

Native American Rights Fund

The National Indian Law Library

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"THE FIFTH DISASTER" — The Colonization of The North Slope of Alaska



There is an American city at the top of the world which is closer to Leningrad than to Los Angeles — closer to Istanbul than to Miami. The city, called Barrow, is located on the North Slope of Alaska, a land without edges, full of winds and silences. A land which is a part of the people who have lived there as long as any people in North or South America — The Inupiat Eskimos.

The Inupiat — which means the people — have survived four disasters on the North Slope. They are now in the midst of the Fifth — the American colonization of their homeland.

Eskimo legends tell of

disasters, some of which occurred thousands of years ago, others less than 60 years ago. The First Disaster was The Cold Eclipse — a time when the moon covered the sun and the Eskimo's homeland turned from a very warm country to frigid desert. The Inupiat, the animals, the birds and the plants froze. The legend says only four families survived.

The Second Disaster was The Big Flood which followed a series of terrifying earthquakes and turned the mountains into an icy plain — all but a few Inupiat drowned.

The Third Disaster came during

The Terrible Year of Two Winters when the Inupiat could not get food and died of starvation.

The Fourth Disaster came after the Inupiat's first contacts with white men — men who brought them The Terrible Sickness during the flu epidemic of 1918.

The Fifth Disaster is The Taking of the Land of the Eskimos. And because the whites are doing this, they may succeed where all past disasters have failed. The land is part of the Eskimos. It cannot be amputated — no more than the spirit can be separated from any human being. To take the land of the Eskimos is to take their life.

The great sea
Has sent me adrift,
It moves me as the weed in a great
river,
Earth and the great weather
Move me,
Have carried me away
And move my inward parts with joy.

Eskimo

For hundreds of generations the Eskimos have lived in wealth because an Eskimo was rich if he had good luck in hunting, plenty of strong weapons, nets and tools, good boats, a strong body, and a large happy family with lots of children. The ocean has made the Inupiat rich — it has given them fish, seal, walrus and whale. For heat and light it has given them sea oil, drift wood, coal outcroppings along the beaches and natural oil seams.

The ocean has given them time. Time beyond the time required for survival in a harsh world and cruel climate. Time to make art and music, to dance and to hear the stories of the old men.

Time to know every foot of their land, the Arctic Slope, which seems so ghostly and limitless to others. Time to learn where to go for caribou, rabbits, ducks and fish. This knowledge in turn gave them time to visit relatives on the coast along trails worn by a hundred generations.

The harsh world made them strong, and their intimacy with the wind and ice taught them that one man cannot live alone in the Arctic. The result was the Inupiat people — a people governed by consensus and the love for their children. A gentle society in a cruel climate.

In 1867, many years after the Third Disaster, the United States of America bought the territory known as Alaska from Russia for \$7,200,000. It was a transaction between two colonial powers. Russia offered what it did not own and America bought it.

Although the Russians were trading and trapping animals freely throughout most of Alaska at the time of the "sale", they had not yet penetrated the North Slope. The Russians had approached the area on a few occasions but had been rebuffed by the Eskimos and, because of the horrific climate, they did not push their exploration further and instead retreated south.

The penetration of the North Slope was no longer the interest or the problem of the Russians after they signed the Treaty of Cession in 1867. The provisions of that treaty did not give the Americans the land itself — only the rights to control trading and to tax proceeds from the territory. The United States supposedly recognized like Russia that the land belonged to the original occupants.

Less than 20 years later, the United States was having so much difficulty managing the territory that Congress passed the Organic Act of 1884 to provide a civil

government for Alaska. The A set up a temporary seat government at Sitka, a settlement, designed to protect the United State \$7,200,000 investment. A govern was appointed, courts were established and a land sales office began to clear land titles for settlers.

The Organic Act also called for the Secretary of Interior to select two officers to work with the governor as "... a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands any, should be reserved for their use, what provision shall be made for their education, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district . . .".

The United States was ready to colonize Alaska.



Summer wanderers watch woman scraping hide

A Slow, But Brutal Penetration

Colonialism has one purpose — the acquisition of wealth and political power for the invader. Of necessity it then follows that the native population must lose wealth and power. Sometimes the process of penetration followed by the transfer of wealth and power occurs rapidly, sometimes it happens slowly, but it is always brutal.

In Alaska the penetration was slow. The wealth and the power accumulated during the colonization of the lower 48 states was so great that America's demand for the additional resources available in Alaska was relatively small compared to the earlier exploitation of the lower 48 states. There were isolated blitzkriegs of exploiters for gold, other minerals and fish whose marks are still on the land. One reason white people in Alaska wanted statehood was to control this.

During this period the vastness of the area which encompassed some 375 million acres made the process of colonization less noticeable. The abundance of land in relation to both the native population and white settlers diluted the effects. This time there was little need to shoot people to obtain their land.

However, the same diseases that came with the first settlers, missionaries and trappers who settled the lower 48 states also came to Alaska. It was these subtler aspects of colonization that first hit the southern and western portions of Alaska and finally the North Slope home of the Inupiat.

The traders, trappers and explorers brought guns to ease the difficulties of the Eskimos' hunt. The Inupiat were in awe of this new source of power and its white-skinned creators. Then the first missionaries arrived, asking that the Eskimos reject their own traditions and give their loyalty to

a new Christian god. Many Inupiat did just that — they adopted Christianity as quickly and as easily as they contracted the measles, whooping cough, diphtheria and the tuberculosis which the white men also brought.

After the Fourth Disaster of The Terrible Sickness in 1918 only a few villages on the North Slope remained intact — most of the rest of the villages and camps had lost all but a few individuals. The confusion, shame and isolation felt by the few surviving Inupiat after the flu epidemic were blurred by another "gift" of the white man — alcohol. This gift eased the message of the physical, mental and social inferiority which was inherent in the interaction between the two cultures.

For the first 50 years following the Fourth Disaster the Inupiat struggled to maintain themselves in the midst of the colonial process. They continued to welcome the white men into their homes and communities, showed them their hunting grounds, sent their children to their schools where they spoke the white man's language, and revered not only their God but their tools and diversions.

They pored over Sears & Roebuck catalogues which most Inupiat could not read and then struggled to model their houses — which before white contact were made of sod and burrowed into the ground — into forms similar to those seen in the catalogue or at whaling stations and missionary posts. The idea of separate rooms and cheerful windows appealed to the Inupiat. In their desire to have houses like the white men they built new ones — homes of driftwood, flattened petrol cans, shipping crates and tar paper. The results were shacks — which without insulation were a disaster to heat, hard to maintain and impossible to keep sanitary.



Man carrying reluctant bride

A HUSBAND'S SONG

Dear little wife, dear little wife,
Weep not, cease longing for your
home,
Cease longing for your home,
You will be given suet to eat,
Delicious suet,
And eyes, luscious eyes,
All this you will be given.
And tender juicy shoulder pieces
Given you as gifts,
Tender juicy shoulder meat.

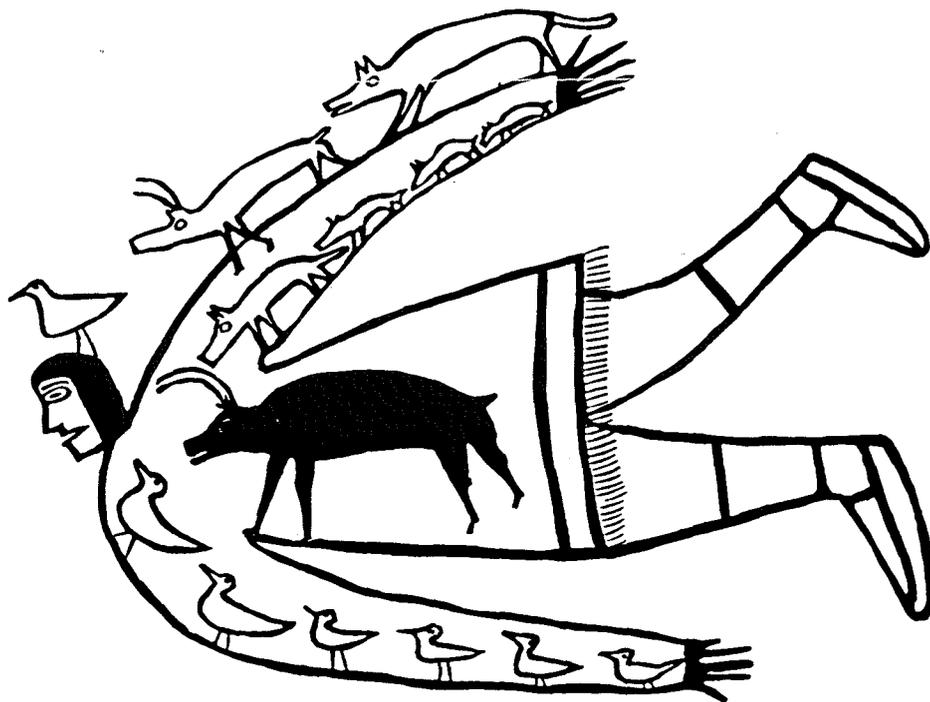
Eskimo

For centuries Inupiat culture has revolved around the hunt. The continuity of the race was dependent upon the success of the hunters.

During the Third Disaster — The Terrible Year of Two Winter — and other hard times sacrifices were made to keep the Eskimo hunter strong. This was done because when food was scarce, if the hunter did not have the strength required to continue the hunt, then all was lost — an Inupiat would die of starvation.

In such hard times infanticide was practiced and the aged would commit suicide by walking into the cold because they were no longer useful to the family. Most of these frightening, terrible times were only remembered as legends. Then, at about the same rate as the steady influx of white society, suicides became not occasional disasters, but everyday occurrences. Only this time the victims were the hunters themselves.

The white men had come bringing Christianity, guns, alcohol, snowmobiles, Sears & Roebuck, cash, disease, and castration of the Inupiat culture. As Inupiat society slowly stopped revolving around the hunt and the hunters, an epidemic of suicides started. It is still going on. In 1974 there were three times as many suicides as there were in 1959. The homicide rate doubled in this same period. Almost all of these deaths were related to alcohol and the loss of self-respect.



Flight of the Shaman

The Alaska Constitution- Another Kind of Promise To Be Broken

To the Alaska Natives, the land is their life; to the State of Alaska, it was a commodity to be bought and sold.

The Alaska Statehood movement began in the early 1950's. Ironically, the relatively small population of whites living in the Territory wanted to be free of control from the remote federal government and absentee corporate interests. The white residents perceived the federal agencies and fishing and mining interests as being entities which were holding back Alaska's basic social and economic development while exploiting its natural resources for short-term economic gains.

The delegates to the Alaska Constitutional Convention of 1955-1956 wanted the best possible constitution — one that avoided the pitfalls of the constitutions of the lower 48 states — one which was innovative and provided for maximum local control. Since local governments in Alaska were practically non-existent they had an open field.

What they developed was a provision for a system of "natural regions" — single units of local government in which all local executive and administrative functions were vested for geographic areas defined by mutual economic and social interests. The framers of the Alaskan Constitution called these units "boroughs" and they intended them to further a simple,

flexible system of local government which would avoid the major errors of the older state constitutions.

The constitution was also advanced in other respects — it forbade any discrimination in the distribution of state services because of race and specifically protected the rights and claims of the Native peoples of the state. Alaska state law outlawed, even before the nationwide civil rights movement, any sort of discrimination in restaurants, hotels, schools, or jobs.

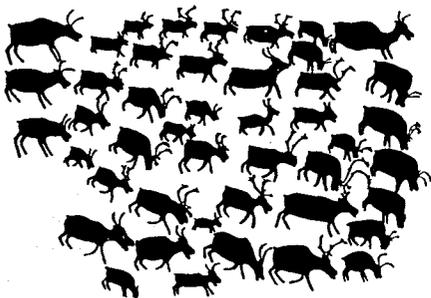
At the time of statehood all Alaskans — about 175,000 people, one-fifth of whom were Natives — voted on the constitutional referendum. On July 7, 1958, Alaska became a State.

The Duck-In, OEO and The Oil

In 1924 the federal government had staked out a large petroleum reserve of 23 million acres on the North Slope shortly after the Eskimos had pointed out oil seams to government officials in the land around Point Barrow. The Inupiat, having shared this knowledge, were then permitted to continue to hunt for subsistence purposes in the reserve and life went on pretty much as before.

Then at the end of the Eisenhower administration, and before statehood, the federal government decided to declare the entire North Slope an Arctic Wildlife Refuge. In an act of restraint, the Department of Interior finally settled on only 6 million acres, which turned out to be almost the entire eastern portion of the Slope. Again the Inupiat were forced to readjust their homeland habits.

The fantastic whaling years of the late 1800's had finally taken their toll and conservationists around the world were campaigning to stop the killing of all whales. The whaling season shapes the year for the Inupiat. It is their major source of food — a good catch can provide full stomachs for months. It is considered an honor for an Eskimo to kill a whale.



The Inupiat became fearful, and still are, that the conservationists would succeed and that there will be no more whaling seasons at Barrow. They knew that the results would be disastrous.

In the midst of coping with this fear and the anxiety caused by the setting aside of the petroleum reserve and the taking of the eastern portion of the slope for the Wildlife Refuge — there came the threat to detonate an atomic bomb at Point Hope, an Inupiat village. Point Hope is believed to be the oldest continuously inhabited community in North or South America. The Atomic Energy Commission wanted to demonstrate the peaceful use of atomic energy by creating a large harbor precisely on the village site.

Atomic testing had already done irreparable damage to the Slope. The fallout from testing in Siberia and the Pacific was dropping contaminated Cesium 137 and Strontium 90 on the mosses and lichen of the tundra. The caribou, eating the mosses, were absorbing the radiation and the Eskimos, who were eating the caribou, were too.

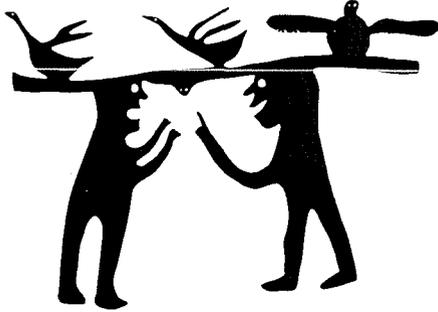
At one time the levels of accumulation were so high that one of the Atomic Energy Commissioners recommended that Eskimos be fed entirely on foods brought up from the lower 48 states.

The harpoon that broke the whale's back, so to speak, came in 1961 when Mexico protested that American poachers from California, Arizona and Texas were violating the terms of the Migratory Bird Treaty of 1916. The federal government decided that it would be easier to stop the Inupiat from hunting Eider ducks, an essential part of their

subsistence diet, than to stop the poachers in the politically powerful states of Arizona, California and Texas. So on May 31, 1961, a federal game warden came to Barrow to enforce the treaty and the Inupiat found themselves standing up to the insane forces that were passing through their lives.

Since it was the midst of the spring duck season it took no time at all for the federal game warden to arrest a number of Inupiat. Two days later the agent was confronted with 138 Inupiat all holding ducks and their guns — it was the Barrow Duck-In of 1961! The federal government backed off. Perhaps the trustee sensed that the Duck-In was the beginning of change in their Inupiat world.





To stay the way we are we have to fight. But if we fight, we are no longer the way we are.

Charles Edwardsen, Jr., Inupiat

Eskimo culture, with its non-aggression, courtesy, and consensus was being whipped by white entrepreneurs and an incredibly thoughtless trustee. The cultural values of sharing, self-confidence, and presumption of good will in others were precisely what was not needed if the land, the whale, and the Inupiat way of life were to survive the colonial onslaught.

Until the Statehood Act of 1958 there was no massive threat to Alaskan Native land rights, except perhaps to the Inupiat. For the most part colonization had been restricted to the transfer of white religious beliefs, language, and educational processes. After Statehood, there was never a question that most of the land being used by the Natives would be taken from them.

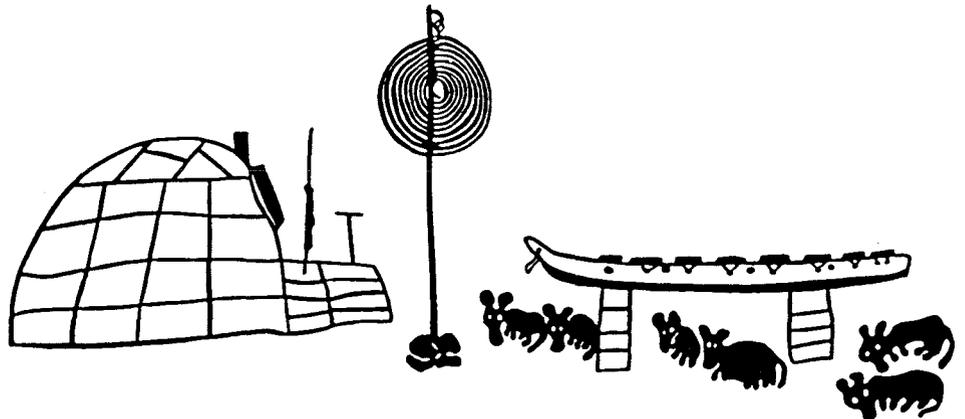
Despite the fact that the Alaska State Constitutional Congress provided that the "State and its people do agree and declare that they forever disclaim all right and title . . . to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos or Aleuts . . ." the State soon moved to take over lands clearly used and occupied by

Native villages and to claim, under the Statehood Act, royalties from Federal oil and gas leases on Native lands.

The Department of Interior, the Natives' trustee, without informing those Native villages affected while also ignoring the claims they had on file, began to process the State's selections. The Indians of Tanacross Village were to hear only through the mukluk telegraph that their lands on Lake George were being sold at the New York's World Fair as "Wilderness Estates." As word of the State's actions spread from village to village, the Natives began to organize regional associations for their common defense.

The Inupiat group which was formed in 1964 was called the Arctic Slope Native Association (ASNA). The Inupiat had decided to change their nature and to fight. It was a difficult transition which took a terrible personal toll on the Inupiat leaders.

This period was also the beginning of the development of the Office of Economic Opportunity. With the emphasis on community action and local planning that OEO programs provided it was only two years until the statewide Alaska Federation of Natives (AFN) was formed to champion Native rights. It rapidly became the principal voice of the Alaska Native claims movement.



No. One Wall Street West

Right after statehood, Alaska had selected large tracts of lands east of Barrow on the North Slope in an area known as Prudhoe Bay. These had been routinely transferred to the State under the terms of the Statehood Act with the approval of the Department of Interior's Bureau of Land Management, but without the approval of the Inupiat.

