

ANNOUNCEMENTS

Native American Rights Fund

Indian Water Rights, Issue for the '80s

Indian water rights will undoubtedly be the major Indian rights issue in the 1980s. Nearly every tribe in the western United States is fighting to protect its water rights, either through litigation or negotiations. Even though it has been legally established since 1908 that Indians have special reserved water rights, these rights are still continually being ignored by state and private water users, with the consequences that tribal water resources are being threatened, are being illegally appropriated, or have already been completely diverted. This will continue until tribal water claims are protected by litigation or negotiated settlements.

Indian treaties which established reservations seldom mentioned and never defined Indian water rights. However, in writing for the U.S. Supreme Court in 1908 in a case in which non-Indian water users were asserting that the establishment of the Ft. Belknap Indian reservation in Montana carried with it no special water rights for the tribe, Justice McKenna stated:

"The lands (of the reservation) were arid, and without irrigation, were practically valueless. And yet, it is contended (that) the means of irrigation were deliberately given up by the Indians . . . Did they reduce the area of their occupation and give up the waters which made (the reservation) valuable or adequate? . . . That the government did reserve (water rights for the tribe) we have decided, and for a use that would be necessarily continued through years . . . it would be extreme to

believe that within a year (of establishing the reservation) Congress destroyed the (water rights) and took from the Indians the consideration of their grant (of aboriginal lands) leaving them a barren waste . . . took from them the means of continuing their old habits, yet did not leave them the power to change to new ones."

With this decision, *Winters v. United States*, the U.S. Supreme Court laid down a basic tenet of Indian law — that with the establishment of an Indian reservation was an implied reservation of sufficient water to enable the Indians to live on these lands which were drastically reduced in size from the aboriginal lands that they were ceding in treaties with the United States, and to which they were being forcibly relocated. The *Winters* case, or *Winters Doctrine*, lay virtually dormant until 1963 when the Supreme Court once again addressed the issue of Indian water rights in *Arizona v. California*.

Arizona v. California was a suit to litigate the waters of the lower Colorado River among the states of Arizona, California, Nevada, the federal government and five southwestern tribes. In its decision, the Supreme Court not only reaffirmed the *Winters Doctrine*, but ruled that Indian reservations were entitled to sufficient water to irrigate all "practically irrigable acreage" on reservations. The *Arizona* decision caused an uproar among the western states and land owners which continues today. There is little surprise that the 1908 *Winters* decision caused little notice for so long a time. Most western tribes, small in number and size,

The Native American Rights Fund is a non-profit, Indian-controlled organization supported by private foundations and companies, federal agencies, Indian tribes, individual donors and other sources. NARF works exclusively for Indian rights by providing legal representation in such major areas as tribal sovereignty and self-determination cases, tribal resources, and the preservation of tribal existence and Native American cultures. Requests for assistance should be directed to Jeanne Whiteing, Deputy Director. NARF requests expenses and attorney fees from those clients with ability to pay.

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The Native American Rights Fund is a non-profit organization specializing in the protection of Indian rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.

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were not using all the water that ran through their reservations, and non-Indians did not hesitate to appropriate Indian water whenever they wanted; especially since the federal government was doing very little to protect them.

Other court rulings have since further defined the nature of Indian reserved rights. Indian water rights are property rights based on federal law, and are not dependent on state law nor on the riparian or appropriative doctrines used in establishing non-Indian water rights. Indian water rights are "prior and paramount," meaning that the priority date of Indian rights goes back to the establishment of their reservations or earlier. Indian water rights are not lost by non-use (i.e., a tribe whose reservation was created in 1850, but which only began using its reserved water rights in 1950, has a prior and paramount right to all others whose rights were established after 1850). This prior right is significant in times of shortages. Indian water rights include all sources of water — lakes, rivers, streams, springs, groundwaters — which cross, border, or underline Indian reservations.

There still remains many issues to be settled, such as the scope of Indian water rights, how the right is to be measured, for what purposes may tribes apply their reserved rights, and whether Indian reserved rights are transferable. But to these questions, tribes will answer that Indian reserved water rights are to be interpreted to enable the purpose of the reservations to be fulfilled, that purpose being to provide a permanent and prosperous homeland for their people.

Since the protection of tribal natural resources is one of NARF's first priorities, Indian water rights cases have always made up a large part of NARF's program. Some of the cases described below have been in litigation for over ten years. Such protracted proceedings, however, are typical for water cases. Even the few recent decisions the courts have handed down in Indian water cases have not dealt with the merits of the claims themselves, but with preliminary issues such as state-versus-federal jurisdiction; the duty of the United States to file suit to protect Indian water rights, and whether or not prior court decisions bar present tribal claims.

Following are summary descriptions of the water rights cases in which NARF is presently involved. The water resources of these tribes are either being threatened or have already been appropriated and the tribes are now attempting to recapture and secure their rights to the water.

Pyramid Lake Reservation

On June 15, 1981, a Federal appeals court issued a landmark decision upholding the Pyramid Lake Paiute Tribe's claim to sufficient water to maintain its fishery, the major source of livelihood to the Nevada Tribe. Pyramid Lake lies in the center of the Pyramid Lake Indian Reservation located in northwestern Nevada, about 30 miles north of Reno. The Lake is the remnant of a vast inland sea which once covered nearly 9,000 square miles of western Nevada, and is fed by the Truckee River which begins at Lake Tahoe 100 miles to the southwest.

The Paiute Indians have long depended on the Lake's fisheries resources as their primary food source. But the once thriving and world famous fisheries has been

decimated because of upstream diversions, principally the Truckee-Carson Irrigation District, a federal reclamation project. These diversions have caused a decline in the Lake level of 70 feet, and cut off the fishes' access to their Truckee River spawning grounds. The cui-ui, which is found only in Pyramid Lake, is classified as an endangered species, while the Lahontan cutthroat trout, the largest trout in the world which grew to more than 60 pounds in the rich waters of Pyramid Lake, is listed as threatened.

These diversions, which are now the subject of ten water rights suits, began around the turn of the century and with each new diversion, the very life of the Lake, the fisheries and the Paiute Indians themselves are threatened. Since its inception, NARF has been working in association with other attorneys to stem the diversions and protect the tribal fisheries.

