

Native American Rights Fund

The National Indian Law Library

# ANNOUNCEMENTS

Volume 2 , No. 1

January - February 1973

## It Is Not Necessary For Eagles To Be Crows - Law And The Preservation Of Indian Culture

Some races of men seem molded in wax, soft and melting, at once plastic and feeble. Some races, like some metals, combine the greatest flexibility with the greatest strength. But the Indian is hewn out of rock. You cannot change the form without destruction of the substance. Such, at least, has too often proved the case. Races of inferior energy have possessed a power of expansion and assimilation to which he is a stranger; and it is this fixed and rigid quality which has proved his ruin. He will not learn the arts of civilization, and he and his forest must perish together.

Francis Parkman, 1851.

In remembering how much has perished through the sickening record of the European conquest of Native Americans, it may be hard for some to recognize that what does remain is not only an extraordinary affirmation of the Indian's passion and power to live, but that it is due to his uncommon ability to put the overwhelming demands of a foreign and triumphant culture in abeyance while continuing with his own traditions.

Some tribes have held on to their native experience through the process of conquest more successfully than others. The geographical situation of most of the eastern and California tribes left them so vulnerable that they suffered physical, if not, cultural genocide. The Cherokees — who put on white men's clothes, sent their sons to white men's schools, became farmers and cattle raisers like their white neighbors, and generally made herculean adjustments to the dominant society — found that they had sacrificed their traditions for nothing. By resisting total integration and the jurisdiction of the State of Georgia, they were removed to Oklahoma in the now famous Trail of Tears.

Many of the tribes of the Southwest have remained nearly intact not only because of their relative inaccessibility but because of the great depth and the intensity of their tribalism. Out of necessity others borrowed and absorbed the techniques and traits of their conquerors — both the horses and the gods — and still maintained their own integrity.

The military conquests of the Spanish, British, French and

finally the Confederation and the United States are over, but the common cultural drives for land, wealth and power of most non-Indian citizens are not. Indians now see these drives disguised in efforts toward political integration and cultural assimilation. They are justifiably suspicious and hesitant to participate in any process that would further destroy their substance, and their current plights have much to do with their "abeyance mechanism." That is, the degree of suffering experienced by individual members of a tribe is in direct proportion to that tribe's ability to hold onto its native experience and structure while being propelled through the cycles of conquest.



Cherokees

If our experience is destroyed, our behavior will be destructive.

R.D. Laing, *The Politics of Experience*, 1967.

It is a well known statistic that Indians commit suicide twice as frequently as the rest of the population of the United States. But many do not realize that suicides among tribal members whose aboriginal traditions and structures remain intact are less than half of those occurring among Indian groups whose tribal existence has been altered. The more Indian experience is destroyed or lost, the more destructive the behavior. Suicide and alcoholism are not Indian traits, but manifestations of destructive behavior turned inward. The Native American's common cultural veneration for human personality, the earth and the web of life is sustained within a strong tribal or pan-Indian setting — when this experience is no longer available, his substance is open to attack.

The conquerors brought with them their own traditions and dogmas from Europe. As masters of the situation, the Europeans had all the prerogatives of deciding which of their varied cultural values they were going to superimpose on tribal societies. From the very beginning two things went wrong. First, the dominant society overestimated the ability of its white citizens to conform to its own legal system (which under the circumstances of conquest contained relatively pure principles of justice). Secondly, the dominant society was blind to the fact tribal societies totally rejected the notion that government had a right to impose upon its members authoritative and predetermined patterns of action. Tribal societies were composed of members having an intimate relationship with each other. The idea of

legislating rules for behavior and property was mockery. The tribe remained together on the basis of mutual respect and trust. If these were not present, the tribe vanished and a new entity took its place.



Sitting Bull, Sioux

When once you have property you will want laws and magistrates to protect your property and person. . . you will find that our laws are good for this purpose. . . you will unite yourself with us, form one people with us, and we shall all be Americans.

Thomas Jefferson,  
Addressing the Cherokees, 1818,

If the great spirit had desired me to be a white man, he would have made me so in the first place. He put in your heart certain wishes and plans, in my heart he put other and different desires. Each man is good in his sight. It is not necessary for eagles to be crows.

Sitting Bull,  
Addressing the Dawes Commission,  
1883.

The dominant white society and the Native American tribes have now had more than two centuries of experience together. If the initial treaties and laws of the American government had been upheld or enforced, experiential ties of trust, instead of distrust, might have developed. But, because the white society could not control its own membership and had even more difficulty accepting Sitting Bull's recognition of the need for difference, the policies affecting Indians have fluctuated more widely than any other American legal phenomenon.

Over the years there has been accumulated a mass of 398 treaties, 5,000 statutes (many of which may have been repealed by implication), 2,000 federal court decisions, more than 500 attorney general opinions, numerous Department of the Interior and solicitor rulings, 95 tribal constitutions, and 74 tribal charters, besides a conglomeration of administrative regulations — confusing and often contradictory — collected in a manual which is so large that, if stacked volume upon volume, it would dwarf any person wanting to consult it.

W. Brophy, *The Indian, America's Unfinished Business*, 1966.

Both cultures are still struggling to define the nature and the limits of the relationship. The dominant culture's persistent expectation of assimilation based on its fear of difference has led to cyclical and inconsistent policies as the expectation clashed with the lastingness of tribalism. Although the collective conscience of the dominant culture has long recognized that a debt was incurred when its culture encountered another and pushed it aside, the Indians first found it impossible to collect on the debt. Then they saw it aggravated by defrayments, liquidations, cash settlements and several other ludicrous forms of remuneration, that made up a "conceptual mushball" regulating their lives. Indians have known that the debt should only be paid to the survivors in laws, policies and attitudes which would sustain rather than destroy tribal existence, but they have also recognized a certain impracticality, even absurdity, in attempting to "codify" tribalism within the context of Anglo law. Not many men from either culture have believed it actually could be done. In the dwarfing volume of laws and policies there are some that, if adequately enforced and strengthened, could be used as payment. The new laws that are needed must be developed carefully and, as they appear, the old repealed.