In 1964, just at the time ASNA

had been founded, the State leased some of these tracts to Sinclair, Atlantic Richfield and British Petroleum who started exploration immediately. Then on July 18, 1968, Atlantic Richfield announced that it had discovered oil at Prudhoe Bay on the Arctic Slope. The strike was on — oil fever was about to change the North Slope and the Inupiat forever.

On the North Slope it is hard to throw anything away. It can't be buried because 18 inches down is a concrete-like layer of permafrost. It can't be taken away because there is no "away", only thousands of miles of ice pack in front and hundreds of miles of impassable tundra behind.

So things stay where they are left and each North Slope village is an incredible collection of debris, everything that's ever been brought there — rusted bulldozers, tin cans, wrecked snowmobiles, dismantled cranes, 50-gallon drums, broken sleds and holed boats.

The discovery of oil brought the boomers, the get-rich-quick artists, the great New York banks and the great corporations. There was an airlift of oil equipment and supplies — 14 oil companies were soon on the Slope using 500 million pounds of equipment: pipes, derricks, fuel cans and helicopters.

Then on February 11, 1969, three of the major oil companies announced that they had decided to build a \$900 million pipeline across Alaska.

The white people had what one Inupiat called a "financial orgasm". The oil companies literally trampled over the Inupiat. Gentle, but newly resolved to fight, they were moved to protest — but no one heard them, particularly not the state of Alaska.

A few months later, in April, 1969, the State announced that 400,000 additional acres of land held by the State under the original BLM transfer which were adjacent to the Prudhoe Bay field were going to be sold by competitive bid. When they were sold it was in the midst of an incredible financial ritual. The final proceeds in bonus bids paid to Alaska in one day for the Inupiat's homeland totaled \$900,220,590.21. During and after the bidding which was held in Anchorage, a



Geese, man and animals

single Inupiat, Charlie Edwardsen, Jr., led a small crowd of supporters in a picketing of the proceedings. Not even \$.21 of these revenues gained by the State were to be channeled back into the North Slope — an area larger than the 36 of the 50 states which was without a hospital, a high school, roads or sewage and water systems.

I know what it will take to make the white nation act. It is here, it is all around us, under the ground. It is oil.

Charlie Edwardsen, Jr., Inupiat before the 1968 Prudhoe Bay oil strike.

Back in 1966, then-Secretary of the Interior Stewart L. Udall had put on his federal fiduciary hat and moved on behalf of the Alaska Natives to block any further transfer of their lands to the state.

His left arm, the Bureau of Land Management, had tentatively approved the transfer of another 12 million acres to Alaska. Udall was courageous in the face of enormous pressures and he halted this pending transfer and suspended the issuance of new federal oil and gas leases pending Congressional "settlement" of Native lands.

Alaska's then-Governor Walter J. Hickel had condemned Udall's act as illegal and the State filed suit to force him to transfer the land. The local district court upheld Alaska, but Udall appealed. Just before he resigned in November, 1969 as Secretary of the Interior, he formalized his "land freeze" with the issuance of Public Land Order 4582. A month later, in December, 1969, the Ninth Circuit Court of Appeals upheld his action and the taking of lands by the State was legally put in abeyance.

Ironically, Governor Walter Hickel succeeded Udall as Secretary of the Interior. Walter Hickel, the oil companies, the state and the private interests soon recognized that they were now going to have to deal with the Native land issue.

Udall had known this. When he issued his formalized "land freeze" he said:

This action will give opportunity for Congress to consider how the legislative commitment that the Natives shall not be disturbed in their traditional use and occupancies of the lands in Alaska should be implemented . . . to allow these lands to pass into other ownership in the face of the Natives' claim would, in my opinion, preclude a fair and equitable settlement of the matter by Congress. It would also deny the Natives of Alaska an opportunity to acquire title to the lands which they have admittedly used and occupied for centuries.

The hopes of the Native people had also gained new force when in July, 1969, Arthur J. Goldberg, former Supreme Court Justice and U.S. Ambassador to the United Nations, agreed to represent the Natives' cause before Congress as a public service. Also joining Goldberg were Ramsey Clark, former Attorney General, and Thomas Kuchel, former U.S. Senator from California.



There was no question about the validity of their claim to the land in the minds of the Alaskan Natives, and even the white man's laws indicated on all fronts that they were either entitled to their land or to just compensation for it by the federal trustee.

A long series of federal statutes and Supreme Court decisions had established a rule that aboriginal occupancy creates a property right which the United States alone has power to extinguish and that Native land rights carry with them the right of the tribe or Native group to enjoy the protection of the United States against interference from all others, including state governments.

As early as 1783 a Congress of the Confederation issued a proclamation prohibiting all persons from making settlements "on lands inhabited or claimed by Indians" and "from purchasing or receiving any gift for cession of such lands or claim without the express authority and direction of the United States in Congress assembled".

The Ordinance for the Northwest Territory provided that the land and the property of the Indians shall "never be taken from them without their consent" and that "their property, rights, and liberty shall never be invaded or disturbed, unless in just and lawful war authorized by Congress".

It looked like there was about to be a war in Alaska. In any case there was no doubt that the United States was going to extinguish some of the Natives' rights, and so along with former Justice Goldberg and the others, a bevy of claims lawyers had begun working with various Alaskan Native groups in the preparation of a proposed Alaskan Native Claims Settlement Act. At the same time so had the Department of Interior and several congressional committees and the



Federal Field Committee for Development Planning in Alaska, a Presidential Commission left over from the 1964 earthquake. In 1970 three different proposals to settle the Alaska Land Controversy were before Congress.

The Alaskan Natives' new trustee (and old governor), Secretary Hickel, proposed that the Natives be given restricted title to approximately 12 million acres of land stripped of oil and gas rights, to be selected from the public domain at the same time as the State had an opportunity to pick 103 million acres. He also stated that the Natives should receive cash compensation in the amount of \$500 million, payable over a 20-year period without interest, for the over 300 million acres they were giving up.

The lands around my dwelling
Are more beautiful
From the day
When it is given me to see
Faces I have never seen before.
All is more beautiful,
And life is thankfulness.

Eskimo

The Federal Field Committee for Development Planning in Alaska recommended a Congressional settlement with these provisions: fee simple title for the Alaskan villages to approximately 5 million acres of land, with full mineral rights and protection of hunting and fishing rights over larger areas; and cash compensation ranging from a minimum of \$100 million to \$1 billion, the exact amount to be contingent upon the size of the Federal oil and gas royalties in Alaska, and to be paid over a 10-year period without any interest.

Finally, the Alaska Federation of Natives on behalf of 60,000 Native people offered its solutions. AFN asked for conveyance to Native villages of fee simple title to 40 million acres of land with mineral rights to be held by Native regional development corporations, and cash compensation in the amount of \$500 million (roughly \$1.50 per acre) payable over a nine-year period with interest paid at 4%; and a 2% residual royalty on gross revenues from the Federal lands to which Native title was being extinguished.

Given the vast amount of land in Alaska and the extent of the Native land rights and needs, 40 million acres seemed a rock bottom request to AFN. It represented 10% of the land for nearly 20% of the people who actually had valid claims to nearly 100% of the land. The state would still find ample land from which to make its selection of 103 million acres set aside under the Statehood Act Provision, and the balance of about 230 million acres of Alaska would be retained by the federal government.

Considering the fact that the lands to which the Natives had legal rights had a value conservatively estimated in the tens of billions of dollars, the cash settlement proposed by the AFN based on the \$1.50 per acre figure was an extremely modest one.

Alaska had gotten almost \$1 billion in bonus bids alone from sale of rights to the oil companies to explore the 400,000 acres of land. Further, when measured against the actual needs of the Natives, the cash compensation was not substantial. Far more would have been required to raise their family income and standards of living to even half that of the white Alaskan residents.

The (Alaska Natives) claim title to over 300 millions acres of land in the first place. Now we are saying when they comprise 2% of the population and are getting 4% of the land, how generous we are.

Senator Edward Kennedy,
Addressing the Senate
Committee considering
the Alaska Native Claims
Settlement Act, July 15, 1970



After the 1970 proposals were in, it took almost two years of intense negotiation in Congress to work

out the final Alaska Native Claims Settlement Act. The pressures to settle were enormous. The world and the United States were moving into the midst of the world energy crisis, the environmentalists were protesting the possible effects of building the pipeline and the oil companies were saying that without the pipeline America would be at the mercy of foreign powers.

The pressures were so great that they almost wreaked as much havoc among the various member groups of the AFN as they did between the various senators, legislative committees and federal agencies within the Department of Interior. The Inupiat in particular often felt at a disadvantage as various proposals for dividing up the land on a per capita basis instead of a lands loss basis, were formulated. They knew it had taken virtually all of their 56.5 million acre Slope to sustain them in the past.

They were not sure they could survive with the solutions their fellow Native Alaskans were settling for. They were learning how time with bureaucrats leads to becoming more "reasonable and negotiable" just at the precise moment in their history when they needed to be anything but reasonable.

The final settlement package passed by Congress provided Alaska Natives title to surface land and sub-surface resources for 40 million acres, plus \$462,500,000 from the United States to be paid over an 11-year period. It also provided a guaranteed income of \$500 million from mineral reserves. The Settlement Act was accepted by all the members of the Alaskan Federation of Natives except the Inupiat of the North Slope who continued to oppose it right up until the time it was signed into law by President Nixon on December 18, 1971.

Mobil Oil Company v. Local Boundary Commission

The Oil Companies v. The Inupiat

You must understand that we Eskimos are here forever. The others just came to extract and exploit these resources. When they are through they will leave. If they want to stay a little while fine. They can pay a little rent.

Joe Upicksoun, Inupiat

The juxtaposition of their impoverished villages with an economy based on subsistence, against a massive infusion of capital investment at Prudhoe Bay, gave the Eskimos some hope that they would benefit from the newly discovered wealth of their Arctic Slope homeland.

Instead, they soon found that the more likely consequence of petroleum development would be damage to the basis of their livelihood — hunting — without any real compensation.

Because they were undereducated, this lack of education was of greater moment each day as it became necessary for them to deal with the white world and also as the new, petroleum-related employment opportunities were denied to the uneducated Inupiat. In 1971, of some 800 petroleum-related jobs on the North Slope only 8 were held by Natives.



The price of even a high school education on the North Slope has always been semi-permanent separation of a child from its Inupiat family as he or she was forced to attend boarding school hundreds or thousands of miles from home. It meant more colonization — that these children had to stop speaking their native tongue; to experience food, clothing and housing totally different from that of their villages; to be gone from their families for six to nine months at a time; and then to return only to find themselves aliens in their own culture — no longer comfortable on the Slope or “Outside” either.

Seeing this alienation destroying their young people and their culture’s future — and also seeing that their people had serious health problems (in an area of 56.5 million acres there was no hospital) and that no village on the Slope had a sanitation or water system, the Inupiat leaders moved.

At first they were very uncomfortable, but they were also determined not to see their people destroyed or displaced by the encroachment of “civilization”.

Coincidentally this new Inupiat movement came at about the same time that the Native American Rights Fund was establishing itself as a national legal program in Boulder, Colorado. And soon the Inupiat would be drawing on this new resource to protect what remained of their existence.

Just before the Claims Act became final, the Arctic Slope Native Association had begun formal efforts to try to use the Alaska State Constitution to some advantage for the Eskimos. They began to try to establish one of the

local government units or boroughs provided for under state law, a local government unit for Inupiat which would encompass the vast Arctic Slope and provide them some measure of protection from the state, federal and corporate interests and furnish a vehicle for their own self-determination.

At the time, North Slope local powers rested with the Alaska State Legislature hundreds of miles away in Juneau and the legislature’s unresponsiveness on the Slope had been shown by its willingness to absorb the proceeds of the lucrative \$900 million Arctic Slope oil lease sale without paying the slightest attention to the North Slope’s critical human needs.

The Eskimos thought that if they could control their own fairs — according to the white man’s ways — they could then regulate development that threatened their way of life, and impose taxes to finance education and other of their needs as a people. It was the lack of a high school in the immense region that was the greatest single impetus to the borough’s development — In an airplane crash on Labor Day, 1971, Barrow lost a whole generation of high school students on their way to boarding school in the lower 48.





The process of meeting legal requirements to form a borough on the North Slope took about a year. ASNA began circulating the necessary petitions to incorporate as a borough and ASNA's attorney, Frederick Paul, requested

NARF's legal assistance with the complicated administrative procedures and regulations. NARF's Founding Director, David H. Getches, was assigned to the matter and traveled to Alaska for the innumerable hearings and meetings which were held. The State's Local Boundary Commission assembled a vast record before it decided in February, 1972, to accept the Eskimo's petition.

Suddenly alarmed at the prospect of Eskimo control and taxation, seven of the world's largest oil companies with substantial investments at Prudhoe Bay filed a lawsuit to stop the Inupiat's formation of the incipient North Slope Borough.

These companies included Mobil Oil Corporation, Amercada Hess Corporation, Amoco Production Company, British Petroleum Company, Exxon Corporation, Union Oil of California, and Phillips Petroleum Company.

The oil companies charged that the Eskimo's petition to form a borough was improper because of technical deficiencies in the record. They also asserted a number of grounds based on the fact that the new borough's assembly would not be properly apportioned (even though 95% of the borough's isolated voters had approved the composition and apportionment of the assembly).

Finally, the oil companies claimed that certain legal standards for the organization of the borough had not been met. For instance, they said that much of the North Slope Borough was "unused" land. But the Court later found that virtually all

of the 56.5 million acre area was utilized by the Eskimos for subsistence hunting.

The companies belatedly claimed the borough was unconstitutional inasmuch as they as the major property owners on the Slope would have to bear most of the tax burdens and would get no benefit from a local government because the companies — whose employees lived in self-contained luxury units and dormitories — were supplying such services as sewage and water for themselves.

In April of 1972, just after the oil companies had sued the Boundary Commission, the Arctic Slope Native Association (which had sponsored the petition to incorporate) along with the five cities of the North Slope (Anaktuvuk Pass, Barrow, Kaktovik, Point Hope, and Wainwright) and two other individuals residing in the area moved to intervene in the oil companies' suit.

Protecting the World's Largest Native Government

These people could become millionaires many times over. This generation of Eskimos are hunters and fishermen. The next generation will probably be tax lawyers.

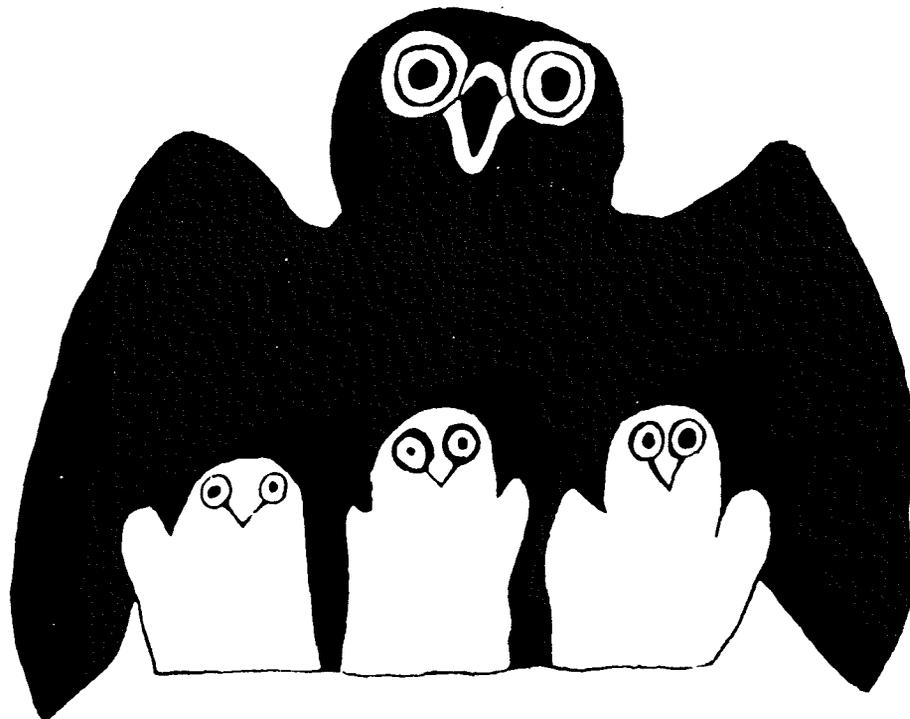
Oil company lawyer, 1974

The Association and the cities asked that NARF, in the face of such formidable adversaries, continue to help them through this suit to help them protect their hard-won borough. NARF agreed and its motion for intervention on their behalf was granted by the court over the objections of all of the oil companies.

The oil companies then promptly moved for a stay of the elections needed to select a mayor and other officials for the new borough. NARF defended the need for the election successfully in court and the elections were held.

It was then the task of the Lieutenant Governor to certify the election results at which time the borough could begin to put together the desperately needed services for the Inupiat people.

The oil companies, however, again moved the court for a stay. This time they sought to enjoin the Lieutenant Governor from making his certification pending the outcome of this first lawsuit against the Commission. The Superior Court denied the request and a few days later the oil companies asked the Supreme Court of Alaska to rule on the question. Three of the justices had to disqualify themselves for reasons of apparent connections with oil interests on the North Slope. The motion was decided by one of the two remaining justices who affirmed the decision of the Superior Court and allowed the Inupiat election to be certified.



With their lawsuit still pending, the oil companies continued to hold a cloud of litigation over the Inupiat. Because of it the borough had difficulty obtaining financing for planning and organization of the new government.

An additional complicating factor was that it was a totally new form of government being superimposed on a society governed previously by consensus. Now after 70 years, during which time there had been nothing in the colonial process to encourage self-respect and self-reliance in Inupiat people, it was time for self-determination. The oil companies were not making it any easier.

After more than a year of unsuccessful legal maneuvers by the oil companies to prevent the borough from actually beginning its operation, the Superior Court issued a memorandum decision on January 19, 1973. The Court

found in favor of the Inupiat on every point, specifically rejecting each of the contentions raised by the oil companies.

However, in what had been a war of financial attrition from the beginning, the oil companies with endless legal resources at their hands then appealed the Superior Court decision to the Supreme Court.

Once again NARF was in court on behalf of the Inupiat. Another year passed; the long tense days and nights of preparation of briefs were repeated. The strange silences in the court before and after oral arguments were there again. Then finally the decision came.

The system had worked for the Inupiat. The Alaska State Supreme Court upheld the decision of the Superior Court. The new Inupiat government was free to continue to move ahead with its plans.

Winning the Battle, Losing the War

Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians . . . reflects the rise and fall of our democratic faith.

— the late Felix Cohen, Esq.