The decision, *U.S. v. Truckee-Carson Irrigation District*, is a significant victory, not only for the Pyramid Lake Paiute Tribe, but for Indian water rights generally. First, the Court found that the Secretary of the Interior is not authorized to take Indian water rights for the benefit of reclamation projects. Second, the Court also ruled that when the United States represents Indians in litigation, it is obligated to act as a trustee and not to compromise the Indian's interests owing to its conflicting responsibilities.

Papago Tribe

The Papago Reservation in Arizona is composed of three segments, the main reservation being some 2.8 million acres. The Gila Band segment is 10,000 acres and is north-west of the main reservation, while the San Xavier section is east of the main reservation and has an area of 71,000 acres. The Papagos are an agricultural people and historically were a nomadic people who moved in search of water. Because their few sources of water were used by others, they became one of the poorest Indian tribes in the Southwest. NARF is now representing the Papago Tribe in two water cases, one regarding the main reservation and one concerning the smaller San Xavier segment near Tucson.

The Papagos of the San Xavier portion have been farming their lands, using the surface and groundwater of the Santa Cruz River, from time immemorial. However, due to extremely heavy pumping of groundwater on all sides of the reservation by several large copper mines, the City of Tucson and major agricultural interests, the surface flows have all but disappeared and the groundwater table underlying the reservation has been severely depleted. The Tribe, individual Indian allottees, and the United States brought suit to halt interference with the Tribe's rights to both the surface and groundwaters. In the meantime, the Tribe became involved in detailed settlement negotiations. In the Summer of 1980, Arizona Congressman, Morris Udall introduced a bill to achieve a legislative settlement of the complex dispute. In late 1981, he announced that the settlement legislation had been worked out to nearly everyone's satisfaction and that, when passed by Congress, would end the suit brought by the Papagos. He stated that the settlement was a "possible model for water settlements all over the West."

The second Papago case concerns the 1978 Ak-Chin

Water Supply Act which directed the Secretary of the Interior to obtain a substitute water supply for the Ak-Chin Indian Reservation in Arizona. The Interior Department identified three alternative areas from which that water supply could be obtained, but obtaining water from two of these areas, including the area recommended in the Draft Environmental Impact Statement, would adversely affect the interests of the water rights of the Papago Tribe. NARF's client, NARF attorneys met with the Papago Tribe's Water Commissioners and with representatives of the local Papago district. They are attempting to persuade the government to meet its obligations to the Ak-Chin reservation without interfering with the water resources of the Papago Tribe.

Arizona v. California

This historical suit is to adjudicate water rights in the lower basin of the Colorado River between the states of Arizona, California, Nevada, the federal government and five Indian tribes in which NARF represents the Cocopah and Chemehuevi tribes. If the claims of the Chemehuevi and Cocopah tribes are sustained, their present water rights will be more than doubled. This will be critical to improving the tribes' economy on a long-term basis.

The original decision in *Arizona v. California* was handed down by the U.S. Supreme Court in 1963. The Supreme Court held that the Indian tribes were entitled to sufficient water to satisfy the future as well as the present needs of the five reservations, and that water was reserved to the tribes to irrigate all "practically irrigable" acreage on the reservations. It later became apparent that the five tribes were entitled to additional water rights because of the failure of the United States to fully assert the tribal claims at the original trial, and also by reason of the addition of irrigable lands as the result of the resolution of boundary disputes after the 1963 ruling. In 1979, the Special Master appointed by the Supreme Court allowed the five tribes to intervene for the purpose of asserting these additional rights.

The trial commenced in Denver in September 1980 and continued for four weeks. It resumed in Phoenix in early January 1981 for another three weeks, continued in Atlanta for a two-week period in March and concluded with a one-day hearing in Pasadena, California on April 7, 1981. After the Special Master files his recommended findings and opinion with the U.S. Supreme Court, the issues will again be briefed for the Supreme Court. Oral argument before the Supreme Court is expected to be set for January or February 1982 with the final decision expected no later than June 1982.

Northern Cheyenne Water Rights

In 1975, concerned about several court developments that seemed to be leading toward adjudication of Indian water rights in state courts, the Northern Cheyenne Tribe of Montana filed a water suit in the federal district court in Montana, and soon thereafter retained NARF to represent them. This case, *Northern Cheyenne Tribe vs. Montana*, seeks to establish the Tribe's right to sufficient water to fulfill the purposes, both present and future, for which their reservation was created. The suit involves the adjudication of rights of numerous defendants to the waters of

the Tongue River, Rosebud Creek and their tributaries. The United States also filed suit on behalf of the Tribe, and the two cases were consolidated by the court.

Various motions to dismiss the suit were filed in 1975 and 1976. The motions presented the question of whether the Tribe's water rights should be adjudicated in federal or state court. NARF argued strongly that a federal forum is required and is certainly preferable to state courts which are, historically, generally hostile to Indian rights. The motions were before the court for three full years before it finally ruled in 1979 to dismiss the cases from federal court for reasons of "wise judicial administration." NARF appealed the federal court's decision to the Ninth Circuit Court of Appeals. Upon appeal, the Northern Cheyenne case was consolidated with other Montana tribal water rights cases which were dismissed in the same decision. These seven cases involved the water rights of all of the Indian tribes in Montana. Only July 15, 1980, oral argument was heard in the Ninth Circuit Court of Appeals on the issue of state-versus-federal jurisdiction, and NARF is now awaiting a decision on the issue.

In the meantime, the Northern Cheyenne Tribe has begun settlement discussions with the Montana Reserved Water Rights Compact Commission. The Compact Commission was established by Montana in 1979 specifically to negotiate water rights compacts with Indian tribes. NARF is hopeful that these discussions may lead to a settlement of some of the issues. The focus of these discussions involves the need for a new Tongue River Dam which would resolve safety problems with the present dam and provide additional water storage. The possibilities of increased storage capacity would enhance the possibilities of settlement. The Tribe has also met with a coalition of state and federal agencies, private organizations and interested individuals concerning the Tongue River Dam project. At this point, Montana is seeking federal funds for a feasibility study. The State legislature has already appropriated \$40,000 for a portion of the study and other matters, and \$10 million for construction. However, the construction money is contingent upon federal participation and the successful negotiation of a compact with the Tribe. All parties are working toward an eventual joint state-federal-tribal project.

Klamath Water Rights

The Klamath Indians have lived for more than a thousand years in southcentral Oregon, just east of the Cascade Mountains. The largest Klamath settlement was located along the Williamson River in the vicinity of an extensive marsh area abundant with game. Historically, the Klamath Indians depended on the marsh and its surrounding rivers, lakes, and forests for food. There they fished, hunted waterfowl and game, and gathered edible plants. They also depended on the area for clothing and building materials. Even now, hunting, fishing, and gathering in the area are important to the Klamath Indians.