Ironically the primary responsibility for seeing that the debt is paid rests with the government, which more often than not has lacked the power to control its non-Indian citizens or else has been so beset by internal conflicts that attempts to seek legal remedies or to implement legislative and executive policies simply have not been made.

Taught by the government that they had rights entitled to respect, when those rights have been assailed by the rapacity of the white man, the arm which should have been raised to protect them has ever been ready to sustain the aggressor.

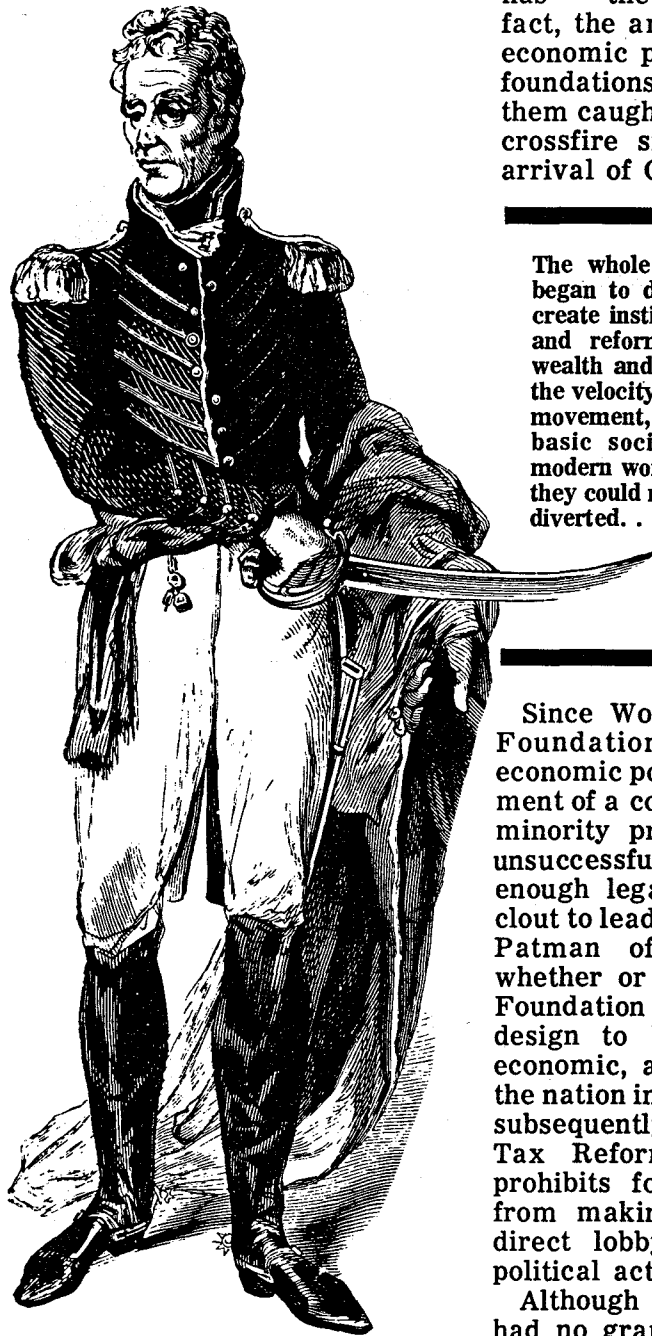
Report of a Presidential Commission on Indian Affairs, 1869.

..The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the government holds as trustee.

..Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise.

President Richard M. Nixon,  
Message to Congress on Indian Affairs,  
1970.

The Cherokees were perhaps the earliest losers to be caught in the stranglehold of conflicting political powers. When the Supreme Court ruled in 1832 that



President Andrew Jackson

the State of Georgia did not have jurisdiction over the Cherokee Nation, President Andrew Jackson said of the Chief Justice, "John Marshall has made his decision, now let him enforce it."

Tribe after tribe has learned that the government's behavior is nearly always a reflection of the current distribution of political and economic power. Indians have never had much of either, but an anomalous non-Indian ally has — the Ford Foundation. In fact, the amount of political and economic power held by private foundations like Ford has kept them caught in perpetual political crossfire since long before the arrival of Columbus.

The whole realm stirred as men began to discover that they could create institutions of social change and reformation with their own wealth and charity. . . .the power, the velocity and the direction of the movement, which were ordering the basic social institutions of the modern world, were so mighty that they could neither be controlled nor diverted. . . .

W.K. Jordan,  
*Philanthropy in England:*  
1480-1660, 1959.

Since World War II the Ford Foundation has provided economic power for the establishment of a considerable number of minority programs. Some were unsuccessful, others developed enough legal, political or social clout to lead Congressman Wright Patman of Texas to wonder whether or not ". . .the Ford Foundation (had) a grandiose design to bring vast political, economic, and social changes to the nation in the 1970's?" Patman subsequently put together the 1969 Tax Reform Act, which now prohibits foundations like Ford from making grants to support direct lobbying or grass roots political activity.

Although the Ford Foundation had no grandiose design for Indians in the 1970's, it did have staff members who were listening to a multitude of suggestions relating to Indians and one program officer in particular who was imagining some kind of new legal design for Indians such as Vine Deloria, Jr. and other Indians across the country were.

# Lawyers Between Two Cultures — The Native American Rights Fund

As I sat there listening. . . I could visualize a national legal program for Indian people. . . I could see us piling case upon case, precedent upon precedent, until we had forged out a new definition of Indian rights by which our Indian communities could live in peace from encroachment from any source.

Vine Deloria, Jr.,  
*Custer Died For Your Sins*, 1969.