Many problems were still ahead for the Eskimos in their giant borough, however. Hedging their bets in case the State Supreme Court failed to approve their appeal against the borough, the oil companies launched a bevy of lawsuits challenging the borough's taxing powers. They also sued the State of Alaska, attacking legislation providing for taxation and regulation of the oil industry by the State.

In September, 1974, Governor William Egan announced that as a result of secret talks with the oil industry growing out of their lawsuit against the State, a special session in the state legislature would be called.

This was an extraordinary move and showed how high the stakes were. Only twice before in the State's history had special legislative sessions been called: once in reaction to the disastrous Fairbanks Flood in 1967 and the other following the tragic 1964 earthquake.

It was clear that the oil companies had said that if certain legislation was passed, their suit against the State could be settled. Built into the proposed emergency legislative package were severe limitations on the power of the North Slope borough to tax the oil companies.

During the special session oil industry lobbyists in Juneau reportedly out-numbered state legislators. This factor, coupled

with industry pronouncements during the special session that in spite of congressional approval of the Trans Alaska Pipeline route the oil companies might not begin full operations on the North Slope unless they got their way made the pressure overwhelming. The Inupiat had won the battle in Court, but lost the war in the legislature.

The legislature passed a package which limited the power of all the boroughs to tax oil transportation, production, and refining facilities according to borough population. In addition, the local sales tax on oil and gas property was limited to the first \$1,000 of any sale. Of course, everyone knew that virtually all of this legislation was aimed at the North Slope Borough and the Inupiat. It is the only borough that the population area formula affects.

Self-Determination After Colonization

The Shamans were the Eskimos' television . . . revealing good and evil, past and future events — like looking at the bottom of a bucket of water.

The North Slope Borough is like a shaman predicting the future of local Native government and self-determination in Alaska. If it can continue to stand the tests of litigation and legislation, more than the intent of the draftsmen of Alaska's constitution may be vindicated. It may be the real

beginning of Indian self-determination after colonization. If it fails it may mean cultural genocide cannot be avoided even in the modern colonial process.

It was, of course predictable that the State of Alaska itself would become swept up in the role of the invader to the detriment of its individual Native citizens. Although the result will probably not totally destroy these determined people, nonetheless if the oil companies have their way too much, history may repeat itself.

Meanwhile, the North Slope Borough government is moving forward. The Inupiat are still 18 months away from having their first high school at Anaktuvuk Pass, but it does have temporary high school quarters for students who do not want to leave home in Point Hope and similar temporary facilities will soon be finished in Wainwright.

The master plan for Barrow has been completed and the large proposed high school and community complex there which includes the original BIA elementary school is being revamped with new architecture and engineering requirements.

It will take three more years to implement fully a Department of Health for the whole Borough, but village health helpers are being trained and are continuing to gain new skills.

The North Slope Borough assembly set a firm policy of unconditionally providing jobs for Natives on construction contracts for all of the public works projects on the Slope. Rare exceptions for non-Native people are made only for those jobs which require engineering or other professional skills not available yet among the Inupiat.

The Borough has more plans and its leaders are working hard to piece together a viable, Inupiat society in a rapidly changing homeland.



On the North Slope milk is \$2.95 a half gallon; bread, \$1.05 a loaf; beer, \$14 a case; Coke, 40 cents a can.

The Slope also has a Native Regional Corporation like 11 others throughout the state set up under the Alaskan Native Claims Settlement Act. Each Native owns 100 shares in his respective Corporation. These Corporations have hired geologists, consultants and attorneys. They have filed land selections, funds are being distributed to them under the Act and there are many lawsuits and squabbles. Get-rich-quick types and con-artists smell the money and not all of the regions have been able to keep clear of them. Even today most of the Natives have yet to receive the bulk of either their money or their land.

The Alaska pipeline has of course been approved. Its construction has begun and it will have an impact upon the North Slope villages throughout Alaska greater than even the first contact with white man.

Ahead lies a struggle between economic expedience and cultural genocide. The outcome for the Inupiat depends on whether the North Slope of Alaska will be dominated by the oil companies or by its original inhabitants.

The Role of The Native American Rights Fund

The role played by NARF in the establishment of the Inupiat's North Slope Borough is reflective of what NARF is trying to do all across the country — that is, to use legal tools to help Indian people preserve and protect their tribal existence and their resources, as well as to guarantee equal human rights and the accountability of the federal and state governments.

NARF was just coming into existence at the time the first proposals for the Alaska Native Claims Settlement Act were being

put together, and for this reason NARF attorneys were not asked to comment on the AFN proposal. Had they been asked, it is likely that NARF's role would have been limited, not only because the program was new, but because other legal resources were readily available to the Alaska Natives. In addition to lawyers like former Supreme Court Justice Arthur Goldberg, a bevy of claims attorneys were assisting whose fees, which totalled millions of dollars, will be paid as a part of a special \$2 million provision in the settlement package.

The effort to establish the North Slope Borough presented entirely different issues and circumstances. When the Inupiat people asked NARF to assist them they had little funds to pay their attorneys. The Claims Act had yet to be implemented and eventually payments would be made to the new Regional Corporations and not to the Arctic Slope Native Association which was spearheading the borough movement.

Further, the concept of establishing a Native-controlled government was high among those priorities set by NARF's all-Indian Steering Committee for the use of NARF's limited legal resources. The borough concept was one of the few remaining options open to the Inupiat as they struggled to keep their people and their culture alive following colonization. It was the first major step towards a program of self-determination in the more than 100-year-old Inupiat-American relationship.

Once the establishment of the borough was reaffirmed by the Supreme Court and the fledgling government was able to use part of its own revenues for legal counsel, NARF's role was reduced to providing only research and comments on the litigation strategies used in the other suits filed by the oil com-



panies to limit the borough's taxing power. These suits, filed out of court, were, of course, critical to the borough's ability to raise adequate revenues to service the 56.5 million acre area. However, the borough government also had, unlike before, its own financial resources which enabled it to retain private counsel.

Each year since 1971 NARF has faced a steadily increasing demand for its services. In allocating NARF resources the staff must follow the specific policy guidelines set by the Steering Committee, as well as deal with the practical realities of whether or not a particular client's problem can be solved through legal remedies.

There are always difficulties involved in raising the financial resources needed to operate a non-profit program. One promising new method, however, which NARF is exploring is court awarded attorney fees which reimburse the program for resources expended in winning cases.

(Continued on page 47.)



THE NATIONAL INDIAN LAW LIBRARY

The National Indian Law Library (NILL) is a project of the Native American Rights Fund. Established in 1972 with a grant from the Carnegie Corporation of New York, its main purpose is to serve as a national clearinghouse for attorneys and scholars working in the area of Indian law.

The recognition of the need for an Indian law library came from the practical experiences of NARF attorneys and others practicing Indian law. 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 this rapidly growing field. Many who were working on reservations and in rural Indian Communities lacked law libraries or other resources. Finally, until NILL was established, there was no center where current litigation in Indian law was being collected, assembled and made available to attorneys.

Since May, 1972, NILL has been collecting, cataloguing, and making available materials on Indian litigation and other matters concerning Indian law. Its holdings include legal memoranda and opinions, law review articles, special studies and governmental documents. In an effort to make NILL's holdings more accessible to tribes and attorneys, a comprehensive General Index to Indian law with more than 400 subject headings has been prepared by NARF and all of NILL's holdings are catalogued under this index. In addition, NILL materials are catalogued by tribe, state, plaintiff-defendant, 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. NILL makes every attempt to maintain case files with all the important documents filed in every court in which the case has been litigated. However, great reliance is placed on attorneys working in Indian law to contribute such documents to the NILL collection and contributions are welcomed.

Cases are shown with the essential data as follows.

001234 ————— NILL Acquisition No.
 Wisconsin v. Gurnoe, Richard.
 Wisc., Sup. Ct., Chippewa, 1970, d. 1972.
 State Court Tribe Dates

The line directly below the title gives the state, court(s), tribe(s), and applicable date(s). The courts are state courts unless shown as federal or tribal courts or an administrative agency. A date preceded by the letter "d" indicates that the case has been settled or decided. The date is the date of the earliest document in the file. 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 holding. 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

In 1973, Volume 1 of the NILL Catalogue was published listing NILL acquisitions from 001000 to 001700. Volume 2 was published in 1974, supplementing Volume 1. Volume 2 includes acquisitions from 001701 to 002300.

This Announcements supplement for NILL includes the next 100 acquisitions indexed by subject which have been acquired since the publication of Volume 2. Therefore, full and efficient use of the NILL collection requires the user to have both volumes of the Catalogue along with this supplement.

Users interested in items not indexed in the catalogues or supplement should request them anyway since new materials are added to NILL's holdings daily; and the NILL staff will make every effort to obtain or locate requested materials it does not have.

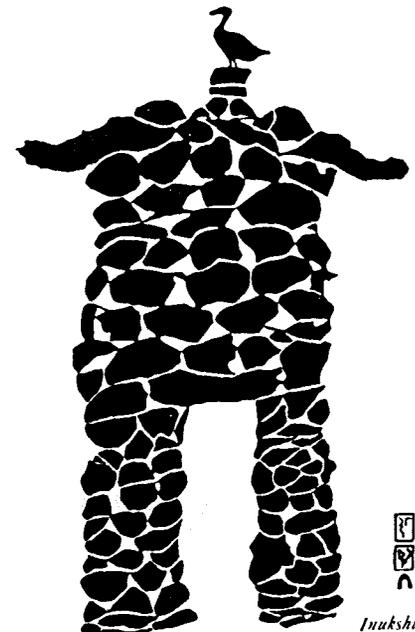
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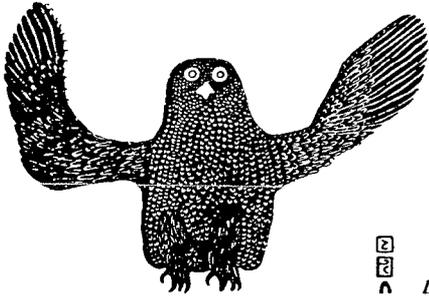
Most of NILL's holdings are available upon request. Requests for case material should be as specific as possible. For example, if one is interested only in documents filed in the United States Supreme Court and not in the lower federal courts, this should be stated in the request. This will eliminate unnecessary reproduction and mailing costs, and will enable the NILL staff to fill the order quickly. Some materials however, cannot be sent out because of copyright restrictions or because they are distributed by another agency. Examples of such materials are books, legal monographs, and unpublished law review articles. In such cases, information is given indicating where the material may be obtained.

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Inukshuk



2
3
A Large Owl

ABORIGINAL TITLE

002379

"Approaches to Settlement of Indian Title Claims: The Alaskan Model."

Article, *University of British Columbia Law Review* (Canada), 8:321.

Lysyk, Kenneth, 1973.

21 pgs.

ABORIGINAL TITLE: EXTINGUISHMENT

002358

California v. Hickox, Delmar Ralph.

Cal., Humboldt County Ct., Karok, 1974.

Indian asserts aboriginal right to hunt and fish off reservation free from state control.

002378

"The Indian Title Question in Canada: An Appraisal in the Light of Calder."

Article, *Canadian Bar Review* (Canada), 51:450.

Lysyk, Kenneth, 1973.

30 pgs.

ABORIGINAL TITLE: RECOGNITION OF

002352

Miami Tribe of Oklahoma v. United States.

Ind. Cl. Comm. Nos. 67, 124, Ct. Cl., Miami Tribe of Oklahoma, 1954, d. 1959, (C.002353).

Indian tribe entitled to further proceedings concerning value assigned by Commission to ceded lands which tribe had held by recognized title.

Opinions, 2 Ind. Cl. Comm. 617 (1954); 4 Ind. Cl. Comm. 346, 408 (1956); 146 Ct. Cl. 421; 175 F.Supp. 926 (1959).

002378

"The Indian Title Question in Canada: An Appraisal in the Light of Calder."

Article, *Canadian Bar Review* (Canada), 51:450.

Lysyk, Kenneth, 1973.

30 pgs.

ABORIGINAL TITLE: USE AND OCCUPANCY

002324

Iowa Tribe of the Iowa Reservation in Kansas and Nebraska v. United States.

Sac and Fox Tribe v. United States.

* means additional material available.

Ind. Cl. Comm. No. 135, Ct. Cl., Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, Sac and Fox, 1958, d. 1971.

Court of Claims refuses to upset findings of fact by Indian Claims Commission and affirms decision that tribes failed to prove aboriginal title to claimed lands. Opinions, 6 Ind. Cl. Comm. 496 (1958); 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 23, 383 F.2d 991, 999; cert. denied, 389 U.S. 900 (1967); 22 Ind. Cl. Comm. 232 (1969); 195 Ct. Cl. 365 (1971).

ADMINISTRATION OF INDIAN AFFAIRS

002311

American Indian Law: A Bibliography of Books, Law Review Articles and Indian Periodicals.

Compilation, University of New Mexico, School of Law. Sabatini, Joseph D., January, 1973.

40 pgs.

Available from:

American Indian Law Center

University of New Mexico

School of Law

Albuquerque, New Mexico 87106

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The New American State Papers: Indian Affairs.

Books, Scholarly Resources, Inc.

Cochran, Thomas C., editor, 1972.

Vol. 1: General: Indian Land Cessions, 1790-1841.

Vol. 2: General: Indian Land Cessions, 1842-1859.

Indian Health, Education, 1797, 1826.

Vol. 3: General: Indian Health, Education, 1828-1840.

Indian Trading, 1795-1825.

Vol. 4: Northwest: 1789-1846.

Vol. 5: Northwest: 1847-1860.

Vol. 6: Southeast: 1789-1827.

Vol. 7: Southeast: Indian Land Title Dispute With Georgia, Index and pages 1-431.

Vol. 8: Southeast: Indian Land Title Dispute With Georgia, pages 432-3rd.

Vol. 9: Southeast: 1828-1838.

Vol. 10: Southeast: 1838-1843.

Vol. 11: Southeast: 1843-1846.

Vol. 12: Southeast: 1846-1858.

Chickasaws, Choctaws, 1818-1839.

Vol. 13: Southeast: Chickasaws, Choctaws, 1841-1846. Plains Indians.

Available from:

Scholarly Resources, Inc.

1508 Pennsylvania Avenue

Wilmington, Delaware 19806



002331

1970 Census of Population: American Indians.
U.S. Bureau of the Census, Census of Population 1970,
Subject Reports, Final Report PC(2)-1F: American
Indians, 1973.

216 pgs.

Available from:

U.S. Government Printing Office
Washington, D.C. 20402

002332

"Questions and Answers on Federal Government
Indian Affairs."

Report, Bureau of Indian Affairs.

Office of Management and Budget, June 5, 1974.

96 pgs.

ADMINISTRATIVE LAW AND PROCEDURE: ADMINISTRATIVE DISCRETION

002304

Hopkins, Amos v. United States.

Cal., 9th Cir., d. 1969.

Allotment Act authorizes distribution of land among
Indians for agricultural use but that authorization does
not create vested right to allotment or preclude
exercise of discretion by Interior Secretary.

Opinion, 414 F.2d 464 (9th Cir. 1969).

002316

Redding, John v. Morton, Rogers C.B.

Mont., D. Mont., Crow, 1974.

Non-Indian lessees attempt to stop strip mining in their
area, stating B.I.A. approval of tribe's mining contract
was in violation of the National Environmental Policy
Act.

*

002338

Lawrence, Edwin E. v. United States.

Cal., 9th Cir., d. 1967.

Contract made by Indian without Interior Secretary's
approval to lease trust lands is declared null and void.
Opinion, 381 F.2d 989 (9th Cir. 1967).

002339

Leaf, Ike v. Udall, Stewart L.

Cal., N.D. Cal., Pit River, d. 1964.

Interior Secretary has discretion to disapprove at-
torneys' contract with tribal members to represent
them in claims matter.

Opinion, 235 F.Supp. 366 (N.D. Cal. 1964).

002364

Northern Inyo Hospital v. Fair Employment Practice
Commission of the State of California.

Cal., Ct. App., 1974.

State Fair Employment Commission did not abuse its
power in finding that failure to rehire Indian employee
constituted racial discrimination in employment.

Opinion, unreported.

002396

Navajo Tribe of Indians v. United States.

Ct. Cl., Navajo, d. 1966, (C.002395).

Reimbursable appropriations to tribe by Congress
which Interior Secretary had exclusive discretion to
adjust or eliminate were not proper subject of counter
claim in suit by tribe against government.

Opinion, 177 Ct. Cl. 365; 368 F.2d 279 (1966).

002398

Omaha Tribe of Nebraska v. Walthill, Village of.

Neb., D. Neb., 8th Cir., Omaha Tribe of Nebraska, 1971,
d. 1972.

Federal government empowered to accept
retrocession of less than all criminal jurisdiction over
Indian country offered by state.

Opinion, 334 F.Supp. 823 (D.Neb. 1971); aff'd, 460 F.2d
1327 (8th Cir. 1972).

ALLOTMENTS: RIGHT TO

002304

Hopkins, Amos v. United States.

Cal., 9th Cir., d. 1969.

Allotment Act authorizes distribution of land among
Indians for agricultural use but that authorization does
not create vested right to allotment or preclude
exercise of discretion by Interior Secretary.

Opinion, 414 F.2d 464 (9th Cir. 1969).

002340

Lewis, Gary Carson v. General Services Ad-
ministration.

Cal., 9th Cir., d. 1967.

Indians not entitled to allotments on government lands
acquired by eminent domain for military purposes and
later offered for sale to private persons.

Opinion, 377 F.2d 499 (9th Cir. 1969).

002361

Pallin, Irene Mitchell v. United States.

Cal., 9th Cir., Yurok, 1974.

Court may review evidence concerning Indian's right
to allotment but not Interior Secretary's classification
of land considered for allotment, and no allotment is
permissible where land is incapable of supporting
Indian and his family.

Opinion, 496 F.2d 27 (9th Cir. 1974).

* means additional material available.



Arctic Shore Birds

ALLOTMENTS: SELECTION AND APPROVAL

002304

Hopkins, Amos v. United States.
Cal., 9th Cir., d. 1969.

Allotment Act authorizes distribution of land among Indians for agricultural use but that authorization does not create vested right to allotment or preclude exercise of discretion by Interior Secretary.
Opinion, 414 F.2d 464 (9th Cir. 1969).

002340

Lewis, Gary Carson v. General Services Administration.

Cal., 9th Cir., d. 1967.

Indians not entitled to allotments on government lands acquired by eminent domain for military purposes and later offered for sale to private persons.
Opinion, 377 F.2d 499 (9th Cir. 1967).