In 1864, the Klamath Indians entered into a treaty with the United States, under which they ceded their rights to more than 12 million acres of land to the United States. In return, the federal government reserved 780,000 acres

from the public domain and created the Klamath Reservation for exclusive occupation by the Tribe. Article I of the Treaty reserved to the Indians "the exclusive right of taking fish in the streams and lakes (of the Reservation), and gathering edible roots, seeds, and berries within its limits." Nearly a century later, the United States terminated its special federal trusteeship with the Tribe, but the hunting and fishing rights of the Tribe were again guaranteed in the termination act.

United States v. Adair is a water rights action filed by the United States seeking a declaration that is entitled to sufficient water for the Klamath Forest Wildlife Refuge and the national forest lands within the area of adjudication. NARF is representing the Klamath Tribe which has intervened to protect the water rights associated with its treaty hunting and fishing rights. The Tribe is seeking a declaration that it is entitled to a minimum stream flow in the Williamson River essential to preserving the habitat of the wildlife that is the subject of its hunting and fishing rights. Whether Indian hunting and fishing rights, guaranteed by treaty, carry with them a guarantee of water rights to preserve the wildlife has never been decided.

In 1979, the United States District Court for Oregon handed down a decision in the case *United States and Klamath Tribe v. Adair and Oregon* (478 F. Supp. 336, D. Ore. 1979), which confirmed the Tribe's right to use as much water from the Williamson River as necessary to protect its hunting and fishing treaty rights. In interpreting the 1864 treaty between the Tribe and the United States which established the reservation, and the congressional termination of the Klamath Tribe in 1961, the district court in *Adair* declared that the Tribe retained its reserved rights insofar as they are necessary for the preservation of its treaty-protected hunting and fishing rights.

However, despite the favorable decision in *Adair*, the Klamath Tribe must now quantify its water rights. Experts, such as hydrologists and wildlife biologists are needed to conduct the necessary studies. Since the Tribe was terminated, the Bureau of Indian Affairs has taken the position that it need not represent the Tribe in protecting its treaty rights nor render any financial assistance. Additionally, the decision in *Adair* did not decide whether the United States had any federal reserved water rights to accomplish the governmental purposes of the protection of fish and wildlife on the forest lands and in the Klamath National Wildlife Refuge. Consequently, if the Tribe's treaty hunting and fishing rights are to be preserved at all, it is up to the Tribe alone to officially quantify the necessary amount of water for that purpose. *Adair* has been appealed to the Ninth Circuit in San Francisco and has been fully briefed. Oral argument is expected in 1982.

Muckleshoot Water Rights

NARF represents Washington's Muckleshoot Tribe in two cases in the Tribe's efforts to secure its water rights, the loss of which has destroyed the Tribe's fisheries. In 1911, a hydroelectric plant was constructed on the White River which flows through the middle of the Muckleshoot Reservation. The plant diverted substantially all of the river's flow away from the reservation to the power plant. The water was returned to the River below the reservation. Consequently, the Tribe's treaty-secured fishing

rights were effectively destroyed. Puget Sound Power & Light (successor to the original 1911 operators of the power project) has maintained that the federal government does not have licensing jurisdiction over its project because the White River is not a navigable stream.

When the Federal Power Commission (FPC) held hearings to determine the navigability of the White River, the Muckleshoot Tribe, represented by NARF, intervened. An Administrative Law Judge (ALJ) found the stream not to be navigable. However, based primarily on new evidence submitted by the Tribe, the FPC reversed the ALJ and found the stream to be navigable and, therefore, under its jurisdiction. The company appealed the FPC decision to the Ninth Circuit Court of Appeals, and on May 4, 1981, the Ninth Circuit ruled in favor of the federal government (and the Tribe) and found the project to be under the jurisdiction of the federal government. In November 1981, the U.S. Supreme Court denied the company's petition for review. The Tribe will now participate in the proceedings before the Federal Energy Regulatory Commission in efforts to assert its water rights to ensure a sufficient stream flow to protect tribal fishing and other treaty rights.

Ute Water Rights

The two Ute tribes of southwestern Colorado are asserting their water rights in streams in Colorado and New Mexico. NARF represents the Ute Mountain Ute Tribe in *New Mexico v. United States*, where the initial issue is whether the New Mexico state court has jurisdiction to determine the water rights of the Ute Mountain Ute, Navajo, and Jicarilla Apache tribes. Also at issue is the amount of water the tribes are entitled to receive. The Colorado cases involve water applications filed by the United States on behalf of the two Ute tribes and on its own behalf. These cases were an outgrowth of the Supreme Court's 1976 decision in *Colorado Water Conservancy District v. U.S.*, also known as the *Akin* case. As stated above, the Supreme Court decided in *Akin* that the State of Colorado had jurisdiction to adjudicate federal water rights, as well as Indian water rights. During the last three years, major activity consisted of studies of the water resources and needs of the Ute tribes. It is possible that if Congress appropriates funds for reclamation projects, it could lead to a negotiated settlement of the suits.

Ft. McDowell Reservation Water Rights

NARF filed suit in federal court on behalf of the Fort McDowell Mohave-Apache Indian Community of Arizona in 1979 against the Salt River Valley Water Users' Association, the State of Arizona and others to adjudicate the Tribe's rights to the waters of the Verde River which passes through their reservation. The defendants' motion to dismiss on the ground that under federal law the case should have been brought in state court was granted by the federal district court. This decision was appealed to the Ninth Circuit where the court directed that the case be heard along with related Montana and Arizona Indian water rights cases which present the same issue — namely, under what circumstances, if any, may an Indian tribe have its water rights adjudicated in federal rather than state court. Oral argument was heard on July 15,

1981, by the Ninth Circuit Court of Appeals in San Francisco, and a decision is expected sometime this year.

The Fort McDowell reservation is also involved in securing water from the Central Arizona Project (CAP), presently under construction, which will divert water from the Colorado River to water-short central Arizona for municipal, industrial and agricultural uses. There are a dozen Arizona tribes, including the Fort McDowell Community, which have sought allocations of CAP water to be delivered upon completion of the project. NARF represented Fort McDowell in seeking the CAP allocation and was successful in receiving an allocation of 4,300-acre feet of water in 1980 when the tribal allocations were made. Litigation against the Secretary of Interior challenging these Indian allocations brought by state interests is pending. NARF was also involved in stopping proposed federal legislation that would have prevented the Secretary from making the Indian allocations.