Unlike any other social or minority group in American history, Indians were promised support and encouragement in return for having given up their lands to the European invaders. What they have been receiving instead has been some of the most bizarre and perverse benevolence in the history of mankind. Whatever the Ford Foundation had in mind or design to assist in redefining the exact nature of that so-called support and encouragement, the Foundation itself was unfortunately already a part of the problem — it was another white institution based on the notion of benevolent expertise. Foundations, as the distributors of largess, have generally been viewed no differently within the Indian community than the U.S. Government. Philanthropic institutions are structured so that the line of authority on the organizational chart between grantor and grantee makes the foundations not only the benefactors, but the judges and evaluators as well. It is for this reason that foundation and other philanthropic connections with Indians are especially tenuous; the foundations' resemblance to the Indians' governmental guardian almost guarantees instant distrust.

In June 1970, in spite of the obvious difficulties, Ford made a planning grant for a program that was to be "foundation developed." What that meant was

that the grantor (Ford) came to the grantee - California Indian Legal Services (CILS) - and asked CILS to accept a grant. To their great credit Ford staff members recognized that Indian legal problems were unique and that the models for the legal defense funds that had been developed successfully for Blacks and Chicanos were not transferrable.

Compared to the legal problems of other minority populations existing in the midst of the dominant culture, Indian legal problems (although terribly complex) are much more adapted to the work of lawyers and the courts. The former sought legal decisions to legislate human behavior — a difficult if not impossible task. Indians, however, can rightfully seek what Thomas Jefferson promised the Cherokees would be so useful to them — protection under Anglo law of their rights to their land, water and other natural resources. Ford and many others saw that these rights, so essential to the continued survival and regrowth of tribalism, were not inconsistent with the continued survival and growth of the dominant society. Still it was clear that the small quantity of resources that the Indians had so tenuously held onto were continuing to provoke the cupidity of others, and that an able team of lawyers could do much to assist the government in honoring its commitments and responsibilities, as well as, protecting the continued existence of the first Americans.

Because the shoals of the Indian political world had already snagged a number of other foundation programs for Indians, Ford started out slowly. CILS was chosen to develop the concept of a national Indian legal fund because it was one of the most experienced OEO Indian legal

services program in the country and because it had on its staff some of the most able lawyers already working on legal issues of national importance to Indians. By accepting the grant, CILS's board of trustees and staff were handed the responsibility of determining whether or not there was a need for a national Indian legal services program and after doing this, for developing a small, first rate staff capable of providing the best possible legal advice to Indian tribes. CILS also agreed to consult widely and eventually nominate an issue-oriented board including an Indian perspective from throughout the country. That board, now called a Steering Committee, was in turn to determine just where the new program was to begin its work.

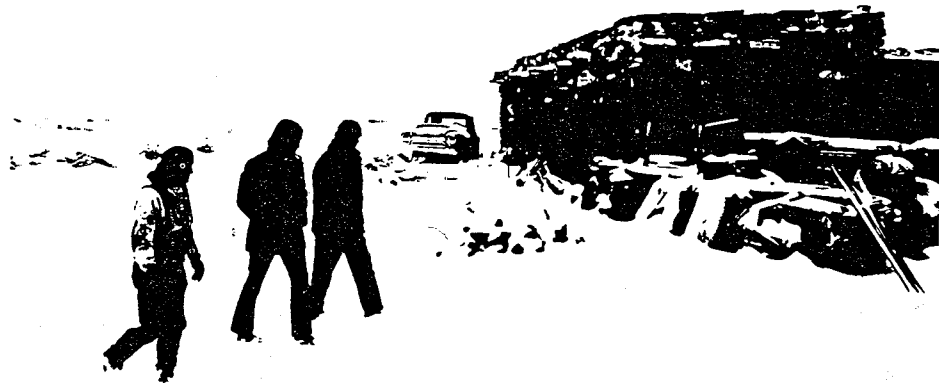
Ford determined that the process of development should take about 18 months. Almost anyone who actually participated in the process or had the opportunity to observe it closely was hopeful that it could be done in 36. Miraculously it only took 15. Ford was convinced by October 1971 and announced what it described as "the Foundation's largest single grant to assist American Indians" — a \$1.2 million grant for three years to the Native American Rights Fund (NARF). The grant was large enough to provide support for three years for seven lawyers who were to represent the best legal talent and Indian Law expertise available in the country. The fact that NARF had 11 lawyers on its payroll at the time Ford made the major core support grant, related to the kind of incurable perseverance and thriftiness of a 29-year-old non-Indian lawyer named David H. Getches. Getches, selected as NARF's founding Director, is now known not only for his legal ability and expertise in Indian

treaty rights, but for his native ability to conserve and develop funding resources. In less than fifteen months, he had recruited a staff of more than thirty people — moved NARF's original office from California to Boulder, Colorado — and had raised an additional half-million dollars to assure Ford that a broad base of funding support could be built and that NARF would not forever be a "foundation dependent organization."

The Steering Committee and Getches believed that the very survival of some tribes could be dependent on their ability and willingness to assert the tribes' remaining rights in the white man's courts. But they also knew that even the best legal minds have difficulty translating Indian culture and values into the context of Anglo law. And that in trying to adapt an alien legal system to the needs of understandably distrustful Indian clients, lawyers needed something more than the best skills and novel theories — they had to know and understand their clients and their culture.

A logical solution, despite the degree of acculturation demanded in the process, was for as many as possible of those lawyers themselves to be Indians. Of the 30 identifiable Native Americans lawyers in the country, most had been absorbed by the extraordinary and critical needs of tribal governments, the BIA and other federal agencies serving Indians. From the beginning the Steering Committee and NARF staff recognized that the effectiveness of their legal representation was dependent to a large degree on NARF's ability to combine expertise in the alien system and Indian values.

John E. Echohawk, a Pawnee Indian, was the first graduate of the University of New Mexico School of Law's special program for training Indian lawyers. Following graduation he became one of four original NARF attorneys. A year later Yvonne Knight, a member of the Ponca Tribe and the first Indian woman



Nicholas Quomahu and John Lansa, Hopi Religious Leaders, with Fund Director John Echohawk at Old Oraibi on the Third Mesa in Arizona.

to graduate under the UMN program, also joined the Fund. She was followed by Leland Pond, an Assiniboine and a graduate of the UCLA School of Law, and F. Browning Pipestem, an Otoe, who had graduated from George Washington University Law School and had been working with the BIA. Mr. Pond and Mr. Pipestem subsequently left the Fund — Mr. Pond to work with the Coalition of Indian Controlled School Boards and Mr. Pipestem to take charge of the Navajo Tribe's economic development program.

