming Turtle v. Board of County Commissioners of Miami County.

Ind., N.D.Ind., Miami, 1974.

Suit to recover real property taxes claimed to be wrongfully assessed and collected on Indian's land.

TAXATION: TRIBAL PROPERTY

002418

Red Eagle, Harry v. United States.

Ct. Cl., Osage, d. 1962, (C. 001857).

* Indicates some additional material available in this case.

Court of Claims adopts opinion in **Big Eagle v. United States** as its decision in this case involving non-competent Osages' challenge to government trustee's management of their restricted trust funds.
Opinion, 156 Ct. Cl. 680, 300 F.2d 772 (1962).

TERMINATION: RESERVATIONS

002436

United States v. Washington.

Wash., W.D.Wash., 9th Cir., U.S. Sup. Ct., Puyallup, 1971, d. 1974.

Reservation boundaries continue to exist absent specific Congressional intent to terminate reservation.

* Opinion, April 30, 1974 (9th Cir., No. 73-1793); cert. denied, 42 L.Ed.2d 307 (1974).

TERMINATION: TERMINATION TRUSTS

002420

Reed, Grover v. United States National Bank of Portland.

Ore., D.Ore., Klamath, d. 1963.

Non-Indian heir to estate including termination trust fund which is part of tribal management plan is not entitled to withdraw his interest in that tribal property from trust status.

Opinion, 213 F.Supp. 919 (D.Ore. 1963).

TIMBER

002482

A Study of Administrative Conflicts of Interest In the Protection of Indian Natural Resources.

Study, Prepared for the Subcommittee On Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate, 91st Congress, 2nd Session.

Chambers, Reid Peyton, 1971.

25 pgs.

002490

Trust and Management Agreement Between the Menominee Indian Tribe of Wisconsin and Secretary of Interior.

Agreement, April 22, 1975.

78 pgs.



TIMBER: CLAIMS AGAINST UNITED STATES

002416

Quinault Allottee Association v. United States.
Wash., Ct. Cl., U.S. Sup. Ct., Quinault, 1973, d. 1974, (C. 002417).

Fee assessed by government against sale price of timber it manages for Indians is not an encumbrance on trust property within terms of General Allotment Act.

* Opinion, 485 F.2d 1391 (Ct. Cl. 1973); cert. denied, 40 L.Ed.2d 312 (1974).

TIMBER: MANAGEMENT PROBLEMS

002416

Quinault Allottee Association v. United States.
Wash., Ct. Cl., U.S. Sup. Ct., Quinault, 1973, d. 1974, (C. 002417).

Fee assessed by government against sale price of timber it manages for Indians is not an encumbrance on trust property within terms of General Allotment Act.

* Opinion, 485 F.2d 1391 (Ct. Cl. 1973); cert. denied, 40 L.Ed.2d 312 (1974).

TRADE AND INTERCOURSE ACT: LANDS

002426

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Sac and Fox of Oklahoma, Iowa of Oklahoma, Iowa of Kansas and Nebraska, 1958, d. 1967.

Aboriginal title may be acquired after sovereign title attaches to land but damages for loss of aboriginal title are measured by value of land at date of taking and not by profit realized by government from sale of that land.

Opinions, 6 Ind. Cl. Comm. 464 (1958), 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 383 F.2d 991 (1967); cert. denied, 389 U.S. 900, 88 S.Ct. 212, 220, 19 L.Ed.2d 217 (1967).

TREATIES WITH UNITED STATES

002432

United States v. McCloud, Michael.
Wash., C.M.A., Walla Walla-Umatilla, 1974.

* Indicates some additional material available in this case.

Indian asserts that he is exempt from compulsory military service on basis of treaty provisions and his rejection of United States citizenship.

TREATIES WITH UNITED STATES: ABROGATION

002422

Robinson, Enoch v. Sigler, Maurice.
Neb., Sup. Ct., Omaha, d. 1971.

State court has jurisdiction to convict Indian of murdering another Indian on reservation.

Opinion, 187 N.W.2d 756 (Neb. 1971).

002442

Sioux Tribe of Indians v. United States.

Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).

Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.

Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

002457

Seneca Nation of Indians v. Brucker, Wilber.