Sioux Water Rights

In March of 1980, the State of South Dakota filed suit in state court to adjudicate all water rights in the Missouri River system in the western two-thirds of the state (*S.D. v. Rippling Water Ranch, et al.*). The water rights of seven South Dakota Sioux tribes are affected and it is anticipated that as many as 60,000 defendants eventually will be included in the action. NARF assisted in planning preliminary strategy for the Sioux tribes and the federal government, and now represents the Rosebud Sioux Tribe. The issue now before the court is whether the case is to be adjudicated in state or federal court. The extent and priority of the tribal water rights will then be litigated.

The United States, as trustee on behalf of the tribes, is seeking to remove the case to federal court, but the State filed a motion to remand the case to state court. NARF assisted in the briefing of this issue by the United States and the tribes, and also filed a brief on behalf of the Rosebud Sioux Tribe in support of federal court jurisdiction. The federal court has postponed a decision while the tribes, the federal government and the State attempt to come to some agreement on federal or state jurisdiction and other issues.

Mission Indian Water Rights

In a case including the rights of five southern California Mission Indian Bands, NARF is representing the Rincon, LaJolla, Pauma, and Pala Bands, and a private firm is representing the San Pascual Band. The story of the Mission Indian water problems began in 1894 after the six reservations were formally established in the San Luis Rey watershed in northern San Diego County. As a result of water rights contracts and canals across Indian and public land granted by the government and a 50-year license issued in 1924 by the Federal Power Commission, virtually the entire flow of the San Luis Rey River and the LaJolla and Rincon Indian reservations has been diverted out of the watershed to the communities of Escondido and Vista, California. The once-thriving agricultural economies on the reservations have been decimated, and the Indian people have been forced to relocate off the reservations

to find employment. The unemployment rate on some of the reservations exceeds 40%.

Owing to lack of water and of capital, Indian lands lie barren while the similarly situated non-Indian lands adjacent to the reservations have valuable commercial citrus and avocado groves. In fact, the reservation boundaries are often marked by the dry, barren land on one side and the developed, irrigated groves on the other.

Should the Indians prevail in obtaining the right to operate the facilities, either by recapture or by the granting of their application for a non-power license, the economics of the reservations would be dramatically changed. The Bands would derive significant revenue from the sale of water, and additional revenue would be generated from water transportation.

The Bands would also realize some income the operation of the reservation facilities at Lake Wohlford and on the LaJolla Indian Reservation. Some of these revenues would be utilized to develop the agricultural potential of the reservations.

Along with the return of the land to the farm operator and landowners, many new jobs would be generated. Many, if not most, of them would go to Band members, in such areas as construction, farming and maintenance operations. Under a proposed plan of development, construction will be phased over 50 years, providing relatively constant and continuous jobs. Other jobs would be created for Indians at the Lake Wohlford recreation site and at the LaJolla fishery and campground. The LaJolla Band is currently expanding their camping facilities and fishery. The inability of the Indian reservations to generate sufficient jobs and income for its members has contributed significantly to the deculturization process, to the movement of families off the reservation, and a forces assimilation into the non-Indian world. Historically, survival of an Indian culture has been dependent upon the existence of a land base, together with sufficient resources to provide income for the reservation residents.

Even though a great body of law recognizes the Indians' prior and paramount water rights, what is needed now is proper enforcement and application of the law to preserve and implement these rights in order that the Indian tribes can survive in the arid and semi-arid regions of the West. Resolution of the water cases described above and those of other tribes will enhance the economies of the tribes in such areas as agriculture, fisheries development, and other water-dependent industries. The Indians' needs are very small in comparison to the demands on the limited water resources made by non-Indian users, but are critical to their survival and well-being.

"If a man loses anything and goes back and looks carefully for it, he will find it, and that is what the Indians are doing now when they ask you to give them the things that were promised them in the past; and I do not consider that they should be treated like beasts, and that is the reason I have grown up with the feelings I have. . . . I feel that my country has gotten a bad name, and I want it to have a good name; and I sit sometimes and wonder who it is that has given it a bad name." — Tatanka Yotanka (Sitting Bull), Medicine Man and Chief, Hunkpapa Sioux, 1877.

CASE DEVELOPMENTS

Yankton Sioux Declared Rightful Owners of Lakebed. On September 9, 1981, the Federal District Court for South Dakota ruled that the Yankton Sioux Tribe is the rightful owner of the bed of Lake Andes located within the original Yankton Sioux Reservation in South Dakota. NARF had filed suit on behalf of the Tribe in 1976 when some individuals were harvesting kochia (fireweed) on the sometimes dry lakebed. The suit was brought to obtain a court injunction to prevent further trespass and loss of crops. In its decision the Court stated that when the Yankton Sioux Reservation was established in 1858 under treaty with the United States, the Tribe already held aboriginal title to the 400,000 acres set aside for their reservation. The Court concluded that since this title was never extinguished by the United States, the Tribe was still the rightful owner of the lakebed and not the State of South Dakota nor the individual owners of the land adjoining the lake.

This decision is especially important because it is one of the first court rulings related to the landmark decision of the United States Supreme Court in *Montana v. United States* issued last March. In that case, the Supreme Court held that the State of Montana owned that portion of the bed of the Big Horn River which passes through the Crow Reservation. In ruling that the *Montana* decision was not applicable to the Lake Andes case, the South Dakota Court stated that whereas the United States had previously extinguished the aboriginal title of the Crow Tribe to the Big Horn River prior to creating the Crow Reservation, the aboriginal title of the Yankton Sioux to the bed of the Lake Andes has never been extinguished. South Dakota has appealed the decision to the Federal Court of Appeals (*Yankton Sioux Tribe v. Nelson, et al.*, Civ. No. 74-4066 (D.S.D., filed Sept. 9, 1981), appeal docketed (8th Cir.)).