ATTORNEYS: CONTRACTS, FEDERAL APPROVAL

002339

Leaf, Ike v. Udall, Stewart L.
Cal., N.D. Cal., Pit River, d. 1964.

Interior Secretary has discretion to disapprove attorneys' contract with tribal members to represent them in claims matter.

Opinion, 235 F.Supp. 366 (N.D. Cal. 1964).

ATTORNEYS: U.S. ATTORNEY TO REPRESENT INDIANS

002341

Lyngstad, Leonard v. Roy, Anna.
N.D., Sup. Ct., Chippewa, d. 1961.

Off-reservation land purchased by Indian with proceeds from sale of crops raised on trust land is not exempt from state taxes.

Opinion, 111 N.W.2d 699 (N.D. 1961).

BUREAU OF INDIAN AFFAIRS

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The New American State Papers: Indian Affairs.
Books, Scholarly Resources, Inc.

Cochran, Thomas C., editor, 1972.

For volume titles, see Administration of Indian Affairs, number 002320.

Available from:

Scholarly Resources, Inc.
1508 Pennsylvania Avenue
Wilmington, Delaware 19806

BUREAU OF INDIAN AFFAIRS: SERVICES, ENTITLEMENT AND ELIGIBILITY

002312

Duncan, Ambrose, Jr. v. Morton, Rogers C.B.
Cal., N.D. Cal., Pomo, Covelo, 1974, (C.002197).

Indians allege that termination of their reservation violated due process standards which resulted in loss of valuable federal services.

*

CAPACITY TO SUE

002316

Redding, John v. Morton, Rogers C.B.
Mont., D. Mont., Crow, 1974.

Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.

*

CAPACITY TO SUE: INDISPENSABLE PARTY

002400

Pan American Petroleum Corp. v. Udall, Stewart.
Wash., D.C., D.D.C., Three Affiliated Tribes of Fort Berthold, d. 1961.

Interior Secretary prohibited from imposing an arbitrary compensatory royalty on lessee of mineral rights in favor of allottee who owned adjacent producing well.

Opinion, 192 F.Supp. 626 (D.D.C. 1961).

CAPACITY TO SUE: INDIVIDUAL INDIANS; TREATY RIGHTS

002333

Kansas City, Kansas, City of v. United States.
Kan., D. Kan., U.S. Sup. Ct., Wyandotte, 1960, d. 1961.

Individual Indian has no standing to challenge statute abrogating treaty provision which had set aside tract of land to be used as cemetery.

Opinion, 192 F.Supp. 179 (D. Kan. 1960); aff'd, 365 U.S. 568 (1961).

* means additional material available.



CAPACITY TO SUE: INTERVENTION

002356

Mole Lake Band v. United States.

Ct. Cl., Chippewa, d. 1956.

Where reservation included lands which previously had been granted to state, government remained obligated to Indians to secure to them the enjoyment and proceeds from those lands.

Opinion, 134 Ct. Cl. 478; 139 F.Supp. 938 (1956); cert. denied, 352 U.S. 892 (1956).

CITIZENSHIP: INDIANS AS CITIZENS

002362

United States v. Rosebear, Robert Gene.

Minn., D. Minn., 8th Cir., Chippewa, 1973, d. 1974, (C.002554).

Indians are citizens within terms of Selective Service Act and thus are subject to being drafted into the armed forces.

* Opinions, 353 F.Supp. 121 (D. Minn. 1973); 500 F.2d 1102 (8th Cir. 1974).

CIVIL JURISDICTION: CIVIL ACTIONS ARISING IN INDIAN COUNTRY

002336

Kaine, Ruben v. Wilson, Frank.

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

State court has no jurisdiction over civil action brought by non-Indian against tribal Indian for wrongful use and possession of fee land located in Indian country.

Opinion, 83 S.D. 477, 161 N.W.2d 704 (S.D. 1968).

002392

Morgan, Adrian v. Colorado River Indian Tribe.

Ariz., Ct. App., Sup. Ct., Colorado River Indian Tribe, d. 1968.

Tribe's sovereign immunity protects it from suit in state court for wrongful death which occurred at tribally owned enterprise.

Opinion, 7 Ariz. App. 92, 436 P.2d 484 (Ariz. App. 1968); vacated, 103 Ariz. 425, 443 P.2d 421 (Ariz. 1968).

CIVIL JURISDICTION: CONSENT TO APPLICATION OF STATE LAWS

002375

Hunt, Emmett v. O'Cheskey, Fred L.

N.M., Ct. App., Sup. Ct., Laguna, d. 1973.

State may not tax gross receipts on income of Indians residing on reservation when income and gross receipts are derived solely from on-reservation activities.

Opinion, 85 N.M. 381, 512 P.2d 954 (N.M. App. 1973); cert. quashed, 85 N.M. 388, 512 P.2d 961 (N.M. 1973).

002392

Morgan, Adrian v. Colorado River Indian Tribe.

Ariz., Ct. App., Sup. Ct., Colorado River Indian Tribe, d. 1968.

Tribe's sovereign immunity protects it from suit in state court for wrongful death which occurred at tribally owned enterprise.

Opinion, 7 Ariz. App. 92, 436 P.2d 484 (Ariz. App. 1968); vacated, 103 Ariz. 425, 443 P.2d 421 (Ariz. 1968).

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

002306

Alexis, Karen and Patricia, In re the Welfare of.

Wash., Super. Ct., Suquamish, 1973.

Indians assert that tribal court has jurisdiction over state custody proceeding in which non-Indian foster parents seek to adopt Indian children.

*

CIVIL JURISDICTION: INDIAN COUNTRY

002336

Kain, Ruben v. Wilson, Frank.

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

State court has no jurisdiction over civil action brought by non-Indian against tribal Indian for wrongful use and possession of fee land located in Indian country.

Opinion, 83 S.D. 477, 161 N.W.2d 704 (S.D. 1968).

CIVIL JURISDICTION: LICENSING, BUSINESSES

002326

Industrial Uranium Co. v. State Tax Commission.

Ariz., Sup. Ct., Navajo, d. 1963.

State may levy privilege tax on mining operation on reservation because such taxation does not interfere

* means additional material available.



Man Trying to Catch a Goose

with tribal self-government or rights protected by treaty or federal statute.
Opinion, 95 Ariz. 130, 387 P.2d 1013 (Ariz. 1963).

CIVIL JURISDICTION: LOCAL LAWS AND ORDINANCES

002307

Madrigal, Lela v. Riverside, County of. Cal., 9th Cir., Cahuilla, 1974, (C.001209, 001002). Suit to enjoin enforcement of county building, zoning and outdoor festival ordinances claimed not to be applicable on Indian trust land.
Opinion, 495 F.2d 1 (9th Cir. 1974).

CIVIL JURISDICTION: RULES OF CIVIL PROCEDURE

002346

Martinez, Mary v. Seaton, Fred. Colo., 10th Cir., Southern Ute, d. 1961. Indian, who sought declaration of her tribal rights, could not validly acquire jurisdiction in District of Colorado over Interior Secretary by serving him as he traveled in the state.
Opinion, 285 F.2d 587 (10th Cir. 1961).

002359

Aguchak, Luther R. v. Montgomery Ward Co., Inc. Alas., Sup. Ct., Alaskan Natives, 1974. Form of summons served upon indigent bush residents so inadequately notified them of their rights and obligations in small claims proceedings that they were denied due process of law.
* Opinion, 520 P.2d 1352 (Alas. 1974).

CIVIL RIGHTS

002369

Frazier, Mary K. v. Morton, Rogers C.B. S.D., D.S.D., 1974. Non-Indian Bureau of Indian Affairs employee challenges Indian preference employment policy.
*

002387

United States v. Bushyhead, Henry. Okla., W.D. Okla., 1974. Indians contend that federal statutes and regulations prohibiting use of birds protected by international treaty cannot be applied to their use for religious and cultural purposes.
*

* means additional material available.

CIVIL RIGHTS: EQUAL PROTECTION

002305

Wisconsin v. Diamond, Roger. Wisc., W.D. Wisc., Lac Courte Oreilles Band of Chippewa, 1974. Indian seeks removal to federal court of state criminal proceeding against him for fishing in violation of state regulations.
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002323

Teterud, Jerry V. Gillman, James. Iowa, S.D. Iowa, Cree, 1973. Class action brought under the First and Fourteenth amendments by Indian inmate claiming a constitutional right to wear hair longer than prison regulations allow.
*

002368

Wachacha, Mose v. Eastern Band of Cherokee Indians, Inc. N.C., W.D.N.C., Eastern Band of Cherokee, 1974. Indians seek reapportionment of representation on tribal council and contend that two duly elected officials are being denied their seats on council.
*

CIVIL RIGHTS: PRISONERS' RIGHTS

002323

Teterud, Jerry v. Gillman, James. Iowa, S.D. Iowa, Cree, 1973. Class action brought under the First and Fourteenth amendments by Indian inmate claiming a constitutional right to wear hair longer than prison regulations allow.
*

CIVIL RIGHTS: STATE ACTION

002364

Northern Inyo Hospital v. Fair Employment Practice Commission of the State of California. Cal., Ct. App., 1974. State Fair Employment Commission did not abuse its power in finding that failure to rehire Indian employee constituted racial discrimination in employment.
Opinion, unreported.

002394

Native American Church of Navajoland, Inc. v. Arizona Corporation Commission. Ariz., D. Ariz., U.S. Sup. Ct., Navajo, 1971, d. 1972. Federal court refuses to declare unconstitutional a



criminal statute barring peyote use in suit challenging denial of certificate of incorporation to Indian religious organization.
Opinions, 329 F.Supp. 907 (D. Ariz. 1971); *aff'd*, 405 U.S. 901, 30 L.Ed.2d 775, 92 S.Ct. 934 (1972).

CIVIL RIGHTS: TRIBAL ACTION

002342
Loucasson, Lorraine v. Leekity, Willis.
N.M., D.N.M., Zuni, d. 1971.
Federal court has jurisdiction under Indian Civil Rights Act to determine Indian's damage claim against police officer and tribe.
Opinion, 334 F.Supp. 370 (D.N.M. 1971).

002368
Wachacha, Mose v. Eastern Band of Cherokee Indians, Inc.
N.C., W.D.N.C., Eastern Band of Cherokee, 1974.
Indians seek reapportionment of representation on tribal council and contend that two duly elected officials are being denied their seats on council.
*

CLAIMS AGAINST UNITED STATES

002379
"Approaches to Settlement of Indian Title Claims: The Alaskan Model."
Article, University of British Columbia Law Review (Canada), 8:321.
Lysyk, Kenneth, 1973.
21 pgs.

002396
Navajo Tribe of Indians v. United States.
Ct. Cl., Navajo, d. 1966, (C.002395).
Reimbursable appropriations to tribe by Congress which Interior Secretary had exclusive discretion to adjust or eliminate were not proper subject of counter claim in suit by tribe against government.
Opinion, 177 Ct. Cl. 365, 368 F.2d 279 (1966).

CONFLICT OF INTEREST

002395
Navajo Tribe of Indians v. United States.
Ct. Cl., Navajo, d. 1966, (C.002396).
Terms of lease negotiated by government on tribe's behalf implicitly included helium deposits for which tribe is entitled to additional compensation.
Opinion, 176 Ct. Cl. 502, 364 F.2d 320 (1966).

* means additional material available.

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

002345
Maryland Casualty Co. v. Citizens National Bank of West Hollywood.
Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.
Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.
Opinion, 361 F.2d 517 (5th Cir. 1966).

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

002326
Industrial Uranium Co. v. State Tax Commission.
Ariz., Sup. Ct., Navajo, d. 1963.
State may levy privilege tax on mining operation on reservation because such taxation does not interfere with tribal self-government or rights protected by treaty or federal statute.
Opinion, 95 Ariz. 130, 387 P.2d 1013 (Ariz. 1963).

002397
Navajo Tribe v. National Labor Relations Board.
Wash., D.C., D.C. Cir., Navajo, d. 1961.
National Labor Relations Board has jurisdiction to hold union representation election in mining plant located on reservation although tribal government objected to it.
Opinion, 288 F.2d 162 (D.C.Cir. 1961); *cert. denied*, 366 U.S. 928 (1961).

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

002329
Humboldt, County of v. Swoap, David B.
Cal., Super. Ct., 1973.
Students challenge county welfare department's inclusion of their federal education grant as available income to reduce their welfare benefits.
* Opinion, unreported.



I Saw a Strange Bird

COURT OF CLAIMS: APPEALS FROM INDIAN CLAIMS COMMISSION

002324

Iowa Tribe of the Iowa Reservation in Kansas and Nebraska v. United States.

Sac and Fox Tribe v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, Sac and Fox, 1958, d. 1971.

Court of Claims refuses to upset findings of fact by Indian Claims Commission and affirms decision that tribes failed to prove aboriginal title to claimed lands. Opinions, 6 Ind. Cl. Comm. 496 (1958); 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 23, 383 F.2d 991, 999; cert. denied, 389 U.S. 900 (1967); 22 Ind. Cl. Comm. 232 (1969); 195 Ct. Cl. 365 (1971).

002353

Miami Tribe of Oklahoma v. United States.

Ind. Cl. Comm. Nos. 251, 124-A, Ct. Cl., Miami Tribe of Indiana, Miami Tribe of Oklahoma, 1958, d. 1960, (C.002352).

Tribe awarded additional compensation for land cession and for annuity payments which were commuted without tribe's consent.

Opinions, 6 Ind. Cl. Comm. 513, 552 (1958); 150 Ct. Cl. 725, 281 F.2d 202 (1960); cert. denied, 366 U.S. 924 (1961).

CREDIT AND LOANS: TO INDIVIDUALS

002359

Aguchak, Luther R. v. Montgomery Ward Co., Inc.
Alas., Sup. Ct., Alaskan Natives, 1974.

Form of summons served upon indigent bush residents so inadequately notified them of their rights and obligations in small claims proceedings that they were denied due process of law.

* Opinion, 502 P.2d 1352 (Alas. 1974).

002370

Ben, Irene Mark v. General Motors Acceptance Corporation.

Colo., D. Colo., Navajo, 1974.

Federal court has jurisdiction to hear civil rights claim that insurance company charges high risk rates to Indian automobile purchasers without regard to any criterion but race.

Opinion, 374 F.Supp. 1199 (D. Colo. 1974).

* means additional material available.

CREDIT AND LOANS: TO TRIBES

002345

Maryland Casualty Co. v. Citizens National Bank of West Hollywood.

Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.

Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.

Opinion, 361 F.2d 517 (5th Cir. 1966).

002374

Hydaburg Cooperative Association v. Morton, Rogers C.B.

Alas., D. Alas., Alaska Natives, 1974.

Alaska village challenges modification of federal contract resulting in discontinuance of government sponsored cannery operation upon which village economy depends.

*

002396

Navajo Tribe of Indians v. United States.

Ct. Cl., Navajo, d. 1966, (C.002395).

Reimbursable appropriations to tribe by Congress which Interior Secretary had exclusive discretion to adjust or eliminate were not proper subject of counter claim in suit by tribe against government.

Opinion, 177 Ct. Cl. 365, 368 F.2d 279 (1966).

CRIMINAL JURISDICTION: CONSENT TO APPLICATION OF STATE LAWS

002343

McCoy, Frank, In re.

N.C., E.D.N.C., Eastern Cherokee, d. 1964.

State acquired criminal jurisdiction over Indian band and its lands when band refused to accompany tribe to new reservation which had been established by federal treaty.

Opinion, 233 F.Supp. 409 (E.D.N.C. 1964).

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

002366

New York v. Redeye, James Winston.

N.Y., Cattaraugus County Ct., Seneca, 1974.

Indians seek to prevent application of state hunting regulations on reservation.

* Opinion, unreported.



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

002305

Wisconsin v. Diamond, Roger.
Wisc., W.D. Wisc., Lac Courte Oreilles Band of Chippewa, 1974.

Indian seeks removal to federal court of state criminal proceeding against him for fishing in violation of state regulations.

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CRIMINAL JURISDICTION: INDIAN COUNTRY

002302

Howard, Dallas, In re Petition of.
Mont., Sup. Ct., d. 1970.

Habeas corpus relief denied to Indian arrested on reservation by county sheriff deputized by B.I.A. for violations of parole imposed after conviction in state court.

Opinion, 466 P.2d 82 (Mont. 1970).

002328

Cook, Donald v. South Dakota.
S.D., Sup. Ct., Concow, Redwood, 1973, d. 1974.

Indian need not be member of tribe on whose reservation he allegedly committed crime to be exempt from state jurisdiction; however, state has jurisdiction over all persons on diminished portion of reservation opened to non-Indian settlement.

* Opinion, 215 N.W.2d 832 (S.D. 1974).

002337

Lafferty, Henry v. South Dakota.
S.D., Sup. Ct., Cheyenne River Sioux, d. 1963.

State has criminal jurisdiction over that portion of reservation which was opened to non-Indian settlement by federal statute.

Opinion, 125 N.W.2d 171 (S.D. 1963).

002343

McCoy, Frank, In re.
N.C., E.D.N.C., Eastern Cherokee, d. 1964.

State acquired criminal jurisdiction over Indian band and its lands when band refused to accompany tribe to new reservation which had been established by federal treaty.

Opinion, 233 F.Supp. 409 (E.D.N.C. 1964).

002357

Monroe, Alice, Application of.
Wash., Sup. Ct., Blackfeet, d. 1959.

Indian who is accessory to grand larceny committed on reservation is subject to exclusive federal criminal jurisdiction.

Opinion, 346 P.2d 667 (Wash. 1959).

002376

Wyoming v. Moss, John Pius.
Wyo., Dist. Ct., Sup. Ct., Arapahoe, 1969, d. 1970.

Lands formerly within reservation which were ceded to government are no longer Indian country for purpose of criminal jurisdiction.

* Opinion, 471 P.2d 333 (Wyo. 1970).

002398

Omaha Tribe of Nebraska v. Walthill, Village of.
Neb., D. Neb., 8th Cir., Omaha Tribe of Nebraska, 1971, d. 1972.

Federal government empowered to accept retrocession of less than all criminal jurisdiction over Indian country offered by state.

Opinion, 334 F.Supp. 823 (D.Neb. 1971); aff'd, 460 F.2d 1327 (8th Cir. 1972).

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

002335

Kills Crow, Arnold v. United States.
S.D., 8th Cir., d. 1971.

Indian indicted under Major Crimes Act is not entitled to jury instruction on lesser included offense of simple assault.

Opinion, 451 F.2d 323 (8th Cir. 1971).