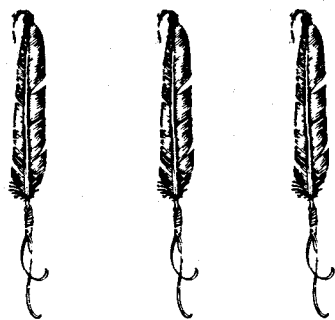
In June 1972, Thomas W. Fredericks, a Mandan Indian with wide experience in tribal government, graduated from the University of Colorado School of Law and joined the Fund's staff. Two months later Douglas R. Nash, a Nez Perce who had been working with the Indian Civil Rights Task Force, left Washington, D.C. and came to Boulder to work with NARF. Mr. Nash is also a graduate of the University of New Mexico School of Law.

The fact that the Fund now has four Indian attorneys on its staff is a distinction no other legal program or law firm in the country has.

In June of 1973, John Wabaunsee, a Pottawatomi, and Walter R. Echohawk, Jr., a Pawnee, will also join the Fund's staff, bringing the number of Indian attorneys to six. Mr. Wabaunsee will be graduating from DePaul University School of Law and Mr. Echohawk from the University of New Mexico.

In October of last year the Steering Committee and NARF staff agreed that, in addition to John Echohawk's strong and sensitive leadership qualities, the experience and expertise gained by him in his work with the Fund had made him the best qualified individual for the directorship of the Fund. David Getches, whose energies and talents had been so essential to the Fund's development, was particularly anxious to see Indian leadership at the staff level and to move into full time litigation. Since then Getches and Echohawk have been working closely to insure a smooth transition of the enormous responsibilities that are part of the job. By the end of March that transition will be complete and Echohawk's appointment as the Fund's director will be official. Getches will continue with the Fund as a staff attorney.

The time and energy consuming problems of putting together a well-equipped and highly trained group of legal marksmen have turned out to be relatively simple compared to the exacting task of deciding just which of the innumerable targets should be struck first. Steering Committee members are selected not only because of their firsthand knowledge of the devastation wreaked by the indeterminateness of the legal mushball, but also because they have each made their own ingenious attempts to assault it.



For the Steering Committee and the Fund's staff it has been a painful, emotional process to reiterate and recall the effects of the clash between the two cultures. At the very least it has been difficult to sort those effects into problem categories and to order them into priorities, but it has been almost impossible to then try to parcel out the human and legal resources of a dozen individuals and to see how many unnecessary and tragic debts are still outstanding. It remains to be seen whether or not a people hewn out of rock, with an unmatched passion and reverence for life, plus a few non-Indian lawyers (with the driving, argumentative personalities common to successful law school graduates) will be able to keep themselves together on the long "trail of trials" that is going to have to be marked out between the two cultures. However, in the less than three years of its existence NARF and its clients have already covered a remarkable number of miles in an uncommon number of conveyances.

---

#### TRIBAL EXISTENCE

#### TRIBAL RESOURCES

#### HUMAN RIGHTS

#### ACCOUNTABILITY

#### INDIAN LAW DEVELOPMENT

---

The objectives and priorities set by the Steering Committee appear deceptively simple, not only because Indian legal problems are rarely definable within the context of only one of the objectives, but because a particular legal approach to the preservation of tribalism may adequately meet the needs of one tribe and be disastrous for another.

In the late 1960's, after the War on Poverty had already begun, a number of Indian legal services programs like CILS were developed and funded by the Office of Economic Opportunity. These programs had a tremendous impact on those few tribes who had access to them and for many Indians they restored their faith and desire to work within the context of the white man's courts. Still the scope and resources of these programs were limited, not only by inadequate funding and political restraints, but also because so many of the lawyers available to staff them were recent law graduates. They were well-educated and dedicated, but without experience, particularly in the field of Indian law.

In addition, the multitude of individual Indian legal problems so similar to the problems of the poor everywhere (consumer protection, welfare, criminal and domestic matters) sapped their resources and energy and too often prevented them from developing expansive litigation or administrative strategies that had implications for the tribe as a whole.

Although several of the larger

and more affluent tribes had and still have tribal attorneys, this representation has also been hampered by the fact that legal representation that effectively collects on the dominant culture's debt is almost always extremely expensive — both for the tribes whose resources are very limited and for those lawyers whose firms are, by necessity, profit-making institutions.

Legal representation of Indian tribes in claims against the United States for takings of land or unconscionable dealings increased after Congress established the Indian Claims Commission in 1946. Until then it was only by the grace of a special act of Congress that Indians were able to sue their guardian. Financing claims such as those brought before the Commission has been possible because they have sought monetary compensation for property already taken — a percentage of which the lawyer takes as a fee. However, tribal existence — to the extent that it can be defined and protected by the law — requires the protection of Indian lands, water and other resources before they are destroyed or lost, rather than after the fact and in ephemeral money awards. The complexity and cost of that approach has seriously hampered the use of the American legal system in a manner consistent with Indian cultural needs. The result has had a critical impact on the ability of Indians to survive.

It is for this reason that, although Ford's \$1.2 million grant to NARF was the largest the Foundation has ever made on behalf of Indians, it is only a small beginning. It is also why the Steering Committee feels so strongly that it must aim NARF's legal resources as accurately as possible into the still growing mushball. It is clear to the Steering Committee, to NARF staff members and to most Indians that even those tribes with the strongest structures and abeyance mechanisms are going to have difficulty making it through the end of this century.



While NARF was still in the planning stages, decisions about undertaking representation were relatively simple. CILS and Ford were both aware of a good sampling of Indian legal problems that, if solved, could have a major impact for not only the particular tribes involved, but for all Native Americans. These cases were given priority.