Alabama-Coushatta Indians Seek Restoration. NARF has been retained by the Alabama-Coushatta Indians of Texas to assist them in re-acquiring federal recognition status. The Tribe is located on a 4,500-acre state reservation 90 miles north of Houston. The Tribe was once under the exclusive protection of the State of Texas until the 1920s when the federal government acquired additional lands for their reservation and began providing federal Indian services. This federal relationship was terminated by Congress in 1954, but Texas continued to act as trustee for the Tribe. However, health and educational problems have increased dramatically since the time of termination and the Tribe now wishes to be restored to federal status, which will require an Act of Congress. NARF has held informational meetings with the tribal people in order to begin the compilation of historical and socioeconomic data. Following completion of the background material, proposed legislation will be drafted and efforts to enlist the support of the Texas congressional delegation and units of local governments will begin.

Federal Indian Employees Retain Grazing Allocations. In 1980 Congress revised the conflict-of-interest laws pertaining to federal employees doing business with Indians (18 U.S.C. 537), and granted authority to the President and Secretary of the Interior to issue regulations governing such business relations. NARF was recently contacted by 14 Indian employees of the Bureau of Indian Affairs and the Indian Health Service on the Rosebud Sioux Reservation who, with a couple of exceptions, hold non-administrative federal positions. All had been denied grazing allocations by the BIA, although the Rosebud Sioux Tribe had approved the permits. Suit was initiated in U.S. District Court in South Dakota to challenge the BIA's action. However, the day before the hearing, the United States agreed to implement regulations used under the old laws and under which these Indian clients were entitled to allocations. The Indian employees are now able to keep the grazing allocations that they have relied on for years to provide income for their families (*Wright v. Schweiker*, Civ. No. 81-3059 (D.S.D., filed Oct. 8, 1981)).

Tunica-Biloxi Tribe Obtains Federal Recognition. On September 25, 1981, the Department of the Interior issued a final decision granting the Tunica-Biloxi Indians of Louisiana federal recognition status. In December 1980, Interior had published a favorable preliminary finding on the Tribe's petition for recognition. During the ensuing comment period which had been extended, NARF negotiated with the State of Louisiana on their concerns over the issues. In April 1981, the comment period expired without the State filing any adverse comments on the petition. NARF is now working on the Tribe's land claim, which had been set aside until the federal recognition issue was settled. NARF had filed a litigation request in 1979 with the Interior Department on behalf of the Tunica-Biloxi which documented a claim to approximately 10,000 acres of the Tribe's aboriginal land in Louisiana. The request asked the United States to file litigation on the Tribe's behalf to recover the property or, in the alternative, sponsor a negotiated settlement of the claim. Now that the Tunica-Biloxi Indians are federally recognized, it is hoped that a negotiated settlement of the land claim can be reached.

Gay Head Wampanoags Vote In Favor of Settlement. On September 26-27, the Gay Head Wampanoags of Massachusetts voted in favor of a proposed settlement in their land claims suit filed against the Town of Gay Head located near Martha's Vineyard. During meetings in Boston in late 1980, major obstacles to the settlement at Gay Head were finally resolved. Under the terms of the settlement, the Town of Gay Head will return 238 acres to the Tribe and the United States will provide funds to purchase an additional 200 acres. The lands will be held by a state-chartered corporation, whose directors will be appointed by the Tribe, and will be subject to an express federal restriction against alienation. This corporation will make payments in lieu of taxes to the Town of Gay Head for any of these lands which are developed. The lands will be subject to a land use plan agreed to in advance and will not be subject to town zoning laws.



Hearings on the "Texas Band of Kickapoo Reservation Act" before the Committee on Interior and Insular Affairs, U.S. House of Representative, October 30, 1981. *Traditional Kickapoo Delegation* (Seated at front table, left to right): Adolpho Auico, religious leader; Raul Ganza, spokesman; Vicenta, Vice-President; Nakai Breen, spokesman; and Hetchema, spokesman. *Oklahoma Kickapoo Delegation* (At far right): Herbert White, Tribal Chairman (with microphone); John Kaskaskie, Secretary; and James Wapepa, Vice-President. *Others pictured*: Charles Wilkinson, of counsel attorney of NARF for the Kickapoo, second row, second from left; and next to him, Kurt Blue Dog, NARF staff attorney on the Kickapoo case (Photo Credit: News Photo Worldwide).

Congressional approval is now needed for funds to pay for part of the land intended for the Tribe, and for ratification of the settlement's other provisions.

Ft. McDowell Reservation Gets Reprieve From Flooding. On November 12th, Secretary of Interior James Watt issued a preliminary decision against the building of Orme Dam which would have flooded three-fourths of the Ft. McDowell Indian reservation in central Arizona. The Secretary's decision favors two other sites which are outside of the reservation and would not flood Indian lands. There was almost unanimous support in favor of the alternative sites by the Tribe, the Arizona congressional delegation, the governor and local officials. An Environmental Impact Statement will be issued in the Spring of 1982, followed by public comment period, after which a final decision on the sites will be issued.

Texas Kickapoo Bill Introduced In Congress.

On September 16th, the "Texas Band of Kickapoo Reservation Act" was introduced in Congress. The bill (H.R. 4496) is intended to secure federal services and a reservation land base for the Band. Although the Texas Kickapoo Indians are a part of the Oklahoma Kickapoo Tribe, they are denied needed federal services in such critical areas as health, housing, and a secure land area. The denial is based on the policy that the Texas Kickapoo residence at Eagle Pass, Texas, is not an Indian reservation. So only by travelling the 800 miles to the Oklahoma Kickapoo reservation can they receive federal Indian services. The Texas Kickapoos are one of the few remaining Indian tribes which still speak their own language exclusively and retain much of their other cultural traditions. Many of the 600 members travel annually between Eagle Pass, Oklahoma, and to Nacimient, Mexico, for religious ceremonies. (See the June 1981 *Announcements* for an article on the Texas Kickapoo).

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New National Support Committee Members

NARF is pleased to announce the addition of three new members to its National Support Committee. The additions of Iron Eyes Cody, Val Cordova and David Risling, Jr. brings the membership on the NSC to 12.

Iron Eyes Cody, a Cherokee-Cree originally from Oklahoma, is probably most well-known for his role as the "Indian in the Canoe" who cried at the pollution of America in the *Keep America Beautiful* television commercial. These TV spots have now been running for 12 years and new ones are being filmed and aired. In addition to Mr. Cody's *Keep America Beautiful* role, this prominent Native American is presently working on a series for CBS television. His motion picture credits include numerous documentary films as well as commercial enterprises. He starred as Standing Bear with Ben Johnson in *Grey Eagle*; as the Sun Dance Priest with Richard Harris in *A Man Called Horse*; as Crazy Foot in *Cockeyed Cowboys*; and as Satana in *El Condor*. Mr. Cody also portrayed Crazy Horse in *Sitting Bull*, and recently completed *Wilderness Trail* in Canada.