002355

Mull, Charles v. United States.
Ariz., 9th Cir., U.S. Sup. Ct., San Carlos Apache, 1968, d. 1969.

Court finds that Major Crimes Act does not unconstitutionally discriminate on basis of race and refuses to permit consideration of defense to crime based on Apache culture.

Opinion, 402 F.2d 571 (9th Cir. 1968); cert. denied, 393 U.S. 110 (1969).

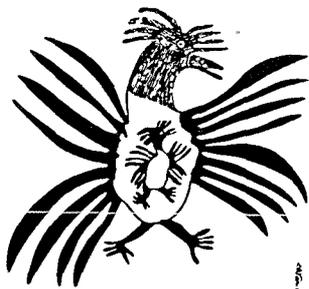
002357

Monroe, Alice, Application of.
Wash., Sup. Ct., Blackfeet, d. 1959.

Indian who is accessory to grand larceny committed on reservation is subject to exclusive federal criminal jurisdiction.

Opinion, 346 P.2d 667 (Wash. 1959).

* means additional material available.



The bird within

CUSTOMS, TRADITIONS, AND CULTURE

002308

Goodman, Irene, In re.
Utah, Dist. Juv. Ct., Navajo, 1971.
State court refuses to terminate parental rights of Navajo Indian.
* Opinion, unreported.

002311

American Indian Law: A Bibliography of Books, Law Review Articles and Indian Periodicals.
Compilation, University of New Mexico, School of Law. Sabatini, Joseph D., January, 1973.
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Available from:
American Indian Law Center
University of New Mexico
School of Law
Albuquerque, New Mexico 87106

002355

Mull, Charles v. United States.
Ariz., 9th Cir., U.S. Sup. Ct., San Carlos Apache, 1968, d. 1969.
Court finds that Major Crimes Act does not unconstitutionally discriminate on basis of race and refuses to permit consideration of defense to crime based on Apache culture.
Opinion, 402 F.2d 571 (9th Cir. 1968), cert. denied, 393 U.S. 1107 (1969).

002362

United States v. Rosebear, Robert Gene.
Minn., D. Minn., 8th Cir., Chippewa, 1973, d. 1974, (C.002554).
Indians are citizens within terms of Selective Service Act and thus are subject to being drafted into the armed forces.
* Opinions, 353 F.Supp. 121 (D.Minn. 1973), 500 F.2d 1102 (8th Cir. 1974).

CUSTOMS, TRADITIONS AND CULTURE: DEFAMATION OF

002313

United States v. Diaz, Ben.
Ariz., D. Ariz., 9th Cir., San Carlos Apache, 1973.
Trader challenges application of federal antiquity statute to five-year-old Indian artifacts which he is accused to taking from a reservation.
*

* means additional material available.

002318

Indian Arts and Crafts, In the Matter of.
James L. Houston Co., In the Matter of.
Krupp, Herman d.b.a. Oceanic Trading Co., In the Matter of.
Lange Heinz d.b.a. Northwest Arts and Crafts, In the Matter of.
Leonard F. Porter, Inc., In the Matter of.
Western Novelty Co., In the Matter of.
Federal Trade Commission, Alaska Natives, 1974.
Federal Trade Commission sues marketers of arts and crafts for misrepresenting that their products are hand-made by Alaska Natives.
*

CUSTOMS, TRADITIONS, AND CULTURE: RELIGION

002323

Teterud, Jerry v. Gillman, James.
Iowa, S.D. Iowa, Cree, 1973.
Class action brought under the First and Fourteenth amendments by Indian inmate claiming a constitutional right to wear hair longer than prison regulations allow.
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002387

United States v. Bushyhead, Henry.
Okla., W.D. Okla., 1974.
Indians contend that federal statutes and regulations prohibiting use of birds protected by international treaty cannot be applied to their use for religious and cultural purposes.
*

002394

Native American Church of Navajoland, Inc., v. Arizona Corporation Commission.
Ariz., D. Ariz., U.S. Sup. Ct., Navajo, 1971, d. 1972.
Federal court refuses to declare unconstitutional a criminal statute barring peyote use in suit challenging denial of certificate of incorporation to Indian religious organization.
Opinion, 329 F.Supp. 907 (D. Ariz. 1971); aff'd, 405 U.S. 901, 30 L.Ed.2d 775, 92 S.Ct. 934 (1972).

DOMESTIC RELATIONS: CUSTODY

002319

Wakefield, M. Brent v. Little Light, Gall.
Md., Cir. Ct., Crow, 1973.
Non-Indian couple seeks permanent custody of Indian child.
*



DOMESTIC RELATIONS: DIVORCE

002327

Conroy, Evelyn Sybil v. Conroy, Gerry.
S.D., D.S.D., Oglala Sioux, 1972, d. 1973.

Federal court has no jurisdiction in suit seeking declaration that wife is entitled to one-half interest in all trust lands acquired by her husband during their marriage.

* Opinion, 369 F.Supp. 179 (D.S.D., 1973).

DUE PROCESS

002312

Duncan, Ambrose, Jr. v. Morton, Rogers C.B.
Cal., N.D.Cal., Pomo, Covelo, 1974, (C.002197).

Indians allege that termination of their reservation violated due process standards which resulted in loss of valuable federal services.

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002335

Kills Crow, Arnold v. United States.
S.D., 8th Cir., d. 1971.

Indian indicted under Major Crimes Act is not entitled to jury instruction on lesser included offense of simple assault.

Opinion, 451 F.2d 323 (8th Cir. 1971).

002355

Mull, Charles v. United States.
Ariz., 9th Cir., U.S. Sup. Ct., San Carlos Apache, 1968, d. 1969.

Court finds that Major Crimes Act does not unconstitutionally discriminate on basis of race and refuses to permit consideration of defense to crime based on Apache culture.

Opinion, 402 F.2d 571 (1968); cert. denied, 393 U.S. 110 (1969).

002359

Aguchak, Luther R. v. Montgomery Ward Co., Inc.
Alas., Sup. Ct., Alaskan Natives, 1974.

Form of summons served upon indigent bush residents so inadequately notified them on their rights and obligations in small claims proceedings that they were denied due process of law.

* Opinion, 502 P.2d 1352 (Alas. 1974).

002384

Daniels, Cynthia v. Morton, Rogers C.B.
Cal., N.D. Cal., California Indians, 1974.

Indians seek to enjoin interference with water service to their property located on rancheria.

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* means additional material available.

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS; PROBATE HEARINGS

002372

Bigheart, Velma Rose v. Pappan, John.

Okla., 10th Cir., U.S. Sup. Ct., 1973, 1974.

Federal statute restricting inheritance of trust property to those of Indian blood is not unconstitutional and supercedes state law entitling spouse to share in estate regardless of provisions in will.

* Opinion, 482 F.2d 1066 (10th Cir. 1973); cert. denied, ___U.S. ___, 40 L.Ed.2d 288 (1974).

DUE PROCESS: ADMINISTRATIVE PROCEEDINGS; RULE MAKING

002387

United States v. Bushyhead, Henry.

Okla., W.D. Okla., 1974.

Indians contend that federal statutes and regulations prohibiting use of birds protected by international treaty cannot be applied to their use for religious and cultural purposes.

*

EDUCATION

002310

"On Teaching Indian History: Legal Jurisdiction in Chippewa Treaties."

Article, Ethnohistory, 19:209.

Keller, Robert H., Jr., Summer 1972.

10 pgs.

002311

American Indian Law: A Bibliography of Books, Law Review Articles and Indian Periodicals.

Compilation, University of New Mexico, School of Law.

Sabatini, Joseph D., January, 1973.

40 pgs.

Available from:

American Indian Law Center

University of New Mexico

School of Law

Albuquerque, New Mexico 87106

002329

Humboldt, County of v. Swoap, David B.

Cal., Super. Ct., 1973.

Students challenge county welfare department's inclusion of their federal education grant as available income to reduce their welfare benefits.

* Opinion, unreported.



Owl with Young

002332
"Questions and Answers on Federal Government
Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

002380
First Annual Report to the Congress of the United
States From the National Advisory Council on Indian
Education.
Report.
National Advisory Council on Indian Education,
March, 1974.
Volume I, 60 pgs., Volume II, 579 pgs.
Available from:
National Advisory Council on Indian Education
Pennsylvania Building, Suite 326
425 13th Street, N.W.
Washington, D.C. 20004

EMINENT DOMAIN: ALLOTMENTS

002399
Nicodemus, Julia v. Washington Water Power Com-
pany.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility
easement across allotment without Interior
Secretary's approval by eminent domain proceeding in
federal court.
Opinion 264 F.2d 614 (9th Cir. 1959).

EMINENT DOMAIN: FEDERAL POWERS

002353
Miami Tribe of Oklahoma v. United States.
Ind. Cl. Comm. Nos. 251, 124-A, Ct. Cl., Miami Tribe of
Indiana, Miami Tribe of Oklahoma, 1958, d. 1960,
(C.002352).
Tribe awarded additional compensation for land
cession and for annuity payments which were com-
muted without tribe's consent.
Opinions, 6 Ind. Cl. Comm. 513, 552 (1958); 150 Ct. Cl.
725, 281 F.2d 202 (1960); cert. denied, 366 U.S. 924
(1961).

EMINENT DOMAIN: STATE POWERS

002363
Seneca Nation of Indians v. New York.
N.Y., W.D.N.Y., Seneca, 1974.
Tribe contends that New York laws cannot be used to
appropriate tribal lands for highway purposes.
*

002399
Nicodemus, Julia v. Washington Water Power Com-
pany.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility
easement across allotment without Interior
Secretary's approval by eminent domain proceeding in
federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

EMINENT DOMAIN: TRIBAL LAND

002363
Seneca Nation of Indians v. New York.
N.Y., W.D.N.Y., Seneca, 1974.
Tribe contends that New York laws cannot be used to
appropriate tribal lands for highway purposes.
*

EMPLOYMENT

002332
"Questions and Answers on Federal Government
Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

EMPLOYMENT: B.I.A. PREFERENCE FOR INDIANS

002369
Frazier, Mary K. v. Morton, Rogers C.B.
S.D., D.S.D., 1974.
Non-Indian Bureau of Indian Affairs employee
challenges Indian preference employment policy.
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* means additional material available.



EMPLOYMENT: DISCRIMINATION BY EMPLOYERS

002364
Northern Inyo Hospital v. Fair Employment Practice Commission of the State of California. Cal., Ct. App., 1974.
State Fair Employment Commission did not abuse its power in finding that failure to rehire Indian employee constituted racial discrimination in employment. Opinion, unreported.

ENROLLMENT: QUALIFICATIONS

002389
Helm, Myrtle Sandaine v. Nicholson, Narcisse, Jr. Wash., E.D. Wash., Colville, d. 1971.
Federal court assertedly has no jurisdiction over suit by Indian against United States in which she seeks reinstatement as tribal member.
*

ENVIRONMENTAL REGULATION: NATIONAL ENVIRONMENTAL POLICY ACT

002314
Report of Environmental Factors by the Department of the Interior and the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians Submitted in Support of Interior's Recapture Recommendation and the Indian Bands' Application for a Non-Power License.
Report to the Federal Power Commission. Secretary of the Interior, La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians, 1974, (C.001261).
289 pgs.

002316
Redding, John v. Morton, Rogers C.B. Mont., D. Mont., Crow, 1974.
Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.
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ENVIRONMENTAL REGULATION: TRIBAL POWERS

002316
Redding, John v. Morton, Rogers C.B. Mont., D. Mont., Crow, 1974.
Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.
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FEDERAL AUTHORITY OVER INDIAN AFFAIRS

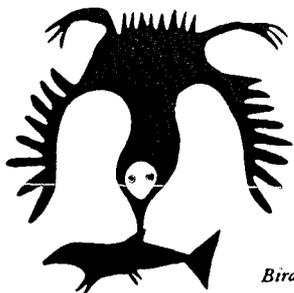
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The New American State Papers: Indian Affairs. Books, Scholarly Resources, Inc. Cochran, Thomas C., editor, 1972.
For volume titles, see Administration of Indian Affairs, number 002320.
Available from:
Scholarly Resources, Inc. 1508 Pennsylvania Avenue Wilmington, Delaware 19806

002398
Omaha Tribe of Nebraska v. Walthill, Village of. Neb., D.Neb., 8th Cir., Omaha Tribe of Nebraska, 1971, d. 1972.
Federal government empowered to accept retrocession of less than all criminal jurisdiction over Indian country offered by state. Opinion, 334 F.Supp. 823 (D.Neb. 1971); aff'd, 460 F.2d 1327 (8th Cir. 1972).

FEDERAL AUTHORITY OVER INDIAN AFFAIRS: CONTRACTS

002374
Hydaburg Cooperative Association v. Morton, Rogers C.B. Alas., D. Alas., Alaska Natives, 1974.
Alaska village challenges modification of federal contract resulting in discontinuance of government sponsored cannery operation upon which village economy depends.
*

* means additional material available.



Bird with a Fish

FEDERAL AUTHORITY OVER INDIAN AFFAIRS: FUNDS; INDIVIDUAL

002386

Boures, Juanita v. Morris, Charles R.
Wash., Super. Ct., Alaska Natives, 1974.
Suit claiming that income from Alaska Native Claims Settlement Act should not be considered available resource in determining welfare eligibility.

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FEDERAL AUTHORITY OVER INDIAN AFFAIRS: FUNDS; TRIBAL

002345

Maryland Casualty Co. v. Citizens National Bank of West Hollywood.
Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.
Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.
Opinion, 361 F.2d 517 (5th Cir. 1966).

FEDERAL AUTHORITY OVER INDIAN AFFAIRS: LICENSING AND REGULATION

002307

Madrigal, Lela v. Riverside, County of.
Cal., 9th Cir., Cahuilla, 1974, (C.001209, 001002).
Suit to enjoin enforcement of county building, zoning and outdoor festival ordinances claimed not to be applicable on Indian trust land.
Opinion, 495 F.2d 1 (9th Cir. 1974).

FEDERAL BENEFITS, ENTITLEMENT TO

002322

Decoteau, John W. v. Tangdahl, T.N.
N.D., D.N.D., Turtle Mountain Chippewa, Sisseton-Wahpeton Sioux, Devils Lake Sioux, 1974.
Tribes and individual Indians seek to compel implementation of Food Stamp Program on reservations in North Dakota.

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002329

Humboldt, County of v. Swoap, David B.
Cal., Super. Ct., 1973.
Students challenge county welfare department's inclusion of their federal education grant as available income to reduce their welfare benefits.
* Opinion, unreported.

* means additional material available.

FEDERAL BENEFITS, ENTITLEMENT TO: WELFARE

002332

"Questions and Answers on Federal Government Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

FEDERAL POWER COMMISSION

002314

Report of Environmental Factors by the Department of the Interior and the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians Submitted in Support of Interior's Recapture Recommendation and the Indian Bands' Application for a Non-Power License.
Report to the Federal Power Commission.
Secretary of the Interior, La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians, 1974, (C.001261).
289 pgs.

002382

Otoe-Missouria Tribe of Indians v. Oklahoma Gas & Electric Co.
F.P.C., Otoe-Missouria, 1974.
Indians assert that Federal Power Commission should exert licensing jurisdiction over power plant which will use surplus water from government dam.

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FUNDS

002332

"Questions and Answers on Federal Government Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

002377

"Charitable Donations Under the Alaska Native Claims Settlement Act."
Article, *UCLA-Alaska Law Review*, 3:148.
Goodman, Richard, 1973.
21 pgs.

HEALTH AND SAFETY: HEALTH SERVICES

002332

"Questions and Answers on Federal Government Indian Affairs."



Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

Sheridan County, Wyoming.
Rasmussen, H.W., February 26, 1973.
6 pgs.

**HEALTH AND SAFETY: WATER AND
SANITATION**

002384
Daniels, Cynthia v. Morton, Rogers C.B.
Cal., N.D. Cal., California Indians, 1974.
Indians seek to enjoin interference with water service
to their property located on racheria.
*

**HUNTING, FISHING, TRAPPING AND
GATHERING RIGHTS: RESERVATION**

002366
New York v. Redeye, James Winston.
N.Y., Cattaraugus County Ct., Seneca, 1974.
Indians seek to prevent application of state hunting
regulations on reservation.
* Opinion, unreported.

HOUSING: FINANCIAL ASSISTANCE

002332
"Questions and Answers on Federal Government
Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

002385
Johnson, Henry v. Arnett, G. Raymond.
Cal., Super. Ct., Yurok, 1974.
Indians seek injunction against state interference with
fishing rights on reservation.
*

**HUNTING, FISHING, TRAPPING AND
GATHERING RIGHTS: ABORIGINAL**

002358
California v. Hickox, Delmar Ralph.
Cal., Humboldt County Ct., Karok, 1974.
Indian asserts aboriginal right to hunt and fish off
reservation free from state control.
*

**HUNTING, FISHING, TRAPPING AND
GATHERING RIGHTS: STATE CONTROL**

002305
Wisconsin v. Diamond, Roger.
Wisc., W.D. Wisc., Lac Courte Oreilles Band of
Chippewa, 1974.
Indian seeks removal to federal court of state criminal
proceeding against him for fishing in violation of state
regulations.
*

**HUNTING, FISHING, TRAPPING AND
GATHERING RIGHTS: OFF-
RESERVATION**

002358
California v. Hickox, Delmar Ralph.
Cal., Humboldt County Ct., Karok, 1974.
Indian asserts aboriginal right to hunt and fish off
reservation free from state control.
*

002358
California v. Hickox, Delmar Ralph.
Cal., Humboldt County Ct., Karok, 1974.
Indian asserts aboriginal right to hunt and fish off
reservation free from state control.
*

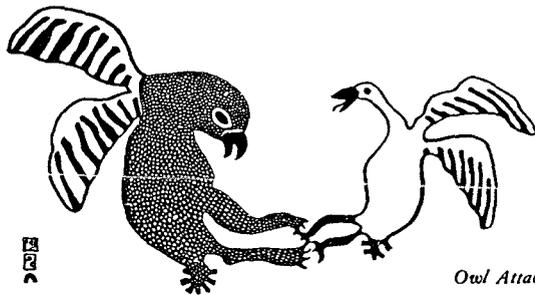
002390
"Does the Peace Treaty Between the United States of
America and the Crow Tribe of 1851 Take Precedence
Over Wyoming Game and Fish Laws When Applied to
Registered Members of the Crow Tribe in the State of
Wyoming."
Opinion, Deputy County and Prosecuting Attorney,

002366
New York v. Redeye, James Winston.
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Cal., Super. Ct., Yurok, 1974.
Indians seek injunction against state interference with
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002390
"Does the Peace Treaty Between the United States of
American and the Crow Tribe of 1851 Take Precedence



Owl Attacking Snow Goose

Over Wyoming Game and Fish Laws When Applied to Registered Members of the Crow Tribe in the State of Wyoming."