Wash., D.C., D.D.C., D.C. Cir., U.S. Sup. Ct., Seneca, d. 1958.

General legislation, authorizing flood control project which would inundate reservation, held to abrogate treaty setting aside that land for Indians.

Opinions, 162 F.Supp. 580 (D.D.C. 1958); aff'd, 262 F.2d 27 (D.C. Cir. 1958); cert. denied, 360 U.S. 909, 79 S.Ct. 1294, 3 L.Ed.2d 1260 (1959).

002465

Fond du Lac Band, Minnesota Chippewa Tribe v. Board of Supervisors.

Minn., D.Minn., Chippewa, 1974.

P.L. 280 sufficiently abrogates treaty protections to authorize application of state statute consolidating township overlapping Indian land and city into one municipality over objections of tribe.

Opinion, June 10, 1974 (Civ. 5-74-6).

TREATIES WITH UNITED STATES: CLAIMS AGAINST FEDERAL GOVERNMENT UNDER

002413

Prairie Band of Potawatomi Indians v. United States.

Citizen Band of Potawatomi Indians v. United States.

Ind. Cl. Comm. Nos. 15-J, 71-A, Ct. Cl., Prairie Band of



Potawatomi, Citizen Band of Potawatomi, Hannahville Indian Community, 1956, d. 1958.

Non-emigrating eastern Indian bands are not entitled to share in claims award to main body of tribe which relocated on western lands pursuant to treaty.

Opinions, 4 Ind. Cl. Comm. 514 (1956); aff'd, 143 Ct. Cl. 131, 165 F.Supp. 139 (1958); cert. denied, 359 U.S. 908, 79 S.Ct. 587, 3 L.Ed.2d 574 (1959).

002428

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 83, Ct. Cl., Sac and Fox of Oklahoma, 1959, d. 1963.

Evidence fails to sustain tribe's claims that it had recognized and aboriginal title to lands for which it is entitled to compensation.

Opinions, 7 Ind. Cl. Comm. 675 (1959); 161 Ct. Cl. 189, 315 F.2d 896 (1963); cert. denied, 375 U.S. 921, 84 S.Ct. 266, 11 L.Ed.2d 165 (1963).

TREATIES WITH UNITED STATES: CONSTRUCTION FAVORING INDIANS

002406

Peoria Tribe v. United States.

Ind. Cl. Comm. No. 65, Ct. Cl., U.S. Sup. Ct., Peoria, 1962, d. 1968.

Government is responsible to tribe for interest on income it would have received on tribe's behalf from public sales of ceded lands which instead were sold privately below market value.

Opinions, 11 Ind. Cl. Comm. 171 (1962); 15 Ind. Cl. Comm. 123, 488 (1965); 177 Ct. Cl. 762, 369 F.2d 1001 (1966); rev'd, 390 U.S. 468, 88 S.Ct. 1137, 20 L.Ed.2d 39 (1968).

002444

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1963, (C. 002443).

Treaty establishing reservation which bordered shoreline will not be construed to vest title to tidelands in tribe where no intent is shown to do so.

Opinion, 320 F.2d 205 (9th Cir. 1963); cert. denied, 376 U.S. 943, 84 S.Ct. 799, 11 L.Ed.2d 767 (1964).

TREATIES WITH UNITED STATES: STATUS OF

002423

Robinson, Enoch v. Wolff, Charles.

Neb., D.Neb., 8th Cir., Omaha, d. 1972.

State court has jurisdiction over crime of murder by

* Indicates some additional material available in this case.

Indian against Indian on reservation.

Opinion, 349 F.Supp. 514 (D.Neb. 1972); aff'd, 468 F.2d 438 (8th Cir. 1972).

002442

Sioux Tribe of Indians v. United States.

Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).

Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.

Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

002443

Skokomish Indian Tribe v. France, E.L.

Wash., 9th Cir., Skokomish, d. 1959, (C. 002444).

Federal court has jurisdiction over trespass suit by tribe but federal and state governments may not be joined in case as defendants without their consent.

Opinion, 269 F.2d 555 (9th Cir. 1959).

TRESPASS TO INDIAN LAND

002464

Choctaw Nation v. Oklahoma.