The suit filed by NARF on behalf of the Pyramid Lake Tribe of Paiutes against the Secretary of Interior was one of these. The scope and complexity of the issues involved (more thoroughly discussed in the November-December 1972 issue of *Announcements*) are important not only to the Paiutes, but to all tribes with water and natural resources and to non-Indians concerned with the preservation of the country's ecological balance and scenic wonders. *Pyramid Lake Tribe of Paiute Indians v. Rogers C.B. Morton* was the first instance where Indians successfully collected on the debt by obtaining protection of tribal resources before they were lost or destroyed, rather than waiting to collect damages after the fact. In addition the suit also clearly established the fact that as trustee the U.S. government's primary responsibility was to protect those resources aggressively.

As NARF and its caseload have grown the selection of cases has become an enormously difficult task. Not only do the requests for assistance far exceed the Fund's existing resources, but representation of a tribe or Indian client in one action (as in the case of any law firm) may effectively prevent NARF from undertaking representation on behalf of another. Several methods for determining case selection have been devised by the Steering Committee. Cases which involve claims for damages, and which therefore produce revenues enabling clients to obtain private counsel, are generally not taken. Cases which involve disputes among Indians are screened very carefully. Representation is not undertaken unless it is determined that a major issue is involved and the legal merits clearly favor one side — and then only at the direction of the Steering Committee. Individual matters involving domestic law, criminal prosecutions, adoptions, enrollment problems, etc. are usually referred to the private bar or legal services programs.

Even after applying these screening procedures there remain more potential suits than NARF can currently undertake. Because of this, NARF has made the stretching and strengthening of existing Indian legal resources

one of its primary efforts. With the assistance of the Carnegie Corporation of New York and the OEO Office of Legal Services, it has put together two unique Indian legal resources. They are the National Indian Law Library (NILL) and the Indian Law Back Up Center. Both of these projects have gone a long way to expand and increase the quality of legal services to Indian clients all across the country.

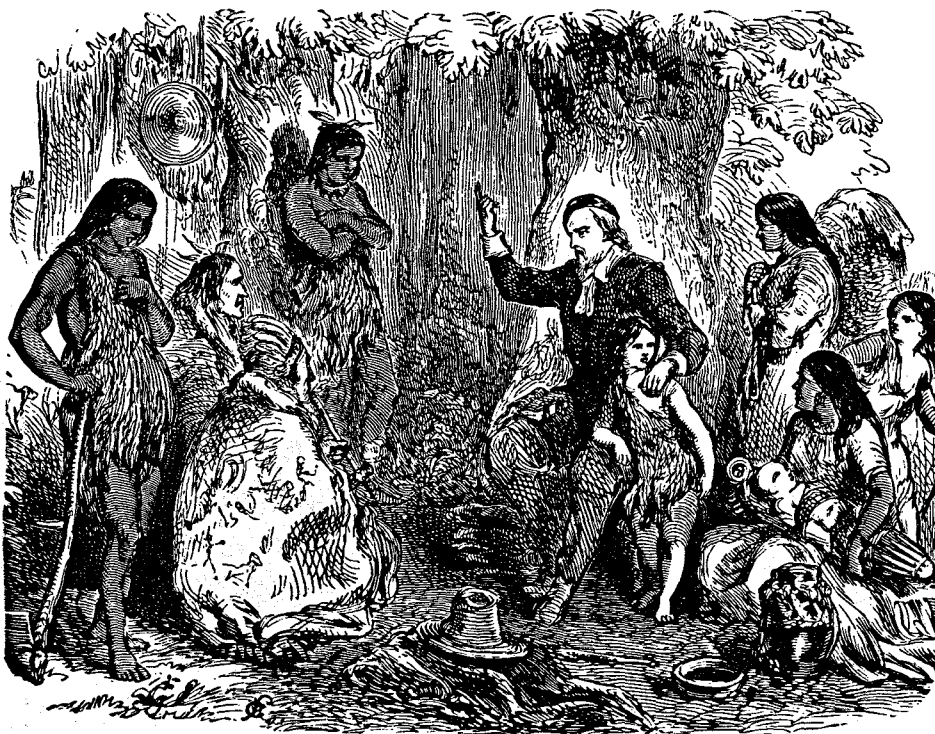
NILL, housed in NARF's offices in Boulder, is a collection of Indian legal materials and pleadings which have been catalogued under NARF's general index to Indian law by subject and legal issue, tribe and state, and by plaintiffs and defendants. This collection greatly reduces the amount of time consuming legal research required of NARF, legal services attorneys, and any attorney practicing Indian law. It enables lawyers representing Indians to present the issues to the courts in an orderly and carefully calculated manner so that new law has the best possible opportunity to develop favorably.

Under the OEO Indian Law Back Up Center, NARF has used the full time resources of one staff attorney to provide both emergency and long term legal research, advice, and materials to legal services attorneys from Calais, Maine, to Window Rock, Arizona, to Ketchikan, Alaska. In addition, the special expertise of other Fund attorneys has been plugged in whenever possible.

Sometimes this is done by simply clarifying the legal issues in a particularly difficult tribal resource problem by telephone or letter. In other instances it is done by assuming the primary responsibility for complex litigation that legal services attorneys cannot undertake — not only because of the lack of expertise and time, but because of the tremendous financial resources required for studies, experts and consultants prohibited by OEO funding limitations.



Cocopah Tribal Chairman Robert Barley and Fund Attorney Charles Wilkinson on the bank of the Colorado River at the Cocopah Reservation.



Beyond this, by carefully screening each request for assistance (estimated to take up to 10% of NARF's resources) NARF hopes to avoid two evils. One, to prevent the unjustified continuation of long held hopes of clients for the resolution of their problems legally; and two, by determining the exact nature of the client's problems (even if it is a case NARF cannot accept or a non-legal problem), Fund attorneys are better able to make effective referrals resulting in a savings of human and financial resources for everyone — the clients, lawyers and other social or governmental agencies.

At present NARF has two additional special projects — one related to the protection of human rights and the other to tribal existence and resources. With the assistance of OEO, and in conjunction with the Harvard Center for Law and Education, Fund attorneys have been working to untangle a morass of Indian education problems. These range from discrimination, to community control of schools, to the impoundment of Indian education monies.