Opinion, Deputy County and Prosecuting Attorney, Sheridan County, Wyoming.

Rasmussen, H.W., February 26, 1973.

6 pgs.

HUNTING, FISHING, TRAPPING AND GATHERING RIGHTS: TREATIES

002390

"Does the Peace Treaty Between the United States of America and the Crow Tribe of 1851 Take Precedence Over Wyoming Game and Fish Laws When Applied to Registered Members of the Crow Tribe in the State of Wyoming."

Opinion, Deputy County and Prosecuting Attorney, Sheridan County, Wyoming.

Rasmussen, H.W., February 26, 1973.

6 pgs.

INCOMPETENT INDIAN

002325

Iron, Wallace v. Knowles, Gladys E. Mont., D. Mont., Crow, d. 1964.

Grazing lands belonging to competent Indian lessor are not subject to government range control regulations providing for liquidated damage assessment for overgrazing.

Opinion, 234 F.Supp. 327 (D. Mont. 1964).

INDIAN CIVIL RIGHTS ACT

002365

"Indian American Legal Rights, Duties and Remedies."

Transcript of proceedings, Indian Conference of Montana, University of Montana.

Tri-State Tribes, Inc., May, 1972.

107 pgs.

Available from:

Tri-State Tribes, Inc.

Suite 228

208 No. 29th Street

Billings, Montana 59101

INDIAN CIVIL RIGHTS ACT: DUE PROCESS

002389

Heim, Myrtle Sandaine v. Nicholson, Narcisse, Jr. Wash., E.D. Wash., Colville, d. 1971.

Federal court assertedly has no jurisdiction over suit by Indian against United States in which she seeks reinstatement as tribal member.

*

INDIAN CIVIL RIGHTS ACT: JURISDICTION IN FEDERAL COURTS

002342

Louccasson, Lorraine v. Leekity, Willis.

N.M., D.N.M., Zuni, d. 1971.

Federal court has jurisdiction under Indian Civil Rights Act to determine Indian's damage claim against police officer and tribe.

Opinion, 334 F.Supp. 370 (D.N.M. 1971).

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Federal court assertedly has no jurisdiction over suit by Indian against United States in which she seeks reinstatement as tribal member.

*

INDIAN CLAIMS COMMISSION: DAMAGES, RELIEF, OFFSETS AND INTEREST

002334

Kickapoo Tribe of Kansas v. United States.

Ind. Cl. Comm. No. 316, Ct. Cl., Kickapoo Tribe of Kansas, 1962, d. 1967.

Government and tribe challenge amount of offsets allowed in land claim.

Opinions, 10 Ind. Cl. Comm. 320 (1962); 15 Ind. Cl. Comm. 628 (1965); 178 Ct. Cl. 527, 372 F.2d 980 (1967).

002352

Miami Tribe of Oklahoma v. United States.

Ind. Cl. Comm. Nos. 67, 124, Ct. Cl., Miami Tribe of Oklahoma, 1954, d. 1959, (C.002353).

Indian tribe entitled to further proceedings concerning value assigned by Commission to ceded lands which tribe had held by recognized title.

Opinions, 2 Ind. Cl. Comm. 617 (1954); 4 Ind. Cl. Comm. 346, 408 (1956); 146 Ct. Cl. 421, 175 F.Supp. 926 (1959).

* means additional material available.



002353

Miami Tribe of Oklahoma v. United States.

Ind. Cl. Comm. Nos. 251, 124-A, Ct. Cl., Miami Tribe of Indiana, Miami Tribe of Oklahoma, 1958, d. 1960, (C.002352).

Tribe awarded additional compensation for land cession and for annuity payments which were commuted without tribe's consent.

Opinions, 6 Ind. Cl. Comm. 513, 552 (1958); 150 Ct. Cl. 725, 281 F.2d 202 (1960); cert. denied, 366 U.S. 924 (1961).

**INDIAN CLAIMS COMMISSION:
EVIDENTIARY PROBLEMS**

002324

Iowa Tribe of the Iowa Reservation in Kansas and Nebraska v. United States.

Sac and Fox Tribe v. United States.

Ind. Cl. Comm. No. 135, Ct. Cl., Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, Sac and Fox, 1958, d. 1971.

Court of Claims refuses to upset findings of fact by Indian Claims Commission and affirms decision that tribes failed to prove aboriginal title to claimed lands.

Opinions, 6 Ind. Cl. Comm. 496 (1958); 12 Ind. Cl. Comm. 487 (1963), 15 Ind. Cl. Comm. 248 (1965); 179 Ct. Cl. 8, 23, 383 F.2d 991, 999; cert. denied, 389 U.S. 900 (1967); 22 Ind. Cl. Comm. 232 (1969); 195 Ct. Cl. 365 (1971).

**INDIAN CLAIMS COMMISSION:
UNCONSCIONABLE CONSIDERATION**

002352

Miami Tribe of Oklahoma v. United States.

Ind. Cl. Comm. Nos. 67, 124, Ct. Cl., Miami Tribe of Oklahoma, 1954, d. 1959, (C.002353).

Indian tribe entitled to further proceedings concerning value assigned by Commission to ceded lands which tribe had held by recognized title.

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**INDIAN CLAIMS COMMISSION:
VALUATION**

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Opinions, 6 Ind. Cl. Comm. 513, 552 (1958); 150 Ct. Cl. 725, 281 F.2d 202 (1960); cert. denied, 366 U.S. 924 (1961).

INDIAN COUNTRY: DEFINED

002337

Lafferty, Henry v. South Dakota.

S.D., Sup. Ct., Cheyenne River Sioux, d. 1963.

State has criminal jurisdiction over that portion of reservation which was opened to non-Indian settlement by federal statute.

Opinion, 125 N.W.2d 171 (S.D. 1963).

002343

McCoy, Frank, In re.

N.C., E.D.N.C., Eastern Cherokee, d. 1964.

State acquired criminal jurisdiction over Indian band and its land when band refused to accompany tribe to new reservation which had been established by federal treaty.

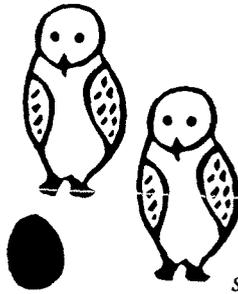
Opinion, 233 F.Supp. 409 (E.D.N.C. 1964).

002376

Wyoming v. Moss, John Pius.

Wyo., Dist. Ct., Sup. Ct., Arapahoe, 1969, d. 1970.

Lands formerly within reservation which were ceded



Snow Owls and Egg

to government are no longer Indian country for purpose of criminal jurisdiction.

* Opinion, 471 P.2d 333 (Wyo. 1970).

INDIAN COUNTRY: JURISDICTION, GENERALLY

002365

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INDIAN REORGANIZATION ACT

002347

Martinez, Mary v. Southern Ute Tribe of Southern Ute Reservation.

Colo., D.Colo., 10th Cir., U.S. Sup. Ct., Southern Ute, 1957, d. 1958.

Federal court does not have jurisdiction over suit by Indian against tribe which excluded her from reservation and denied her membership rights.

Opinions, 151 F.Supp. 476 (D.Colo. 1957); aff'd, 249 F.2d 915 (10th Cir. 1957); cert. denied, 356 U.S. 960 (1958); reh. denied, 357 U.S. 924 (1958).

002354

Motah, Lee v. United States.

Okla., 10th Cir., Comanche, d. 1968.

Federal court has no jurisdiction over dispute concerning tribal election because no federal question was involved and because government had not consented to suit.

Opinion, 402 F.2d 1 (10th Cir. 1968).

IRRIGATION

002314

Report of Environmental Factors by the Department of the Interior and the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians Submitted in Support of Interior's Recapture Recommendation and the Indian Bands' Application for a Non-Power License.

* means additional material available.

IRRIGATION: ASSESSABILITY OF CHARGES AND LIENS

002303

Hood, Percy v. United States.

Wash., 9th Cir., Lummi, d. 1958.

Land which passed out of Indian ownership prior to passage of statute for reclamation project authorizing liens to insure recovery of costs of project was not considered Indian land subject to lien.

Opinion, 256 F.2d 522 (9th Cir. 1958).

JURISDICTION, FEDERAL COURT

002351

Meeks, Isabelle v. McAdams, Oren.

Wyo., 10th Cir., Shoshone, d. 1968.

Federal court has no jurisdiction over wrongful death action where suit is between Indians and arose in Indian country.

Opinion, 390 F.2d 650 (10th Cir. 1968).

002394

Native American Church of Navajoland, Inc. v. Arizona Corporation Commission.

Ariz., D. Ariz., U.S. Sup. Ct., Navajo, 1971, d. 1972.

Federal court refuses to declare unconstitutional a criminal statute barring peyote use in suit challenging denial of certificate of incorporation to Indian religious organization.

Opinions, 329 F.Supp. 907 (D.Ariz. 1971); aff'd, 405 U.S. 901, 30 L.Ed.2d 775, 92 S.Ct. 934 (1972).

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

002354

Motah, Lee v. United States.

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Federal court has no jurisdiction over dispute concerning tribal election because no federal question was involved and because government had not consented to suit.

Opinion, 402 F.2d 1 (10th Cir. 1968).

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

002327

Conroy, Evelyn Sybil v. Conroy, Gerry.

S.D., D.S.D., Oglala Sioux, 1972, d. 1973.

Federal court has no jurisdiction in suit seeking declaration that wife is entitled to one-half interest in



all trust lands acquired by her husband during their marriage.

* Opinion, 369 F.Supp. 179 (D.S.D. 1973).

002340

Lewis, Gary Carson v. General Services Administration.

Cal., 9th Cir., d. 1967.

Indians not entitled to allotments on government lands acquired by eminent domain for military purposes and later offered for sale to private persons.

Opinion, 377 F.2d 499 (9th Cir. 1967).

002361

Pallin, Irene Mitchell v. United States.

Cal., 9th Cir., Yurok, d. 1974.

Court may review evidence concerning Indian's right to allotment but not Interior Secretary's classification of land considered for allotment, and no allotment is permissible where land is incapable of supporting Indian and his family.

Opinion, 496 F.2d 27 (9th Cir. 1974).

**JURISDICTION, FEDERAL COURT:
CIVIL RIGHTS (28 U.S.C. § 1343)**

002370

Ben, Irene Mark v. General Motors Acceptance Corporation.

Colo., D. Colo., Navajo, 1974.

Federal court has jurisdiction to hear civil rights claim that insurance company charges high risk rates to Indian automobile purchasers without regard to any criterion but race.

Opinion, 374 F.Supp. 1199 (D. Colo. 1974).

002389

Heim, Myrtle Sandaine v. Nicholson, Narcisse, Jr.

Wash., E.D. Wash., Colville, d. 1971.

Federal court assertedly has no jurisdiction over suit by Indian against United States in which she seeks reinstatement as tribal member.

*

**JURISDICTION, FEDERAL COURT:
DIVERSITY OF CITIZENSHIP (28 U.S.C.
§ 1332)**

002301

Hot Oil Service, Inc. v. Hall, Winifred.

Ariz., 9th Cir., Navajo, d. 1966.

Federal court jurisdiction cannot be based on federal question or diversity theories in suit by state cor-

poration against Indian lessor for goods sold and rent due from lease of Indian land.

Opinion, 366 F.2d 295 (9th Cir. 1966).

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

002301

Hot Oil Service, Inc. v. Hall, Winifred.

Ariz., 9th Cir., Navajo, d. 1966.

Federal court jurisdiction cannot be based on federal question or diversity theories in suit by state corporation against Indian lessor for goods sold and rent due from lease of Indian land.

Opinion, 366 F.2d 295 (9th Cir. 1966).

002307

Madrigal, Lela v. Riverside, County of.

Cal., 9th Cir., Cahuilla, 1974, (C.001209, 001002).

Suit to enjoin enforcement of county building, zoning and outdoor festival ordinances claimed not to be applicable on Indian trust land.

Opinion, 495 F.2d 1 (9th Cir. 1971).

002327

Conroy, Evelyn Sybil v. Conroy, Gerry.

S.D., D.S.D., Oglala Sioux, 1972, d. 1973.

Federal court has no jurisdiction in suit seeking declaration that wife is entitled to one-half interest in all trust lands acquired by her husband during their marriage.

* Opinion, 369 F.Supp. 179 (D.S.D. 1973).

002342

Loncasson, Lorraine v. Leekity, Willis.

N.M., D.N.M., Zuni, d. 1971.

Federal court has jurisdiction under Indian Civil Rights Act to determine Indian's damage claim against police officer and tribe.

Opinion, 334 F.Supp. 370 (D.N.M. 1971).

002347

Martinez, Mary v. Southern Ute Tribe of Southern Ute Reservation.

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Federal court does not have jurisdiction over suit by Indian against tribe which excluded her from reservation and denied her membership rights.

Opinions, 151 F.Supp. 476 (D.Colo. 1957); aff'd, 249 F.2d 915 (10th Cir. 1957); cert. denied, 356 U.S. 960 (1958); reh. denied, 357 U.S. 924 (1958).

002348

Martinez, Mary v. Southern Ute Tribe.

Colo., 10th Cir., Southern Ute, d. 1960.

Federal court refuses to accept jurisdiction over suit

* means additional material available.



The Enchanted Owl

by Indian who seeks declaration of tribal membership rights.

Opinion, 273 F.2d 731 (10th Cir. 1960); cert. denied, 363 U.S. 847 (1960).

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

002373

United States v. State Tax Commission.
Miss., 5th Cir., Mississippi Band of Choctaw, 1974.
Government claims that state sales tax is not applicable to on-reservation housing development program sponsored by tribe.

*

002391

Amending the Judicial Code to Permit Indian Tribes to Maintain Civil Actions in Federal District Courts Without Regard to the \$10,000 Limitation, and For Other Purposes.

Report No. 2040 to accompany S.1356, Committee on the Judiciary, House of Representatives, 89th Congress, 2d Session, September 12, 1966.
6 pgs.

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

002315

United States v. Truckee-Carson Irrigation District.
Nev., D. Nev., Pyramid Lake Paiute, 1974.
Suit seeks judicial allocation of Truckee River waters between state of Nevada and United States.

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002373

United States v. State Tax Commission.
Miss., 5th Cir., Mississippi Band of Choctaw, 1974.
Government claims that state sales tax is not applicable to on-reservation housing development program sponsored by tribe.

*

JUVENILES: CHILD WELFARE

002306

Alexis, Karen and Patricia, In re the Welfare of.
Wash., Super. Ct., Suquamish, 1973.
Indians assert that tribal court has jurisdiction over

state custody proceeding in which non-Indian foster parents seek to adopt Indian children.

*

002308

Goodman, Irene, In re.
Utah, Dist. Juv. Ct., Navajo, 1971.
State court refuses to terminate parental rights of Navajo Indian.
* Opinion, unreported.

002381

Wisconsin Potowatomies of the Hannahville Indian Community, In re Petition of v. Wilsey, William.
Fla., M.D. Fla., Potowatomie, 1974, (C.001656).
Tribe seeks custody of orphan Indian children who were placed with non-Indian foster parents by state welfare agency.

* Opinion, 377 F.Supp. 1153 (M.D.Fla. 1974).

LANDS

002320

The New American State Papers: Indian Affairs.
Books, Scholarly Resources, Inc.
Cochran, Thomas C., editor, 1972.
For volume titles, see Administration of Indian Affairs, number 002320.

Available from:
Scholarly Resources, Inc.
1508 Pennsylvania Avenue
Wilmington, Delaware 19806

LANDS: VALUATION

002352

Miami Tribe of Oklahoma v. United States.
Ind. Cl. Comm. Nos. 67, 124, Ct. Cl., Miami Tribe of Oklahoma, 1954, d. 1959, (C.002353).
Indian tribe entitled to further proceedings concerning value assigned by Commission to ceded lands which tribe had held by recognized title.
Opinions, 2 Ind. Cl. Comm. 617 (1954); 4 Ind. Cl. Comm. 346, 408 (1956); 146 Ct. Cl. 421, 175 F.Supp. 926 (1959).

LEASING: ALLOTMENTS

002338

Lawrence, Edwin E. v. United States.
Cal., 9th Cir., d. 1967.
Contract made by Indian without Interior Secretary's approval to lease trust lands is declared null and void.
Opinion, 381 F.2d 989 (9th Cir. 1967).

* means additional material available.



LEASING: FEDERAL AUTHORITY

002316

Redding, John v. Morton, Rogers C.B.
Mont., D. Mont., Crow, 1974.

Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.

*

002325

Iron, Wallace v. Knowles, Gladys E.
Mont., D. Mont., Crow, d. 1964.

Grazing lands belonging to competent Indian lessor are not subject to government range control regulations providing for liquidated damage assessment for overgrazing.

Opinion, 234 F.Supp. 327 (D.Mont. 1964).

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Lawrence, Edwin E. v. United States.
Cal., 9th Cir., d. 1967.

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Opinion, 381 F.2d 989 (9th Cir. 1967).

002400

Pan American Petroleum Corp. v. Udall, Stewart.
Wash., D.C., D.D.C., Three Affiliated Tribes of Fort Berthold, d. 1961.

Interior Secretary prohibited from imposing an arbitrary compensatory royalty on lessee of mineral rights in favor of allottee who owned adjacent producing well.

Opinion, 192 F.Supp. 626 (D.D.C. 1961).

LEASING: GRAZING

002325

Iron, Wallace v. Knowles, Gladys E.
Mont., D. Mont., Crow, d. 1964.

Grazing lands belonging to competent Indian lessor are not subject to government range control regulations providing for liquidated damage assessment for overgrazing.

Opinion, 234 F.Supp. 327 (D.Mont. 1964).

LEASING: MINERAL RIGHTS

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Mont., D. Mont., Crow, 1974.

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Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.

*

002371

United States v. Pawhuska, City of.

Okla., N.D. Okla., 10th Cir., Osage, 1972, d. 1974.

United States claims on behalf of tribe that, by not undertaking to produce oil from tribal mineral leases for seventeen years, city unlawfully deprived tribe of royalty income.

* Opinion, 502 F.2d 821 (10th Cir. 1974).

002395

Navajo Tribe of Indians v. United States.

Ct. Cl., Navajo, d. 1966, (C.002396).

Terms of lease negotiated by government on tribe's behalf implicitly included helium deposits for which tribe is entitled to additional compensation.