Okla., 10th Cir., Choctaw, Chickasaw, d. 1974, (C. 001330).

State not required to account for and pay into court interest and income received from investment of receipts from leasing of riverbed lands thought to belong to state but later found to belong to tribes.

Opinion, 490 F.2d 521 (10th Cir. 1974).

002466

United States v. Dann, Mary.

Nev., D.Nev., Western Shoshone, 1974.

Injunctive suit for trespass and damages against Indians for grazing cattle on land purportedly under exclusive control and jurisdiction of the Bureau of Land Management but claimed to be beneficially owned by tribe.

002486

Pueblo of Sandia v. Smith, Morris W.

N.M., 10th Cir., Sandia Pueblo, d. 1974.

Defendant's flights over tribal land did not constitute actionable trespass.

Opinion, 497 F.2d 1043 (10th Cir. 1974).

TRIBAL COURTS

002481

"Problems of the Navajo Tribal Courts in Transition."
Article, Human Organization, 24:250.

Shepardson, Mary, Fall, 1965.
4 pgs.

TRIBAL COURTS: JURISDICTION

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.
*

TRIBAL LAW

002480

Juvenile Delinquency Among the Indians.

Senate Report No. 1483, Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, pursuant to S.Res. 62, 84th Congress, 2nd Session, 1956.

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TRIBAL LAW: ELECTIONS

002471

Logan, Leroy v. Morton, Rogers C.B.
Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.
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Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.
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TRIBAL LAW: SOURCE AND STATUS OF, GENERALLY

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.
*

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Article, Human Organization, 24:250.

Shepardson, Mary, Fall, 1965.

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TRIBAL LAW: TRIBAL CODES

002411

Ponina, Allie v. Leland, Robert.

Nev., Sup. Ct., Pyramid Lake Paiute, Klamath, d. 1969.
Indian custom marriage entered into off reservation held valid under state law even though certain legal formalities were not fulfilled.

Opinion, 454 P.2d 16 (Nev. 1969).

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.
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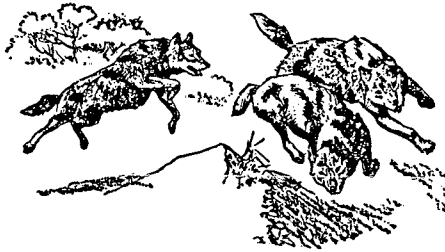
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Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal

* Indicates some additional material available in this case.



constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.

TRIBAL MEMBERSHIP: INHERITANCE

002460

Simmons, Joseph v. Eagle Seelatsee.
Wash., E.D.Wash., U.S. Sup. Ct., Yakima, d. 1966.
Federal statute setting blood quantum as condition for inheritance of Indian trust property is not an unconstitutional classification based on race in violation of due process.
Opinions, 244 F.Supp. 808 (E.D.Wash. 1965); *aff'd*, 384 U.S. 209, 86 S.Ct. 1459, 16 L.Ed.2d 480 (1966).

TRIBAL MEMBERSHIP: PROPERTY RIGHTS

002413

Prairie Band of Potawatomi Indians v. United States.
Citizen Band of Potawatomi Indians v. United States.
Ind. Cl. Comm. Nos. 15-J, 71-A, Ct. Cl., Prairie Band of Potawatomi, Citizen Band of Potawatomi, Hannahville Indian Community, 1956, d. 1958.
Non-emigrating eastern Indian bands are not entitled to share in claims award to main body of tribe which relocated on western lands pursuant to treaty.
Opinions, 4 Ind. Cl. Comm. 514; *aff'd*, 143 Ct. Cl. 131, 165 F.Supp. 139 (1958); *cert. denied*, 359 U.S. 908, 79 S.Ct. 587, 3 L.Ed.2d 574 (1959).

002414

Prairie Band of Potawatomi Tribe of Indians v. Puckkee, Mage.
Kan., 10th Cir., Prairie Band of Potawatomi, 1963, d. 1966.
Federal court has no jurisdiction to determine internal tribal dispute over which Indians are eligible to participate in claims award.
Opinions, 321 F.2d 767 (10th Cir. 1963); *aff'd sub nom.* **Prairie Band of Pottawatomi v. Udall**, 355 F.2d 364 (10th Cir. 1966); *cert. denied*, 385 U.S. 831, 87 S.Ct. 70, 17 L.Ed.2d 67 (1966).