In the Southwest the remaining mineral and water resources of

more than 39 tribes have provoked some of the most blatant examples of modern day cupidity. With the assistance of the Field Foundation and the Akbar Fund, NARF has established the Southwest Indian Environmental Project. The litigation undertaken as a part of this project is not only difficult because of the usual range of conflicting and hidden Indian law issues, but also because of the myriad of new, complex and generally untested laws relating to environmental protection. The adversaries of NARF's clients in this area include a governmental trustee (with insurmountable conflicts of interests), power, mining and business conglomerates. All of these have unlimited financial and legal resources at their disposal. NARF, representing three tribes and over a hundred individual Indian residents of the area, has the resources of less than two attorneys on this project. Once in court they often face ten lawyers at the opposing counsel table. Because of this NARF has in some cases joined hands with environmental groups and raised Indian law issues as intervenors in their suits.

The process of debt collecting in the Southwest is one of the most perplexing of any of NARF's efforts because it is one area where the preservation and growth of Indian culture is matched against the unyielding development and progress of the dominant society. But that process is also symbolic of the importance of honoring the debt. In a rapidly collapsing time span, it is becoming more apparent each day that the Indian's universal and stoic reverence for Mother Earth is a trait and posture that must be adopted by the dominant culture if either society is to survive.

"... I am tired. I am weary of this bluff of being civilized. Being civilized means trying to do everything you don't want to, never doing anything you want to. . . . it means living in houses and never knowing or caring who is next door. These civilized white men want us to be like them — always dissatisfied getting a hill and wanting a mountain. . . . I know my people have many things that civilization has taken from the whites. They know how to give, how to tear one's piece of meat in two and share it with one's brother. They know how to sing, how to make each man his own songs and sing them; for their music they do not have to listen to other men singing over a radio. . . . I want to walk again among the ghost-birches. I want to see the leaves turn in autumn, the smoke rise from the lodge-houses, and to feel the blue winds. I want to hear the drums; I want to hear the drums and feel the blue whispering winds."

Dr. Thomas S. Whitecloud,  
Chippewa.





## Steering Committee of the Native American Rights Fund

### EXECUTIVE COMMITTEE

**Charles H. Lohah, Chairman.**

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

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

**LaNada Means, Executive Committee member.** Ms. Means is a Shoshone-Bannock Indian from Idaho. She is a graduate of the University of California at Berkeley and has been active in Indian affairs on her home reservation at Fort Hall, Idaho, and in the San Francisco Bay area. She is currently studying law at Antioch School of Law in Washington, D.C.

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

### OTHER MEMBERS

**Curtis Custalow.** Mr. Custalow is chief of the Mattaponi Tribe of Virginia. He is an active member of several eastern Indian organizations.

**Martha Grass.** Ms. Grass is a member of the Ponca tribe and a field worker for Oklahomans for Indian Opportunity. She has served as a member of the American Indian Task Force and the Citizens Advocate Center Editorial Advisory Board.

**Leo LaClair.** Mr. LaClair is a member of the Muckleshoot tribe and a former tribal councilman. He is a 1972 graduate of the University of Washington School of Law and is currently a Reginald Heber Smith Fellow working with Seattle Legal Services on Indian legal problems.

**Cipriano Manuel.** Mr. Manuel is Papago Indian and former tribal councilman and tribal judge. He has worked with the ICAP program through Arizona State University and the Indian Health Service. He is currently serving as a counselor at Phoenix Community College.

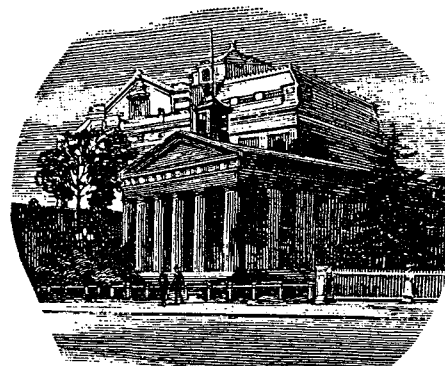
**Janet McCloud.** Ms. McCloud is a member of the Tulalip tribe; she is presently involved in prison and selective service work on behalf of Native Americans. Ms. McCloud is a founder of the Native American Free University.

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

**Joseph Upicksoun.** Mr. Upicksoun is an Inupiat Eskimo. He is president of the Arctic Slope Native Association, the Arctic Slope Regional Corporation, and of the Inupiat Community (IRA Corporation). Mr. Upicksoun is also a member of the North Slope Borough School Board and is the Alaskan representative to the National Tribal Chairmans Association.

### FORMER STEERING COMMITTEE MEMBERS

**Wendell Chino** (Mescalero Apache)  
**Lee Haven** (Navajo)  
**Fred Gabourie** (Seneca)  
**Philip Martin** (Mississippi Choctaw)  
**Alfonso Ortiz** (San Juan Pueblo)  
**Richard Trudell** (Santee Sioux)



### Supporting Foundations

**Akbar Fund**  
**American Indian Civil Liberties Trust**  
**Carnegie Corporation**  
**Edna McConnell Clark Foundation**  
**Edward P. Elliott Foundation**  
**Espous Foundation**  
**Field Foundation**  
**Ford Foundation**  
**Joint Strategy and Action Committee**  
**Ann Maytag Shaker Foundation**  
**Seacoast Foundation**  
**Tamler Foundation**

### Major Individual Contributors

**Mr. & Mrs. Richard Miller**  
**Mrs. & Mrs. Roland R. Sahn**  
**Mrs. Katrina McCormick Barne**



**John Stevens, Passamaquoddy and Steering Committee member, at Passamaquoddy Township, Maine.**

## Staff of the Native American Rights Fund

John E. Echohawk is the Director of the Fund. Mr. Echohawk is a Pawnee and was the first graduate of the University of New Mexico's special program to train Indian lawyers, having received national prominence in that capacity. He was a founder of the American Indian Law Students Association while in law school and has been with the Fund since its inception.