Opinion, 176 Ct. Cl. 502, 364 F.2d 320 (1966).

002400

Pan American Petroleum Corp. v. Udall, Stewart.

Wash., D.C., D.D.C., Three Affiliated Tribes of Fort Berthold, d. 1961.

Interior Secretary prohibited from imposing an arbitrary compensatory royalty on lessee of mineral rights in favor of allottee who owned adjacent producing well.

Opinion, 192 F.Supp. 626 (D.D.C. 1961).

PROBATE: APPROVAL OF WILLS

002372

Bigheart, Velma Rose v. Pappan, John.

Okla., 10th Cir., U.S. Sup. Ct., 1973, 1974.

Federal statute restricting inheritance of trust property to those of Indian blood is not unconstitutional and supercedes state law entitling spouse to share in estate regardless of provisions in will.

* Opinion, 482 F.2d 1066 (10th Cir. 1973); cert. denied, ___ U.S. ___, 40 L.Ed.2d 288 (1974).

PROBATE: FEDERAL REGULATIONS

002372

Bigheart, Velma Rose v. Pappan, John.

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* Opinion, 482 F.2d 1066 (10th Cir. 1973); cert. denied, ___ U.S. ___, 40 L.Ed.2d 288 (1974).



PROBATE: STATE INHERITANCE LAWS

002372

Bigheart, Velma Rose v. Pappan, John.
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* Opinion, 482 F.2d 1066 (10th Cir. 1973); cert. denied, ___ U.S. ___, 40 L.Ed.2d 288 (1974).

PUBLIC DOMAIN: SURPLUS LANDS

002340

Lewis, Gary Carson v. General Services Administration.
Cal., 9th Cir., d. 1967.
Indians not entitled to allotments on government lands acquired by eminent domain for military purposes and later offered for sale to private persons.
Opinion, 377 F.2d 499 (9th Cir. 1967).

PUBLIC LAW 280

002388

Queets Band of Indians v. Nelson, Jack G.
Wash., W.D. Wash., Quinault, Queets Band, 1974.
Indian tribe claims authority to register and license its motor vehicles for operation on highways on and off reservation exclusive of state regulation.
*

PUBLIC LAW 280: RETROCESSION

002306

Alexis, Karen and Patricia, In re the Welfare of.
Wash., Super. Ct., Suquamish, 1973.
Indians assert that tribal court has jurisdiction over state custody proceeding in which non-Indian foster parents seek to adopt Indian children.
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Queets Band of Indians v. Nelson, Jack G.
Wash., W.D. Wash., Quinault, Queets Band, 1974.
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002398

Omaha Tribe of Nebraska v. Walthill, Village of.
Neb., D. Neb., 8th Cir., Omaha Tribe of Nebraska, 1971, d. 1972.
Federal government empowered to accept retrocession of less than all criminal jurisdiction over Indian country offered by state.
Opinion, 334 F.Supp. 823 (D.Neb. 1971); aff'd, 460 F.2d 1327 (8th Cir. 1972).

RESERVATIONS: DIMINISHED BY ACTS OF CONGRESS

002328

Cook, Donald v. South Dakota.
S.D., Sup. Ct., Concow, Redwood, 1973, d. 1974.
Indian need not be member of tribe on whose reservation he allegedly committed crime to be exempt from state jurisdiction; however, state has jurisdiction over all persons on diminished portion of reservation opened to non-Indian settlement.
* Opinion, 215 N.W.2d 832 (S.D. 1974).

002337

Lafferty, Henry v. South Dakota.
S.D., Sup. Ct., Cheyenne River Sioux, d. 1963.
State has criminal jurisdiction over that portion of reservation which was opened to non-Indian settlement by federal statute.
Opinion, 125 N.W.2d 171 (S.D. 1963).

002376

Wyoming v. Moss, John Pius.
Wyo., Dist. Ct., Sup. Ct., Arapahoe, 1969, d. 1970.
Lands formerly within reservation which were ceded to government are no longer Indian country for purpose of criminal jurisdiction.
* Opinion, 471 P.2d 333 (Wyo. 1970).

RIGHTS OF WAY AND EASEMENTS: ALLOTMENTS

002399

Nicodemus, Julia v. Washington Water Power Company.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility easement across allotment without Interior Secretary's approval by eminent domain proceeding in federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

* means additional material available.



**RIGHTS OF WAY AND EASEMENTS:
CREATION OF**

002399
Nicodemus, Julia v. Washington Water Power Company.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility easement across allotment without Interior Secretary's approval by eminent domain proceeding in federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

**RIGHTS OF WAY AND EASEMENTS:
POWERLINES**

002399
Nicodemus, Julia v. Washington Water Power Company.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility easement across allotment without Interior Secretary's approval by eminent domain proceeding in federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

**RIGHTS OF WAY AND EASEMENTS:
TRIBAL LAND**

002350
Maysville, Oklahoma, Town of v. Magnolia Petroleum Co.
Okla., 10th Cir., d. 1959.
Lack of strict compliance with municipal incorporation law does not bar town from succeeding to title in railroad right of way created on former Indian land.
Opinion, 272 F.2d 806 (10th Cir. 1959).

**SOURCES OF FEDERAL AUTHORITY
OVER INDIAN AFFAIRS: TRUST
RELATION**

002316
Redding, John v. Morton, Rogers C.B.
Mont., D. Mont., Crow, 1974.
Non-Indian lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.
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* means additional material available.

SOVEREIGNTY

002315
United States v. Truckee-Carson Irrigation District.
Nev., D. Nev., Pyramid Lake Paiute, 1974.
Suit seeks judicial allocation of Truckee River waters between state of Nevada and United States.
*

**SOVEREIGNTY: SOVEREIGN
IMMUNITY; FEDERAL**

002338
Lawrence, Edwin E. v. United States.
Cal., 9th Cir., d. 1967.
Contract made by Indian without Interior Secretary's approval to lease trust lands is declared null and void.
Opinion, 381 F.2d 989 (9th Cir. 1967).

002354
Motah, Lee v. United States.
Okla., 10th Cir., Comanche, d. 1968.
Federal court has no jurisdiction over dispute concerning tribal election because no federal question was involved and because government had not consented to suit.
Opinion, 402 F.2d 1 (10th Cir. 1968).

**SOVEREIGNTY: SOVEREIGN
IMMUNITY; TRIBAL**

002342
Loncassion, Lorraine v. Leekity, Willis.
N.M., D.N.M., Zuni, d. 1971.
Federal court has jurisdiction under Indian Civil Rights Act to determine Indian's damage claim against police officer and tribe.
Opinion, 334 F.Supp. 370 (D.N.M. 1971).

002345
Maryland Casualty Co. v. Citizens National Bank of West Hollywood.
Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.
Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.
Opinion, 361 F.2d 517 (5th Cir. 1966).

002389
Heim, Myrtle Sandaine v. Nicholson, Narcisse, Jr.
Wash., E.D. Wash., Colville, d. 1971.
Federal court assertedly has no jurisdiction over suit by Indian against United States in which she seeks reinstatement as tribal member.
*



Opinion, 192 F.Supp. 179 (D.Kan. 1960); *aff'd*, 365 U.S. 568 (1961).

002335

Kills Crow, Arnold v. United States.

S.D., 8th Cir., d. 1971.

Indian indicted under Major Crimes Act is not entitled to jury instruction on lesser included offense of simple assault.

Opinion, 451 F.2d 323 (8th Cir. 1971).

002372

Bigheart, Velma Rose v. Pappan, John.

Okla., 10th Cir., U.S. Sup. Ct., 1973, 1974.

Federal statute restricting inheritance of trust property to those of Indian blood is not unconstitutional and supercedes state law entitling spouse to share in estate regardless of provisions in will.

* Opinion, 482 F.2d 1066 (10th Cir. 1973); *cert. denied*,

—U.S.—, 40 L.Ed2d 288 (1974).

002379

“Approaches to Settlement of Indian Title Claims: The Alaskan Model.”

Article, University of British Columbia Law Review (Canada), 8:321.

Lysyk, Kenneth, 1973.

21 pgs.

002397

Navajo Tribe v. National Labor Relations Board.

Wash., D.C., D.C. Cir., Navajo, d. 1961.

National Labor Relations Board has jurisdiction to hold union representation election in mining plant located on reservation although tribal government objected to it.

Opinion, 288 F.2d 162 (D.C. Cir. 1961); *cert. denied*, 366 U.S. 928 (1961).

STATUTES: CONSTRUCTION FAVORABLE TO INDIANS

002345

Maryland Casualty Co. v. Citizens National Bank of West Hollywood.

Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.

Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.

Opinion, 361 F.2d 517 (5th Cir. 1966).

002398

Omaha Tribe of Nebraska v. Walthill, Village of.

Neb., D. Neb., 8th Cir., Omaha Tribe of Nebraska, 1971, d. 1972.

Federal government empowered to accept retrocession of less than all criminal jurisdiction over Indian country offered by state.

Opinion, 334 F.Supp. 823 (D.Neb. 1971); *aff'd*, 460 F.2d 1327 (8th Cir. 1972).

STATUTES: STATE

002363

Seneca Nation of Indians v. New York.

N.Y., W.D.N.Y., Seneca, 1974.

Tribe contends that New York laws cannot be used to appropriate tribal lands for highway purposes.

*

SUBMERGED LANDS AND WETLANDS

002356

Mole Lake Band v. United States.

Ct. Cl., Chippewa, d. 1956.

Where reservation included lands which previously had been granted to state, government remained obligated to Indians to secure to them the enjoyment and proceeds from those lands.

Opinion, 134 Ct. Cl. 478, 139 F.Supp. 938 (1956); *cert. denied*, 352 U.S. 892 (1956).

SUBMERGED LANDS AND WETLANDS: RIVERBEDS

002392

Morgan, Adrian v. Colorado River Indian Tribe.

Ariz., Ct. App., Sup. Ct., Colorado River Indian Tribe, d. 1968.

Tribe's sovereign immunity protects it from suit in state court for wrongful death which occurred at tribally owned enterprise.

Opinion, 7 Ariz. App. 92, 436 P.2d 484 (Ariz. App. 1968); *vacated*, 103 Ariz. 425, 443 P.2d 421 (Ariz. 1968).

TAXATION: ESTATE AND INHERITANCE

002393

Nash, Juanita v. Wiseman, Earl.

Okla., W.D. Okla., Pottawatomie, d. 1963.

Trust property inherited by noncompetent Indian is not subject to federal estate taxation upon her death, and claim by restricted Indians for tax refund is not barred by statute of limitations.

Opinion, 227 F.Supp. 552 (W.D.Okla. 1963).

* means additional material available.



Female owl

TAXATION: IMMUNITY, EXEMPTION

002317

United States v. Critzer, Amy T.
N.C., 4th Cir., Eastern Cherokee, 1974.
Indian challenges federal taxation of income from business activities on reservation.

002321

Bissonette, Hobart v. Board of County Commissioners of Shannon County, South Dakota.
S.D., Cir. Ct., Sup. Ct., Oglala Sioux, 1972, d. 1973.
Indians challenge state taxation of their personal property owned and used within reservation.

002326

Industrial Uranium Co. v. State Tax Commission.
Ariz., Sup. Ct., Navajo, d. 1963.
State may levy privilege tax on mining operation on reservation because such taxation does not interfere with tribal self-government or rights protected by treaty or federal statute.
Opinion, 95 Ariz. 130, 387 P.2d 1013 (Ariz. 1963).

002341

Lyngstad, Leonard v. Roy, Anna.
N.D., Sup. Ct., Chippewa, d. 1961.
Off-reservation land purchased by Indian with proceeds from sale of crops raised on trust land is not exempt from state taxes.
Opinion, 111 N.W.2d 699 (N.D. 1961).

002373

United States v. State Tax Commission.
Miss., 5th Cir., Mississippi Band of Choctaw, 1974.
Government claims that state sales tax is not applicable to on-reservation housing development program sponsored by tribe.

002375

Hunt, Emmett v. O'Cheskey, Fred L.
N.M., Ct. App., Sup. Ct., Laguna, d. 1973.
State may not tax gross receipts on income of Indians residing on reservation when income and gross receipts are derived solely from on-reservation activities.
Opinion, 85 N.M. 381, 512 P.2d 954 (N.M. App. 1973); cert. quashed, 85 N.M. 388, 512 P.2d 961 (N.M. 1973).

002393

Nash, Juanita v. Wiseman, Earl.
Okla., W.D. Okla., Pottawatomie, d. 1963.
Trust property inherited by noncompetent Indian is not subject to federal estate taxation upon her death, and

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claim by restricted Indians for tax refund is not barred by statute of limitations.
Opinion, 227 F.Supp. 552 (W.D.Okla. 1963).

TAXATION: INCOME, FEDERAL

002317

United States v. Critzer, Amy T.
N.C., 4th Cir., Eastern Cherokee, 1974.
Indian challenges federal taxation of income from business activities on reservation.

TAXATION: INCOME, STATE

002375

Hunt, Emmett v. O'Cheskey, Fred L.
N.M., Ct. App., Sup. Ct., Laguna, d. 1973.
State may not tax gross receipts on income of Indians residing on reservation when income and gross receipts are derived solely from on-reservation activities.
Opinion, 85 N.M. 381, 512 P.2d 954 (N.M. App. 1973); cert. quashed, 85 N.M. 388, 512 P.2d 961 (N.M. 1973).

TAXATION: LICENSE TAX

002326

Industrial Uranium Co. v. State Tax Commission.
Ariz., Sup. Ct., Navajo, d. 1963.
State may levy privilege tax on mining operation on reservation because such taxation does not interfere with tribal self-government or rights protected by treaty or federal statute.
Opinion, 95 Ariz. 130, 387 P.2d 1013 (Ariz. 1963).

TAXATION: PERSONAL PROPERTY

002321

Bissonette, Hobart v. Board of County Commissioners of Shannon County, South Dakota.
S.D., Cir. Ct., Sup. Ct., Oglala Sioux, 1972, d. 1973.
Indians challenge state taxation of their personal property owned and used within reservation.

TAXATION: REAL PROPERTY

002341

Lyngstad, Leonard v. Roy, Anna.
N.D., Sup. Ct., Chippewa, d. 1961.
Off-reservation land purchased by Indian with



proceeds from sale of crops raised on trust land is not exempt from state taxes.
Opinion, 111 N.W.2d 699 (N.D. 1961).

**TERMINATION: CONTINUING
FEDERAL OBLIGATIONS**

002383
Smith, Ellerick v. United States.
Cal., N.D. Cal., 1974.
Indians claim relief from failure of government officials to fulfill their obligations under California Rancheria Act prior to termination of reservation.
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002384
Daniels, Cynthia v. Morton, Rogers C.B.
Cal., N.D. Cal., California Indians, 1974.
Indians seek to enjoin interference with water service to their property located on rancheria.
*

TERMINATION: RESERVATIONS

002312
Duncan, Ambrose, Jr. v. Morton, Rogers C.B.
Cal., N.D. Cal., Pomo, Covelo, 1974, (C.002197).
Indians allege that termination of their reservation violated due process standards which resulted in loss of valuable federal services.
*

**TIMBER: CLAIMS AGAINST UNITED
STATES**

002356
Mole Lake Band v. United States.
Ct. Cl., Chippewa, d. 1956.
Where reservation included lands which previously had been granted to state, government remained obligated to Indians to secure to them the enjoyment and proceeds from those lands.
Opinion, 134 Ct. Cl. 478, 139 F.Supp. 938 (1956); cert. denied, 352 U.S. 892 (1956).

TRADERS

002318
Indian Arts and Crafts, In the Matter of.
James L. Houston Co., In the Matter of.
Krupp, Herman d.b.a. Oceanic Trading Co., In the Matter of.

Lange, Heinz d.b.a. Northwest Arts and Crafts, In the Matter of.
Leonard F. Porter, Inc., In the Matter of.
Western Novelty Co., In the Matter of.
Federal Trade Commission, Alaska Natives, 1974.
Federal Trade Commission sues marketers of arts and crafts for misrepresenting that their products are hand-made by Alaska Natives.
*

TREATIES WITH UNITED STATES

002310
"On Teaching Indian History: Legal Jurisdiction in Chippewa Treaties."
Article, Ethnohistory, 19:209.
Keller, Robert H., Jr., Summer 1972.
10 pgs.

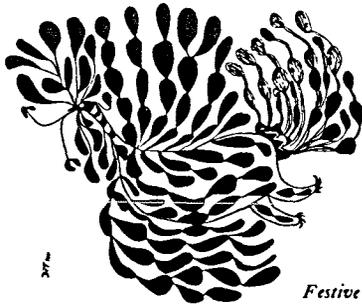
002343
McCoy, Frank, In re.
N.C., E.D.N.C., Eastern Cherokee, d. 1964.
State acquired criminal jurisdiction over Indian band and its lands when band refused to accompany tribe to new reservation which had been established by federal treaty.
Opinion, 233 F.Supp. 409 (E.D.N.C. 1964).

002397
Navajo Tribe v. National Labor Relations Board.
Wash., D.C., D.C. Cir., Navajo, d. 1961.
National Labor Relations Board has jurisdiction to hold union representation election in mining plant located on reservation although tribal government objected to it.
Opinion, 288 F.2d 162 (D.C. Cir. 1961); cert. denied, 366 U.S. 928 (1961).

**TREATIES WITH UNITED STATES:
ABROGATION**

002399
Nicodemus, Julia v. Washington Water Power Company.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility easement across allotment without Interior Secretary's approval by eminent domain proceeding in federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

* means additional material available.



Festive bird

TREATIES WITH UNITED STATES: CLAIMS AGAINST FEDERAL GOVERNMENT UNDER

002352

Miami Tribe of Oklahoma v. United States.
Ind. Cl. Comm. Nos. 67, 124, Ct. Cl., Miami Tribe of Oklahoma, 1954, d. 1959, (C.002353).
Indian tribe entitled to further proceedings concerning value assigned by Commission to ceded lands which tribe had held by recognized title.
Opinions, 2 Ind. Cl. Comm. 617 (1954); 4 Ind. Cl. Comm. 346, 408 (1956); 146 Ct. Cl. 421, 175 F.Supp. 926 (1959).

002356

Mole Lake Band v. United States.
Ct. Cl., Chippewa, d. 1956.
Where reservation included lands which previously had been granted to state, government remained obligated to Indians to secure to them the enjoyment and proceeds from those lands.
Opinion, 134 Ct. Cl. 478, 139 F.Supp. 938 (1956); cert. denied, 352 U.S. 892 (1956).