002420

Reed, Grover v. United States National Bank of Portland.
Ore., D.Ore., Klamath, d. 1963.
Non-Indian heir to estate including termination trust fund which is part of tribal management plan is not entitled to withdraw his interest in that tribal property

from trust status.

Opinion, 213 F.Supp. 919 (D.Ore. 1963).

002471

Logan, Leroy v. Morton, Rogers, C.B.
Okla., N.D.Okla., Osage, 1974.
Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

TRIBAL MEMBERSHIP: QUALIFICATIONS

002402

Paul, William v. Nauska, Norman.
Alas., Sup. Ct., Tlingit and Haida, d. 1965.
Federal statute recognizing council as authorized to represent tribal group renders moot challenge in state court to council's legitimacy.
Opinion, 407 P.2d 179 (Alas. 1965).

002471

Logan, Leroy v. Morton, Rogers C.B.
Okla., N.D.Okla., Osage, 1974.
Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

TRIBAL MEMBERSHIP: VOTING

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Okla., N.D.Okla., Osage, 1974.
Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

TRIBAL OFFICIALS: POWERS AND DUTIES

002435

United States v. Pawnee Indian Business Council of the Pawnee Indian Tribe.
Okla., N.D.Okla., Pawnee, 1973, d. 1974.
Final determination by Interior Secretary of tribal council membership must be accorded full faith and credit and may be judicially enforced in suit brought by United States.

* Opinion, 382 F.Supp. 54 (N.D.Okla. 1974).

* Indicates some additional material available in this case.

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Logan, Leroy v. Morton, Rogers C.B.

Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

002478

Wopsock, Floyd v. Uintah and Ouray Tribal Business Committee.

Utah, D.Utah, Dept. Int., Ute, 1974.

Indian Civil Rights Act suit to compel tribal business committee to conduct recall election pursuant to tribal constitutional procedures and to declare invalid an ordinance enacted subsequent to submission of recall petitions.

TRIBAL PROPERTY

002482

A Study of Administrative Conflicts of Interest In the Protection of Indian Natural Resources.

Study, Prepared for the Subcommittee On Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate, 91st Congress, 2nd Session.

Chambers, Reid Peyton, 1971.

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TRIBAL PROPERTY: LANDS

002490

Trust and Management Agreement Between the Menominee Indian Tribe of Wisconsin and Secretary of Interior.

Agreement, April 22, 1975.

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002491

Salt River Pima-Maricopa Indian Community v. Salt River Project Agricultural Improvement and Power District.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action for damages and a declaration that water projects within the reservation are owned by the United States exclusively for tribe's benefit.

TRIBAL SOVEREIGNTY AND POWERS

002468

Salt River Pima-Maricopa Indian Community v. Scottsdale, City of.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action by tribe against adjacent city for declaration that land annexed by city belongs to reservation.

002480

Juvenile Delinquency Among the Indians.

Senate Report No. 1483, Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, pursuant to S.Res. 62, 84th Congress, 2nd Session, 1956.

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TRIBAL SOVEREIGNTY AND POWERS: LICENSING AND REGULATION

002437

Guthrie, Willis A. v. United States.

Wyo., D.Wyo., Shoshone and Arapahoe, 1974, (C. 002438).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

002438

Dry Creek Lodge, Inc. v. United States.

Wyo., D.Wyo., 10th Cir., Shoshone, Arapahoe, 1974, (C. 002437).

Non-Indian owner of patented allotment challenges authority of tribal council to close reservation road which provides only access to his property.

* Opinion, May 3, 1975, reversing and remanding (10th Cir., No. 74-1546).

002446

Snohomish County v. Seattle Disposal Company.

Wash., Super. Ct., Sup. Ct., U.S. Sup. Ct., Tulalip, d. 1967.

State lacks power to apply a local zoning ordinance for control of garbage dumps and sewage landfills to non-Indian company leasing lands within a reservation.