Besides his acting, Mr. Cody has authored three books relating to Indian sign language, legends and art, as well as various magazine and newspaper articles. He is actively involved in a leadership capacity in numerous civic organizations nationally, and in the Los Angeles area where he resides. Recently, he and Bob Hope were cited for their many years of participation in the scouting program. He is a technical advisor for Indian songs, rituals, costuming and traditions and owns what is considered to be one of the finest private collections of Indian costumes

Val Cordova is a recent member of the NARF Steering Committee, having been on the Committee since 1973. Mr. Cordova, a member of the Taos Pueblo of New Mexico, is a graduate of Manhattan College of New York and later received a master's degree in Education Administration from the University of New Mexico. After 3½ years of service with the CIA in South America, he held a variety of positions in the area of Indian education. He taught at Taos High School for two years before leaving to join an Indian training program at Arizona State University under the then newly-established OEO program. He then received a fellowship



from the U.S. Department of Education; worked with the Eight Northern Pueblos' OEO programs; was JOM program officer for the New Mexico State Department of Education; and Director of Supportive Education at Southwestern Indian Polytechnic Institute. In 1973-74, Mr. Cordova was chairman of the All Indian Pueblo Council, and then taught at the University of New Mexico before accepting his present position in 1975 as Principal of the San Felipe Day School at San Felipe Pueblo.

David Risling, Jr., a Hoopa Indian from Davis, California, is no stranger to the Native American Rights Fund, having served as Chairman of its Steering Committee from 1973 until 1981. During his tenure as head of NARF's policy making board, Mr. Risling's leadership was instrumental in guiding NARF from its early stages to the leading national Indian organization it is today. Mr. Risling is former chairman of the Board of Trustees of California Indian Legal Services, and founder and former president for many years of the California Indian Education Association. During the Nixon Administration, he was appointed by the President to serve on the National Advisory Council on Indian Education. He is presently Coordinator of the Native American Studies Program at the University of California, Davis, and is chairman of the Board of Trustees of D-Q University.



"The white man does not understand the Indian for the reason that he does not understand America. He is too far removed from its formative processes. The roots of the tree of his life have not yet grasped the rock and soil. The white man is still troubled with primitive fears; he still has in his unconscious the perils of this frontier continent, some of its vastness not yet having yielded to his questing footsteps and inquiring eyes. He shudders still with the memory of the loss of his forefathers upon its scorching deserts and forbidding mountaintops. The man from Europe is still a foreigner and an alien. And he still hates the man who questioned his path across the continent. But in the Indian the spirit of the land is still vested; it will be until other men are able to divine and meet its rhythm. Men must be born and reborn to belong. Their bodies must be formed of the dust of their forefathers' bones." — Luther Standing Bear.

STAFF PROFILE

For the past two years, Suzan Shown Harjo has served as Legislative Liaison in NARF's Washington Office. During that time she has managed successful efforts to achieve passage of such significant legislation as the Maine Indian Claims Settlement Act of 1980; the extension, for the third time, of the statute of limitations on damage claims under 28 USC 2415; the exemption of oil owned by tribes and individual Indians from the Windfall Profit Tax Act of 1980; and the protection of Indian fishing, water, land, and cultural rights. Ms. Harjo has also worked with many tribes, Indian organizations and legal services programs to secure appropriations for specific programs, services and facilities. This summer's edition of the Indian Rights Association's *Indian Truth* called NARF "a leader in the effort" to "protect federal funding of Indian programs." The publication characterized Ms. Harjo as "an almost legendary powerhouse, who typically maintains a low profile on Capitol Hill, but is widely credited with important legislative victories."

Ms. Harjo previously directed NARF's legislative program from March of 1977 to March of 1978, when she accepted an appointment as Special Assistant for Indian Legislation in the Office of the Secretary of the Interior. During her 19-month appointment, she also served as Member Alternate to the Board of Trustees of the American Folklife Center and as a member of the Pennsylvania Avenue Development Corporation's committee to select quotations for the Mall. As coordinator of the Task Force on American Indian Religious Freedom, she prepared the President's response to Congress, pursuant to P.L. 95-341 (Report of August 1979). She also prepared the federal Indian report on U.S. compliance with Principles VII and VIII of the Helsinki Accords for use by the Commission on Security and Cooperation in Europe in "Fulfilling Our Promises: The United States and the Helsinki Final Act" (Report of November 1979).

Prior to her work with NARF, she was Communications Director and Legislative Assistant with the NCAI, where she worked for passage of the Indian Health Care Improvement Act, the Indian Child Welfare Act, and coordinated the NCAI/NTCA review of federal regulations to implement the Indian Self-Determination and Education Assistance Act. While with NCAI, she also served as Coordinator of the National Indian Litigation Committee. A former John Hay Whitney Fellow, she has also served as News Director of the American Indian Press Association; faculty coordinator for six semesters of a lecture series on contemporary Indian issues, School of Continuing Education, New York University; and Director of the Drama and Literature Department, WBAI-fm Radio Station, New York City, where she co-produced with her husband a bi-weekly Indian news and analysis program, "Seeing Red."

Ann Lequer



Suzan Shown Harjo, Legislative Liaison

Ms. Harjo's poetry has been included in numerous publications, anthologies and textbooks, including *The Remembered Earth: An Anthology of Contemporary Native American Literature* (Red Earth Press, 1978). As part of *Women/Voices/1975* of the International Women's Arts Festival, she was selected as one of 20 American poets for the Town Hall concert reading that was a kick-off event for International Women's Year activities. Since 1970, she has been listed in the *Directory of American Poets*. Her most recent non-fiction article, "What to Do While Waiting for the Ax," appears in the November 1981 edition of *E/SA*, a publication of the Board of Church and Society of the United Methodist Church.

In 1980, Ms. Harjo was selected as a member of the U.S. Delegation to the VIII Congress of the Inter-American Indian Institute for the international treaty organization's 40th Anniversary session in Merida, Mexico. She was selected by the Americans for Democratic Action to serve on the Panel of Distinguished Citizens to take testimony at the Citizens' Energy

Cases... fr. p. 8

Supreme Court's Denial of Review Upholds Michigan Indian Fishing Rights. On December 14, 1981, the U.S. Supreme Court Denied Michigan's appeal in the historic *U.S. v. Michigan* Indian fishing rights case. The denial of review lets stand a decision by the Sixth Circuit Court of Appeals affirming the Indian treaty fishing rights in the Great Lakes. The case was first filed in 1973 by the United States on behalf of the Sault Ste. Marie Tribe and the Grand Traverse Band of Ottawa-Chippewa Indians, with NARF representing the Bay Mills Indian Community.