David H. Getches is the Fund's Founding Director. Until recently he has carried the primary responsibility for the Fund's development. Prior to assuming the directorship of the Fund in June 1970, he spent three years as a co-director of one of California Indian Legal Services' field offices. Before joining CILS and following his graduation from the University of Southern California School of Law, Mr. Getches was in private practice.

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

Joseph J. Brecher, a staff attorney, has extensive experience in the fields of environmental policy and law. He is the author of the first handbook on environmental law for lawyers. Mr. Brecher is a graduate of New York University Law School.

Reid Peyton Chambers, of counsel to the Fund, teaches administrative, property and Indian law at UCLA. He studied at Oxford University, Bailliol College, prior to his graduation from Harvard Law School. He has authored a monograph on the subject of governmental conflict of interest vis-a-vis Indians for the Administrative Conference of the United States.

Thomas W. Fredericks is a Mandan Indian from the Fort Berthold Reservation in North Dakota and a staff attorney. A 1972 graduate of the University of Colorado School of Law, Mr. Fredericks was treasurer of the American Indian Law Students Association. He was tribal administrator for the Standing Rock Sioux Tribe at Fort Yates, North Dakota, from 1966 to 1969.

Roy S. Haber is a graduate of the New York University School of Law. He was a staff attorney for three years with the Lawyers Committee for Civil Rights under Law in Jackson, Mississippi, prior to joining the Fund as a staff attorney.

Daniel H. Israel is a graduate of the University of Michigan Law School. He has had experience in private practice in New York City and taught at the University of Washington. Prior to joining the Fund, Mr. Israel was a staff attorney of the Colorado Rural Legal Services program.

Yvonne T. Knight, a Ponca, is the first Indian woman law school graduate from the University of New Mexico's Indian law program and one of the few Indian woman lawyers in the country.

Scott E. Little is a graduate of the University of Colorado School of Law and a member of both the Arizona and Colorado State Bars. Until joining the Fund as a staff attorney, Mr. Little was a partner with the firm of Lewis & Roca in Phoenix, Arizona.

Douglas R. Nash is a Nez Perce Indian and a graduate of the University of New Mexico School of Law, and past Executive Director of the American Indian Law Students Association. Prior to joining the Fund as a staff attorney he worked with the Indian Civil Rights Task Force for the U.S. Department of Interior.

Robert S. Pelcyger is a graduate of Yale Law School and a Fulbright Fellow. He gained prior experience with DNA, the Navajo legal services program, and as a Director of the Escondido Office of California Indian Legal Services where he practiced Indian law for three years before becoming a Fund attorney.

Thomas L. Smithson joined the Fund's staff as its head of the Indian Law Back Up Center. He was the only attorney on the Pine Ridge Reservation in South Dakota for three years prior to joining the Fund. Mr. Smithson is a graduate of the University of Michigan School of Law.

Thomas N. Tureen, of counsel to the Fund, has been involved with the problems of eastern Indians for several years as director of the Indian Legal Services Unit for Pine Tree Legal Assistance in Maine. He is presently working on a special research project for the Fund relating to the problems of obtaining federal recognition for Eastern Indians and the relative value of state vs. federal status. Mr. Tureen is a graduate of George Washington University School of Law.

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

Assistant to the Director  
Joan L. Carpenter

Law Clerks  
Michael Cox (Creek)  
Steve Jennings (Crow)  
Oran LaPointe (Rosebud Sioux)  
Victor Palmer (Kiowa)  
Barbara L. Webb (Tlingit)

Legal Secretaries  
Elva Arquero (Cochiti-Pueblo)  
Peri M. Bateman (Oglala Sioux)  
Janice C. Bray (Kiowa)  
Carlene Knowlton (Cheyenne River Sioux)  
Mayredean C. Palmer (Kiowa)  
Susan P. Roberson  
Frieda Wagner (Pomo-Concow)  
Patricia Wright

Bookkeeping  
Susan Rosseter Hart  
Carmel Lewis (Acoma Pueblo)

Receptionists  
Norma A. Cuny (Oglala Sioux)  
Sharon Roybal (Winnebago-Sioux)

Records  
Bernadine Quintana (Oglala Sioux)

Reproduction  
R. Buck Benoist (Cheyenne River Sioux)  
Ronald Fundingsland

### NATIONAL INDIAN LAW LIBRARY

Librarian  
Melody K. MacKenzie (Hawaiian)

Legal Advisor  
Joseph R. Membrino

Research Associates  
Peter S. Hrobsky  
Diana Lim (Acoma Pueblo)

Secretary  
Connie M. Benoist (Cheyenne River Sioux)



## Contributions

NARF is now involved in the representation of tribes, groups and individuals from more than 60 tribes in 20 states. Although the cost of that representation is less than one-third of that of the private bar the Fund is constantly fighting a budget deficit. The initial and generous support of foundations like Ford, Carnegie and Field will continue to be essential to NARF's development, but its future growth will be, to a large extent, dependent upon individual contributions.

An individual contributor's dollar is especially important because of the absence of often time consuming governmental and foundation reporting requirements and those dollars also permit greater flexibility and effectiveness in NARF's representation of clients with administrative and legislative problems. Contributions are tax deductible