Opinion, 70 Wash.2d 668, 425 P.2d 22 (Wash. 1967).

002499

Messine, Angelo v. United States.

N.D., D.N.D., Three Affiliated Tribes of Fort Berthold, 1974.

Non-Indian suit against tribal and federal officials for damages and to gain permanent access across tribal and allotted land to private property.

* Indicates some additional material available in this case.



TRUST AND RESTRICTED LANDS: CONVEYANCE

002448

Spector, Emma v. Pete, Ione.
Cal., Dist. Ct. App., Agua Caliente, d. 1958.
Agreement for sale of allotment conditioned on subsequent approval of issuance of fee patent by Interior Secretary is void and unenforceable.
Opinion, 157 Cal.App.2d 432, 321 P.2d 59 (Ct. App. 1958); cert. denied, 358 U.S. 822, 79 S.Ct. 36, 3 L.Ed.2d 63 (1958).

002449

Spriggs, John v. McKay, Douglas.
Wash., D.C., D.D.C., D.C. Cir., Shoshone, 1954, d. 1955, (C. 002450).
Indian owner and government are indispensable parties to suit for interest in allotments.
Opinions, 119 F.Supp. 232 (D.D.C. 1954); aff'd, 228 F.2d 31 (D.C. Cir. 1955).

002496

Brendale, Philip v. United States.
Wash., E.D.Wash., Yakima Tribe, 1974.
Action against federal and tribal officials for alleged undervaluation of trust land purchased by tribe because devisee lacked required blood quantum to inherit allotment.

TRUST FUNDS: ACCOUNTING

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission.
Utah, D.Utah, Navajo, 1961, d. 1963.
Discretion to administer mineral royalties entrusted by Congress to state Indian commission is limited by expressed needs of intended Indian beneficiaries.
Opinions, 198 F.Supp. 218 (D.Utah 1961); modified, 215 F.Supp. 12 (D.Utah 1963).

TRUST RELATION

002404

Pease, Louise v. Udall, Stewart.
Alas., 9th Cir., Alaska Natives, d. 1964.
Interior Secretary has discretion to refuse all applications under Mineral Leasing Act for leases on lands reserved for Indians.
Opinion, 332 F.2d 62 (9th Cir. 1964).

* Indicates some additional material available in this case.

002408

Poafpybitty, Frank v. Skelly Oil Company.
Okla., U.S. Sup. Ct., Comanche, d. 1968, (C. 002452).
Indian lessors have capacity to maintain an action seeking damages for the alleged breach of an oil and gas lease.
Opinion, 390 U.S. 365, 88 S.Ct. 982, 19 L.Ed.2d 1238 (1968).

002430

Sakezzi, Hosteen v. Utah Indian Affairs Commission.
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Agreement, April 22, 1975.
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TRUST RELATION: BREACH, CLAIMS AGAINST FEDERAL GOVERNMENT

002425

Running Horse, Mary Hit Him v. Udall, Stewart.
Wash., D.C., D.D.C., Rosebud Sioux, d. 1962.
Interior Secretary may not lawfully authorize state to make claim against trust property or income produced from it subsequent to allottee's death.
Opinion, 211 F.Supp. 586 (D.D.C. 1962).

002426

Sac and Fox Tribe of Indians of Oklahoma v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Sac and Fox of Oklahoma, Iowa of Oklahoma, Iowa of Kansas and Nebraska, 1958, d. 1967.

Aboriginal title may be acquired after sovereign title attaches to land but damages for loss of aboriginal title are measured by value of land at date of taking and not by profit realized by government from sale of that land.

Opinions, 6 Ind. Cl. Comm. 464 (1958), 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 383 F.2d 991 (1967); cert. denied, 389 U.S. 900, 88 S.Ct. 212, 220, 19 L.Ed.2d 217 (1967).

002434

Rincon Band of Mission Indians v. Weinberger, Casper W.

Cal., N.D.Cal., Rincon Band of Mission Indians, 1974. Indians seek to remedy discriminatory denial of health services to them by federal agencies.

002442

Sioux Tribe of Indians v. United States.

Ind. Cl. Comm. No. 74, Ct. Cl., Sioux, 1954, d. 1956, (C. 002654).