The tribes argued that at the time they entered into treaties with the United States under which they ceded large areas of land and waters in the Great Lakes region, they had reserved the right to continue to hunt and fish in the ceded areas. Michigan vigorously denied the existence of any special Indian treaty fishing rights, but in 1979 a U.S. district court for Michigan upheld the tribal claims and ruled that tribal members of the plaintiff tribes had the right to fish in the ceded areas of lakes Michigan, Superior and Huron free of state regulation. In affirming the district court's decision, the Sixth Circuit court ruled that Michigan had only limited authority to regulate Indian treaty fishing; the condition being that it must show to the court that Indian self-regulation was inadequate for conservation purposes. NARF attorneys, in conjunction with tribal and federal attorneys, are now in the process of implementing the district court's decision.

Court Holds Lac Courte Oreilles Cannot Regulate Non-Indians Hunting And Fishing. On October 23, the U.S. District Court ruled that the State of Wisconsin has exclusive jurisdiction to regulate hunting and fishing by non-Indians on and in the navigable waters within the Lac Courte Oreilles reservation. In holding that the

Tribe could not enforce their game code against non-Indians, the Court cited the recent decision of the U.S. Supreme Court in *U.S. v. Montana*, stating: *Montana* precludes a finding of fact or a conclusion of law that the circumstances and need of the Chippewa... were sufficiently exigent and pressing to overcome the presumption that in the 1854 Treaty the United States did not convey to the Indians sovereignty over the navigable waters within the boundaries of the Lac Courte Oreilles reservation." In November, NARF attorneys filed a notice of appeal (*Wisconsin v. Baker*, No. 76-C-359 (W.D.Wisc., filed Oct 23, 1981), appeal filed (6th Cir.).

Cheyenne-Arapaho Oil Lease Dispute. In May 1981, NARF was asked to intercede on behalf of the Cheyenne-Arapaho Tribes of Oklahoma in a dispute involving tribal oil and gas leases. The dispute involves the automatic renewal of several tribal oil and gas leases negotiated in 1976 due to the involuntary communization by the lands covered by the leases. Approval for the communization agreement, which was required under federal law, was given by the Anadarko Office of the Bureau of Indian Affairs two days before the leases were to expire. If the leases had expired, presumably they would have been renegotiated and the tribes would have received substantial bonuses. However, under automatic renewal, the tribes are trapped under the terms of the old leases at a price for their oil and gas considerably under that of the private market. NARF attorneys have completed briefing in an administrative appeal filed with the Bureau of Indian Affairs challenging the validity of the communization agreements without tribal approval, and asserting that the BIA breached its trust responsibility and discretion in approving the commercially unreasonable agreements.

Oversight Hearing, and was also selected to participate in the task group on water for the National Conference on Renewable Natural Resources, sponsored by the American Forestry Association and two dozen other national organizations.

At present, she is a faculty member of the Indian Development District of Arizona's Management and Training Institute, established by the tribes of Arizona; Secretary-Treasurer for the Human Environment Center; and a member of the boards of directors of the Amerindian Circle, the Minority Legislative Education Program, the National Institute for Women of Color and ON/AIR.

In addition to legislative activities during 1981, she also made numerous presentations on Indian rights and needs in the Washington area and nationally. She participated as a panelist or featured speaker in annual conferences of the National Tribal Chairmen's Association (NTCA), the Federal Bar Association's Indian Committee, the American Indian Bar Association, the Tribal Employment Rights Offices, the National Congress of American Indians' (NCAI) Mid-Year Conference and the American Indian Lawyer Training Program's Indian Water Policy Symposium.

Her current advocacy activities on behalf of NARF's tribal clients includes such national Indian-interest legislation as the Tribal Governmental Tax Status Act; water and fishery measures; oversight of federal progress regarding 2415 claims; attorney fees (and related Indian representation matters); religious freedom issues; and youth conservation work and other jobs bills. She is also involved in case-specific resources and status clarification efforts for tribes and Indian institutions, such as D-Q University, and the Gay Head, Kickapoo, Kootenai, Table Bluff and Yavapai-Apache tribes, among others.

Ms. Harjo, 36, is Cheyenne and Creek, with citizenry in the Cheyenne and Arapahoe Tribes of Oklahoma. She was born in El Reno, Oklahoma, to Susie Eades (Cheyenne and Pawnee) and Freeland Douglas (Creek). She has lived in Washington, D.C., since 1974, with her husband Frank Ray Harjo (Creek), and their daughter Adriane (16), and son, Duke (8). Ms. Harjo may be reached in NARI's Washington Office, 1712 N Street, N.W., Washington, D.C. 20036 (202-785-4166). All tribal requests for NARI's legislative assistance should be directed to Ms. Jeanne Whiteing, Deputy Director, NARI, 1506 Broadway, Boulder, Colorado 80302 (303-447-8760).

NARF NEWS

Steering Committee Elections

A policy adopted by the NARF Steering Committee in 1975 limiting membership on the Committee to three terms had its first impact at the recent November Board meeting as the third and final terms ended for Chairman David Risling, Vice-Chairman Val Cordova and Leroy Logan. Mr. Risling, a member of California's Hoopa Tribe, was one of NARF's original Board members when it was established in 1970 as a pilot project of California Indian Legal Services. Mr. Cordova, a Taos Pueblo from New Mexico and Mr. Logan, an Osage Indian from Oklahoma, have been on the Board since 1973.

There were four Board vacancies to fill at the meeting's elections since Jerry Running Foxe, a member of Oregon's Coquille Tribe, also left the Board. The names of 16 Native Americans from around the country were placed in nomination to serve on NARF's 13-member, all-Indian Board. The four elected were:

Patrick Lefthand, Kootenai, Montana
Chris McNeil, Jr., Tlingit, Alaska
Leonard Norris, Jr., Klamath, Oregon
Harvey Paymella, Hopi-Tewa, Arizona

Ada Deer Resigns

Ada Deer, one of NARF's two legislative liaisons working out of NARF's Washington, D.C. office, resigned in August to return to teaching at the University of Wisconsin in Madison. Ada, a member of the Menominee Tribe of Wisconsin, joined NARF in 1979. Much of her time during the last two years was spent in the areas of Indian education, housing and health. At Madison, Ada has a joint appointment in the social science department and the Native American program in which she is teaching a course on current issues in American Indian affairs.