## Indian Claims Commission Decisions

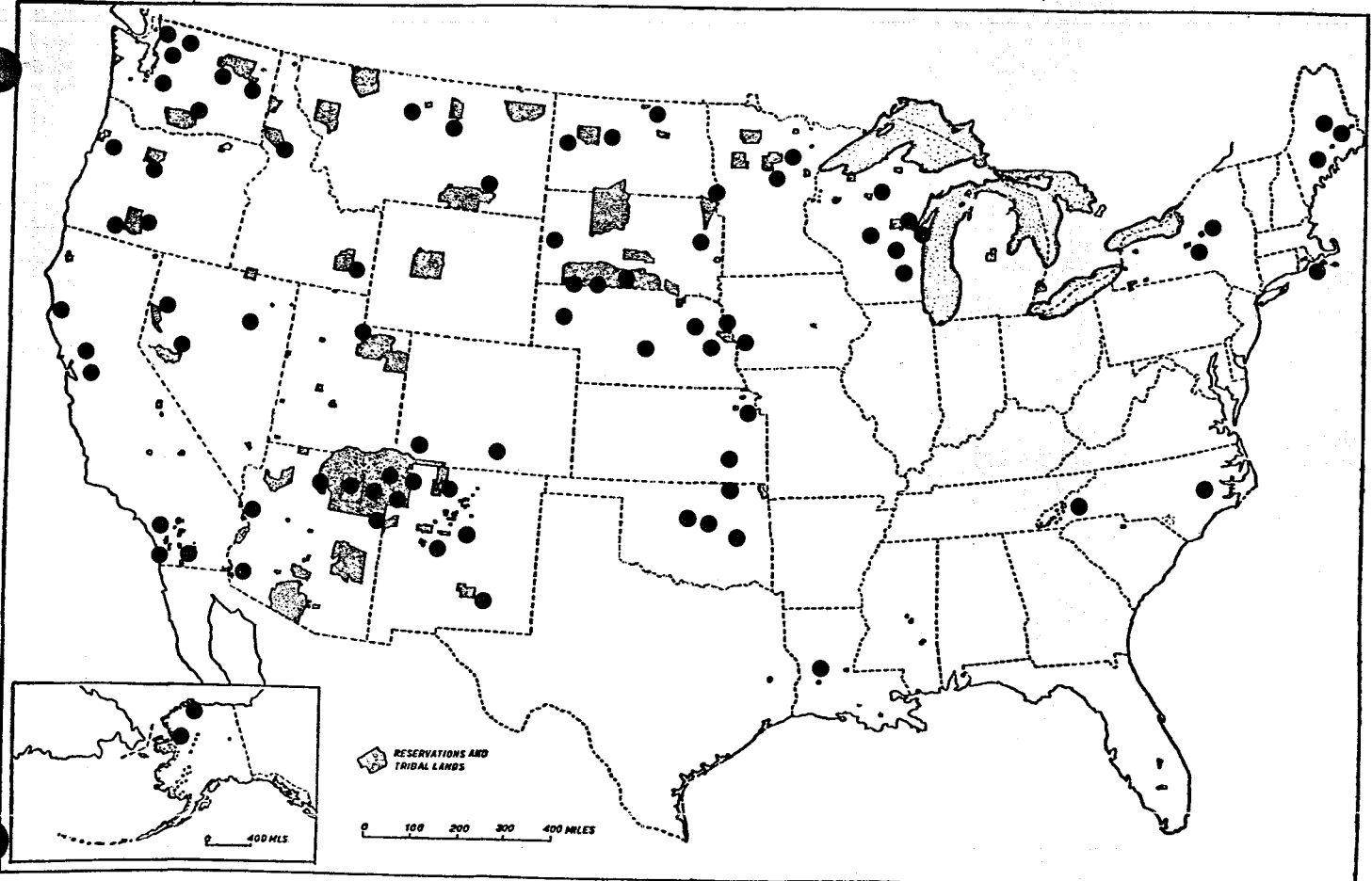
As previously announced, the National Indian Law Library is reproducing complete sets of the Indian Claims Commission decisions for distribution to libraries, law schools and other interested groups.

The decisions are printed from a xerox copy provided by the Commission and are bound with card stock covers. The cost is twenty dollars (\$20.00) per volume or five hundred dollars (\$500.00) for a set of the first twenty-seven volumes which includes decisions through the first quarter of 1972.

The general index to Indian law of the Library has been used to compile an individual index to the Commission Decisions and to provide access to the decisions by subject matter, tribe, and docket number. This will be available as a separate volume for an additional twenty-five dollars (\$25.00). Those purchasing entire sets can receive subsequent decisions as they are available, as well as the completed bound volumes and index supplements for forty-five dollars (\$45.00) per year.

If you are interested in ordering a complete set or individual volumes of the Indian Claims Commission decisions or an index, please write to:

Melody K. MacKenzie, Librarian  
Native American Rights Fund  
The National Indian Law Library  
1506 Broadway  
Boulder, Colorado 80302



Map showing areas of NARF involvement

Enclosed in my contribution to assist the Native American Rights Fund in the assertion and protection of Indian rights and the orderly development of the body of law affecting Indians:

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

☐ \$5 ☐ \$10 ☐ \$25 ☐ \$50 ☐ \$100

Other \$ \_\_\_\_\_

Make your check payable to Native American Rights Fund.  
Mail to:

Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302

Announcements is published bi-monthly by the Native American Rights Fund, Inc., 1506 Broadway, Boulder, Colorado, 80302; Joan L. Carpenter, editor; Ronald Fundingsland and R. Buck Benoist, printing and circulation. Third class postage paid at Boulder, Colorado. All rights reserved. Subscription rates: libraries and non-Indian organizations, 1 year, \$10.00; Indian tribes, organizations and individuals, no charge. Attorneys and other individuals, by contribution.

## Native American Rights Fund Offices

Requests for assistance and information may be directed to the main office,

John E. Echohawk,  
Director

Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302  
Telephone (303) 447-8760

or to the Washington, D.C. office,  
L. Graeme Bell, III,  
Staff Attorney  
Native American Rights Fund  
1712 N. Street, N.W.  
Washington, D.C. 20036  
Telephone (202) 785-4166

## Announcements and Catalogue Request Form

Please check the boxes for publications you wish to receive:

1973 Issues of *Announcements* ☐  
National Indian Law Library ☐  
Subject-Document Catalogue ☐

Native American Rights Fund  
The National Indian Law Library  
1506 Broadway  
Boulder, Colorado 80302

Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

TIME VALUE

Nonprofit Org.  
U.S. POSTAGE  
PAID  
Boulder, Colorado  
Permit No. 589

Native American Rights Fund  
The National Indian Law Library  
1506 Broadway  
Boulder, Colorado 80302