Court denies claim that tribe was subjected to duress, was paid an unconscionable consideration, or was owed a fiduciary duty when government forced cession of reservation lands.

Opinions, 2 Ind. Cl. Comm. 646 (1954); 182 Ct. Cl. 912, 146 F.Supp. 229 (1956).

002466

United States v. Dann, Mary.

Nev., D.Nev., Western Shoshone, 1974.

Injunctive suit for trespass and damages against Indians for grazing cattle on land purportedly under exclusive control and jurisdiction of the Bureau of Land Management but claimed to be beneficially owned by tribe.

TRUST RELATION: BREACH, CLAIMS AGAINST FEDERAL GOVERNMENT

002467

Aquilar, Ethel v. Morton, Rogers C.B.

Alas., D.Alas., Alaskan Natives, 1974.

Class suit by Alaskan Natives claiming right to allotments under the Alaska Native Allotment Act of 1906.

* Indicates some additional material available in this case.

002491

Salt River Pima-Maricopa Indian Community v. Salt River Project Agricultural Improvement and Power District.

Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.

Action for damages and a declaration that water projects within the reservation are owned by the United States exclusively for tribe's benefit.

VOTING

002470

Davenport, Howard v. Synhorst, Melvin.

Iowa, N.D.Iowa, Sac and Fox, d. 1974.

Consent judgment requiring state election officials to hold special state primary election in Indian-populated counties which were denied right to vote in state's general primary election.

*Opinion, consent judgment of June 24, 1974 (N.D.Iowa, No. C 74-24).

002471

Logan, Leroy v. Morton, Rogers C.B.

Okla., N.D.Okla., Osage, 1974.

Class action by tribal members against federal and tribal officials to secure voting rights in tribal elections presently denied since they hold no, or only partial, headright interests in Osage mineral estate.

002479

Goodluck, Leslie E. v. Apache County.

United States v. Arizona.

Ariz., D.Ariz., Navajo, 1973.

Consolidated civil rights actions to secure voting rights for Indians and to compel reapportionment of county.

WATER RIGHTS

002482

A Study of Administrative Conflicts of Interest In the Protection of Indian Natural Resources.

Study, Prepared for the Subcommittee On Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate, 91st Congress, 2nd Session.

Chambers, Reid Peyton, 1971.

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Damming the West: Ralph Nader's Study Group Report on the Bureau of Reclamation.

Book, Center for the Study of Responsive Law. Berkman, Richard and Viscusi, W. Kip, 1973.



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Salt River Pima-Maricopa Indian Community v. Salt River Project Agricultural Improvement and Power District.
Ariz., D.Ariz., Salt River Pima-Maricopa Indian Community, 1974.
Action for damages and a declaration that water projects within the reservation are owned by the United States exclusively for tribe's benefit.

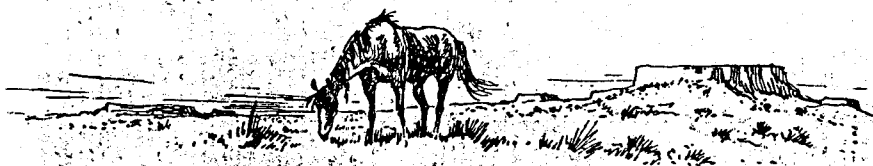
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WATER RIGHTS: RESERVED RIGHTS

002439
New Mexico v. Lewis, L.T.
New Mexico v. Hagerman Canal Co.
N.M., Dist. Ct., Mescalero Apache, 1974.
Federal government asserts that McCarran Act was not intended to be waiver of sovereign immunity in relation to Indian water rights.

ZONING

002446
Snohomish County v. Seattle Disposal Company.
Wash., Super. Ct., Sup. Ct., U.S. Sup. Ct., Tulalip, d. 1967.
State lacks power to apply a local zoning ordinance for control of garbage dumps and sewage landfills to non-Indian company leasing lands within a reservation.
Opinion, 70 Wash.2d 668, 425 P.2d 22 (Wash. 1967); cert. denied, 389 U.S. 1016, 88 S.Ct. 585, 19 L.Ed.2d 662 (1967).



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