TREATIES WITH UNITED STATES: STATUS OF

002390

"Does the Peace Treaty Between the United States of America and the Crow Tribe of 1851 Take Precedence Over Wyoming Game and Fish Laws When Applied to Registered Members of the Crow Tribe in the State of Wyoming."
Opinion, Deputy County and Prosecuting Attorney, Sheridan County, Wyoming.
Rasmussen, H.W., February 26, 1973.
6 pgs.

TRESPASS TO INDIAN LAND

002371

United States v. Pawhuska, City of.
Okla., N.D. Okla., 10th Cir., Osage, 1972, d. 1974.
United States claims on behalf of tribe that, by not undertaking to produce oil from tribal mineral leases for seventeen years, city unlawfully deprived tribe of royalty income.
* Opinion, 502 F.2d 821 (10th Cir. 1974).

* means additional material available.

TRIBAL COURTS: JURISDICTION

002306

Alexis, Karen and Patricia, In re the Welfare of.
Wash., Super. Ct., Suquamish, 1973.
Indians assert that tribal court has jurisdiction over state custody proceeding in which non-Indian foster parents seek to adopt Indian children.
*

TRIBAL LAW: ELECTIONS

002354

Motah, Lee v. United States.
Okla., 10th Cir., Comanche, d. 1968.
Federal court has no jurisdiction over dispute concerning tribal election because no federal question was involved and because government had not consented to suit.
Opinion, 402 F.2d 1 (10th Cir. 1968).

002367

United States v. San Carlos Apache Tribe.
Ariz., D. Ariz., San Carlos Apache, 1974.
Federal court orders new tribal elections to be held under conditions consistent with principle of due process and equal protection.
*

002368

Wachacha, Mose v. Eastern Band of Cherokee Indians, Inc.
N.C., W.D.N.C., Eastern Band of Cherokee, 1974.
Indians seek reapportionment of representation on tribal council and contend that two duly elected officials are being denied their seats on council.
*

TRIBAL LAW: STATUS OF VIS A VIS STATE COURTS

002349

Martinez, Mary v. Southern Ute Tribe.
Colo., Sup. Ct., Southern Ute, d. 1962.
State court accepts jurisdiction over suit by Indian in which membership rights are asserted against tribe.
Opinion, 374 P.2d 691 (Colo. 1962).

002381

Wisconsin Potowatomies of the Hannahville Indian Community, In re Petition of v. Wilsey, William.
Fla., M.D. Fla., Potowatomie, 1974, (C.001656).
Tribe seeks custody of orphan Indian children who were placed with non-Indian foster parents by state welfare agency.
* Opinion, 377 F.Supp. 1153 (M.D. Fla. 1974).



TRIBAL LAW: TRIBAL CODES

002330

Navajo Tribal Code.
Books, Equity Publishing Corporation.
The Navajo Tribe, 1970.
Available from:
Equity Publishing Corporation
Orford, New Hampshire 03777

002360

Blackfeet Tribal Law and Order Code.
Book.
Blackfeet Tribe, 1973.
150 pgs.
Available from:
Blackfeet Tribal Business Council
Blackfeet Tribal Office
Browning, Montana 59417

TRIBAL MEMBERSHIP

002328

Cook, Donald v. South Dakota.
S.D., Sup. Ct., Concow, Redwood, 1973, d. 1974.
Indian need not be member of tribe on whose reservation he allegedly committed crime to be exempt from state jurisdiction; however, state has jurisdiction over all persons on diminished portion of reservation opened to non-Indian settlement.
*Opinion, 215 N.W.2d 832 (S.D. 1974).

TRIBAL MEMBERSHIP: QUALIFICATIONS

002347

Martinez, Mary v. Southern Ute Tribe of Southern Ute Reservation.
Colo., D.Colo., 10th Cir., U.S. Sup. Ct., Southern Ute, 1957, d. 1958.
Federal court does not have jurisdiction over suit by Indian against tribe which excluded her from reservation and denied her membership rights.
Opinions, 151 F.Supp. 476 (D.Colo. 1957); aff'd, 249 F.2d 915 (10th Cir. 1957); cert. denied, 356 U.S. 960 (1958); reh. denied, 357 U.S. 924 (1958).

002348

Martinez, Mary v. Southern Ute Tribe.
Colo., 10th Cir., Southern Ute, d. 1960.
Federal court refuses to accept jurisdiction over suit by Indian who seeks declaration of tribal membership rights.

Opinion, 273 F.2d 731 (10th Cir. 1960); cert. denied, 363 U.S. 847 (1960).

002349

Martinez, Mary v. Southern Ute Tribe.
Colo., Sup. Ct., Southern Ute, d. 1962.
State court accepts jurisdiction over suit by Indian in which membership rights are asserted against tribe.
Opinion, 374 P.2d 691 (Colo. 1962).

TRIBAL PROPERTY: LANDS

002316

Redding, John v. Morton, Rogers C.B.
Mont., D. Mont., Crow, 1974.
Non-Indians lessees attempt to stop strip mining in their area, stating B.I.A. approval of tribe's mining contract was in violation of the National Environmental Policy Act.
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TRIBAL SOVEREIGNTY AND POWERS

002336

Kain, Ruben v. Wilson, Frank.
S.D., Sup. Ct., Oglala Sioux, d. 1968.
State court has no jurisdiction over civil action brought by non-Indian against tribal Indian for wrongful use and possession of fee land located in Indian country.
Opinion, 83 S.D. 477, 161 N.W.2d 704 (S.D. 1968).

002365

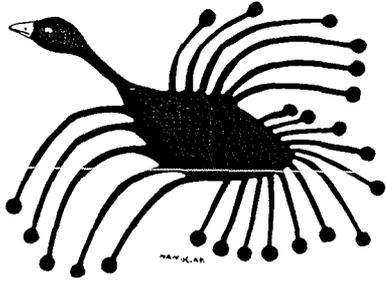
"Indian American Legal Rights, Duties and Remedies."
Transcript of proceedings, Indian Conference of Montana, University of Montana.
Tri-State Tribes, Inc., May, 1972.
107 pgs.
Available from:
Tri-State Tribes, Inc.
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208 No. 29th Street
Billings, Montana 59101

TRIBAL SOVEREIGNTY AND POWERS: BASIS FOR

002321

Bissonette, Hobart v. Board of County Commissioners of Shannon County, South Dakota.
S.D., Cir. Ct., Sup. Ct., Oglala Sioux, 1972, d. 1973.
Indians challenge state taxation of their personal property owned and used within reservation.
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A decoy

002358

California v. Hickox, Delmar Ralph.
Cal., Humboldt County Ct., Karok, 1974.
Indian asserts aboriginal right to hung and fish off-reservation free from state control.

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002362

United States v. Rosebear, Robert Gene.
Minn., D. Minn., 8th Cir., Chippewa, 1973, d. 1974,
(C.002554).

Indians are citizens within terms of Selective Service Act and thus are subject to being drafted into the armed forces.

* Opinions, 353 F.Supp. 121 (D.Minn. 1973); 500 F.2d 1102 (8th Cir. 1974).

002397

Navajo Tribe v. National Labor Relations Board.
Wash., D.C., D.C. Cir., Navajo, d. 1961.
National Labor Relations Board has jurisdiction to hold union representation election in mining plant located on reservation although tribal government objected to it.

Opinion, 288 F.2d 162 (D.C. Cir. 1961); cert. denied, 366 U.S. 928 (1961).

TRIBAL SOVEREIGNTY AND POWERS: LICENSING AND REGULATION

002388

Queets Band of Indians v. Nelson, Jack G.
Wash., W.D. Wash., Quinault, Queets Bnad, 1974.
Indian tribe claims authority to register and license its motor vehicles for operation on highways on and off reservation exclusive of state regulation.

*

TRIBAL SOVEREIGNTY AND POWERS: WAIVER

002342

Loncasson, Lorraine v. Leekity, Willis.
N.M., D.N.M., Zuni, d. 1971.
Federal court has jurisdiction under Indian Civil Rights Act to determine Indian's damage claim against police officer and tribe.
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Fla., 5th Cir., Seminole Tribe of Florida, d. 1966.

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Indian tribe's revolving credit fund is immune from garnishment to satisfy money judgement obtained by construction company against tribe.
Opinion, 361 F.2d 517 (5th Cir. 1966).

TRUST AND RESTRICTED LANDS: CONVEYANCE

002303

Hood, Percy v. United States.
Wash., 9th Cir., Lummi, d. 1958.
Land which passed out of Indian ownership prior to passage of statute for reclamation project authorizing liens to insure recovery of costs of project was not considered Indian land subject to lien.
Opinion, 256 F.2d 522 (9th Cir. 1958).

TRUST RELATION

002317

United States v. Critzer, Amy T.
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Indian challenges federal taxation of income from business activities on reservation.

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002335

Kills Crow, Arnold v. United States.
S.D., 8th Cir., d. 1971.
Indian indicted under Major Crimes Act is not entitled to jury instruction on lesser included offense of simple assault.
Opinion, 451 F.2d 323 (8th Cir. 1971).

02344

Mann, Keith v. United States.
Ariz., 9th Cir., Navajo, d. 1968.
Trust status of Indian cannot be relied upon to avoid statute of limitations provision in Federal Tort Claims Act.
Opinion, 399 F.2d 672 (9th Cir. 1968).

002356

Mole Lake Band v. United States.
Ct. Cl., Chippewa, d. 1956.
Where reservation included lands which previously had been granted to state, government remained obligated to Indians to secure to them the enjoyment and proceeds from those lands.
Opinion, 134 Ct. Cl. 478, 139 F.Supp. 938 (1956); cert. denied, 352 U.S. 892 (1956).

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002399
Nicodemus, Julia v. Washington Water Power Company.
Idaho, 9th Cir., Coeur d'Alene, d. 1959.
Federal statute permits establishment of public utility easement across allotment without Interior Secretary's approval by eminent domain proceeding in federal court.
Opinion, 264 F.2d 614 (9th Cir. 1959).

TRUST RELATION: BREACH, CLAIMS AGAINST FEDERAL GOVERNMENT

002312
Duncan, Ambrose, Jr. v. Morton, Rogers C.B.
Cal., N.D. Cal., Pomo, Covelo, 1974, (C.002197).
Indians allege that termination of their reservation violated due process standards which resulted in loss of valuable federal services.
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002374
Hydaburg Cooperative Association v. Morton, Rogers C.B.
Alas., D. Alas., Alaska Natives, 1974.
Alaska village challenges modification of federal contract resulting in discontinuance of government sponsored cannery operation upon which village economy depends.
*

002383
Smith, Ellerick v. United States.
Cal., N.D. Cal., 1974.
Indians claim relief from failure of government officials to fulfill their obligations under California Rancheria Act prior to termination of reservation.
*

002384
Daniels, Cynthia v. Morton, Rogers C.B.
Cal., N.D. Cal., California Indians, 1974.
Indians seek to enjoin interference with water service to their property located on rancheria.
*

002395
Navajo Tribe of Indians v. United States.
Ct. Cl., Navajo, d. 1966, (C.002396).
Terms of lease negotiated by government on tribe's behalf implicitly included helium deposits for which tribe is entitled to additional compensation.
Opinion, 176 Ct. Cl. 502, 364 F.2d 320 (1966).

UNCONSCIONABLE DEALINGS: CLAIMS AGAINST UNITED STATES

002353
Miami Tribe of Oklahoma v. United States.
Ind. Cl. Comm. Nos. 251, 124-A, Ct. Cl., Miami Tribe of Indiana, Miami Tribe of Oklahoma, 1958, d. 1960, (C.002352).
Tribe awarded additional compensation for land cession and for annuity payments which were commuted without tribe's consent.
Opinions, 6 Ind. Cl. Comm. 513, 552 (1958); 150 Ct. Cl. 725, 281 F.2d 202 (1960); cert. denied, 366 U.S. 924 (1961).

URBAN INDIANS

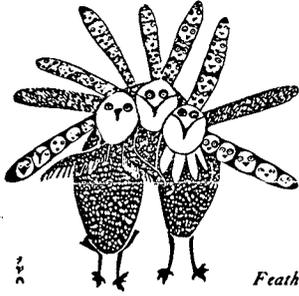
002332
"Questions and Answers on Federal Government Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

VOTING

002367
United States v. San Carlos Apache Tribe.
Ariz., D. Ariz., San Carlos Apache, 1974.
Federal court orders new tribal elections to be held under conditions consistent with principle of due process and equal protection.
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002368
Wachcha, Mose v. Eastern Band of Cherokee Indians, Inc.
N.C., W.D.N.C., Eastern Band of Cherokee, 1974.
Indians seek reapportionment of representation on tribal council and contend that two duly elected officials are being denied their seats on council.
*

* means additional material available.



Feathered trio

WATER RIGHTS

002314

Report of Environmental Factors by the Department of the Interior and the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians Submitted in Support of Interior's Recapture Recommendation and the Indian Bands' Application for a Non-Power License.

Report to the Federal Power Commission.
Secretary of the Interior, La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians, 1974, (C.001261).
289 pgs.

002315

United States v. Truckee-Carson Irrigation District. Nev., D. Nev., Pyramid Lake Paiute, 1974. Suit seeks judicial allocation of Truckee River waters between state of Nevada and United States.

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WATER RIGHTS: RESERVED RIGHTS

002309

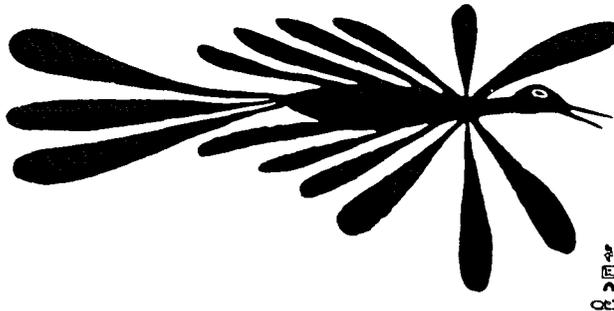
Winters Doctrine Rights in the Missouri River Basin. Paper.
Veeder, William H., 1965.
32 pgs.

WELFARE

002332

"Questions and Answers on Federal Government Indian Affairs."
Report, Bureau of Indian Affairs.
Office of Management and Budget, June 5, 1974.
96 pgs.

* means additional material available.



Multi-feathered bird

* means additional material available.

(Continued from page 14.)

Accordingly, after the initial ruling by the Superior Court which upheld the establishment of the North Slope Borough, the State of Alaska, NARF, ASNA attorney Fred Paul, and the Borough itself moved for an award of attorney fees and other litigation expenses. These totalled more than \$150,000. After considering the motion the Superior Court awarded only \$20,000 for 1417 hours of legal work even though the prevailing rate in Alaska was then \$42 per hour. The hourly average under the award was \$14.

The original award of fees and costs was upheld by the Supreme Court, which also awarded an additional \$1,500 to partially cover the cost of the appeal (NARF's out of pocket expenses during the appeal process alone were more than \$11,000). Of the total award NARF received \$14,524.

NARF will continue to seek attorney fees in other cases because the Steering Committee believes that if the trustee Secretary, the states, and the corporate interests find that they must bear the expense of such litigation, then they will not be quick to repudiate their trust responsibilities and other commitments to Native American people.



NARF Priorities

The Steering Committee of the Native American Rights Fund has decided to concentrate NARF's legal resources on these problem areas:

TRIBAL EXISTENCE: Enabling tribes to continue to practice their religion and Indian ways, protecting their original treaty rights, as well as insuring their independence on reservations.

TRIBAL RESOURCES: These efforts concentrate on protecting Indian lands, water, minerals, and other natural resources from abuse.

HUMAN RIGHTS: NARF is concerned with securing for Indians their rights to an education which complements their culture, to adequate health care, and to equitable treatment for Indian prisoners.

ACCOUNTABILITY: Indians are controlled by more laws than other Americans. NARF works to make certain that governments—federal, state, local, and tribal—are accountable for proper enforcement.

INDIAN LAW DEVELOPMENT: NARF is joining efforts with others working in Indian law to insure an orderly development of this complex body of law and is working to increase other Indian legal resources.

NARF Steering Committee

Jacob Adams, Inupiat Eskimo, Vice President, Arctic Slope Native Association; Barrow, Alaska

LaNada Boyer, Shoshone-Bannock, Resident, Fort Hall Indian Reservation; Blackfoot, Idaho

John Clifford, Rosebud Sioux, Educator, Native American Studies; South Milwaukee, Wisconsin

Val Cordova, Taos Pueblo, University of New Mexico Department of Education; Albuquerque, New Mexico

Curtis L. Custalow, Sr., Mattaponi, Chief, Mattaponi Tribe; West Point, Virginia

Martha Grass, Ponca, Director, American Indian Referral Center; Marland, Oklahoma

Lucille Dawson, Narragansett, Secretary, Coalition of Eastern Native Americans; Shohola, Pennsylvania

Leo J. LaClair, Muckleshoot, Executive Director, Small Tribes of Western Washington; Seattle, Washington

Rodney Lewis, Pima-Maricopa, Director, Gila River Legal Services; Sacaton, Arizona

Leroy Logan, Osage, Rancher; Hominy, Oklahoma

Janet McCloud, Tulalip, Member, Tulalip Tribe; residing at Yelm, Washington

David Risling, Jr., Hoopa, Coordinator, Native American Studies, University of California; Davis, California

John Stevens, Passamaquoddy, State Commissioner of Indian Affairs; Augusta, Maine



Director

John E. Echohawk, Pawn
Deputy Director

Thomas W. Fredericks, Mandan

A Note To Our Readers: Please accept our apology for the absence of the publication of *Announcements* during 1974. It was a year full of many successes for our clients. However, our resources, both human and financial, were more limited this year than in the past, and as we struggled to meet our commitments to our clients we were forced to temporarily stop publication.

To all of you who wrote to us asking for us to continue, we are grateful for your encouragement. We are now resuming publication and we are looking forward to sharing our thoughts with you again.

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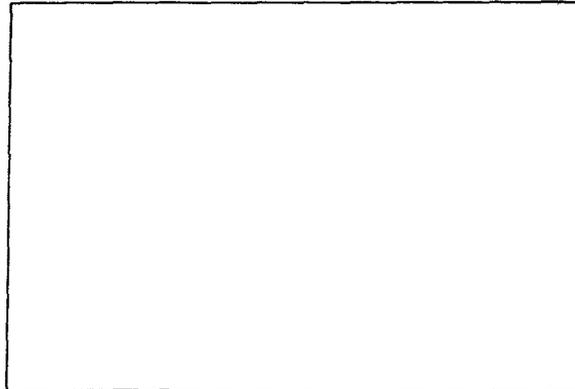
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