New Staff Attorney: Terry Pechota

Terry Pechota, a member of the Rosebud Sioux Tribe of South Dakota, joined NARF as a staff attorney last September. After graduating from the University of Iowa law school in 1972, Terry went to work for the South Dakota Legal Services on the Rosebud Reservation, and in 1974, he was appointed Director of the program. His legal services work involved both criminal and civil cases, primarily civil rights, Indian rights and consumer affairs issues. He resigned in 1976 to go into private practice, during which time he represented the Rosebud, Oglala, Yankton and Lower Brule Sioux tribes in cases involving Indian water rights, tribal government reorganization, taxation and other Indian rights issues.

In October of 1979, he was appointed United States Attorney for the State of South Dakota. As U.S. Attorney, he personally tried or supervised all criminal and civil cases involving the United States Attorney's Office in South Dakota. Of special significance is the fact that at the time of his resignation he was handling the water rights



Terry Pechota

suit brought by South Dakota against all water users in the western part of the state, including seven Sioux tribes. In this suit, *South Dakota v. Rippling Water Ranch, et al.*, he was responsible for seeing that the federal government carried out its trust responsibility toward the Sioux tribes in efforts to protect their water rights. (This case is still active, and NARF represents the Rosebud Sioux Tribe.)

New Staff Attorney: Douglas Endreson

Douglas Endreson, of the Navajo Tribe, joined NARF as a staff attorney in August 1981. Doug received his undergraduate degree in 1975 from Colby College of Waterville, Maine. He attended law school at the University of Wisconsin where he received his J.D. degree in 1978, and L.L.M. in 1980. When he accepted the NARF position, he was a law clerk for Justice Shirley S. Abrahamson of the Wisconsin Supreme Court, and was one of 33 finalists in the White House Fellowship selections. During his first year at NARF, Doug will be on NARF's "Indian Lawyer Intern Training Program," a special project funded by the Carnegie Corporation.



Doug Endreson

Other Staff News

September 13th marked the tenth anniversary at NARF for **Susan Hart**. Susan started at NARF in 1971 as a bookkeeper, became head bookkeeper in 1975 and was promoted to treasurer in 1978. She recently received her Bachelor of Arts degree in business administration from Denver's Loretto Heights College. □ **Lynn Hayes**, a third-year law student at Catholic University in Washington, D.C., is working as a law clerk in NARF's Washington office. □ **Maggie Fox**, a third-year law student at Lewis & Clark College in Portland, Oregon, began a six-month legal internship at NARF's Boulder office last September. Maggie is a



Susan Hart

NARF Publications & Resources

ANNOUNCEMENTS. NARF's quarterly newsletter reports on NARF's activities to our grantors, individual contributors, clients and others interested in American rights. There is no present subscription charge but contributions to help pay for publication and mailing are welcome. Anyone interested in receiving *Announcements* should fill out the enclosed coupon. (Editor's note: Donors to NARF who contribute \$25 or more annually will receive this newsletter automatically.)

"Indian Rights, Indian Law." This is a film documentary, produced by the Ford Foundation, focusing on NARF, its staff and certain NARF casework. The hour-long film is rented from: Association Films, Ford Foundation Film, 866 Third Ave., New York, New York 10022 (212-935-4210) 16mm, FF110 - \$50.00)

NILL Catalogue. The *National Indian Law Library Catalogue: An Index to Legal Materials and Resources* is described in the NILL article in this issue. The first edition is out of print and the Second Cumulative Edition is scheduled for publication later this year. Please see enclosed coupon.

ANNUAL REPORT. This is NARF's major report on its program and activities. Because of cost, the annual reports are distributed on a limited basis to foundations, major contributors, certain federal and state agencies, tribal clients, Native American organizations and to others upon request.

Upcoming Articles

Future issues of *Announcements* will carry articles on the following subjects, all of which NARF is involved in. Anyone interested in contributing items for publication should contact the editor (Ads are not accepted.)

- *Eastern Land Claims.* Part II of the historic land claims of the Eastern tribes.
- *Recognition & Restoration.* A report on the efforts of non-recognized and terminated tribes to obtain federal recognition, including NARF's work in this vital area.
- *Indian Child Welfare Act.* A report on this 1978 Act and on what tribes and others are doing to enforce and strengthen the Act.

graduate of the University of North Carolina and is specializing in natural resource and Indian law. □ Other recent staff additions include **Marilyn Pourier**, a member of the Oglala Sioux Tribe of South Dakota, as a legal secretary; **Jeff Lorencen** as NARF's new printer; **Linda Caso** as a new legal secretary; and **Jean Pfeleiderer**, a graduate of the University of Colorado School of Law, as a law clerk in the Boulder office.

National Indian Law Library

The National Indian Law Library (NILL) is a repository and clearinghouse for materials on Indian law. It was established by NARF in 1972 in response to a growing demand for materials on Indian law and is a major part of meeting NARF's commitment to the development of Indian law.

The Collection. NILL collects, indexes and distributes an ever-growing collection of materials on Indian law. The holdings, which now number over 3,500 items, consist of: (1) court decisions, including some pleadings and briefs; (2) articles from law journals and other periodicals; (3) books, monographs, and government documents; (4) solicitors' opinions and memoranda; and (5) numerous other resource materials on Indian law.

The NILL Catalogue. The library disseminates information on its holdings primarily through its *National Indian Law Library Catalogue: An Index to Indian Legal Materials and Resources*. The *NILL Catalogue* is designed for those who would like to know what is available in any particular area of Indian law and to be able to request materials. In addition to a comprehensive Subject Index of 400 headings and subheadings, the *Catalogue* includes a Table of Cases, an Author-Title Index, and is supplemented periodically. The first cumulative edition is now out of print and a second cumulative edition is scheduled for publication later this year. The library is in the process of converting its holdings to a computer system to enable it to update case files more quickly and to facilitate research into the collection (Please see enclosed coupon).

The Services. NILL's resources are available to anyone interested in Indian law. Copying costs are ten cents per page; this fee is waived for LSC-funded legal services programs and Indian parties. Although all the holdings are available at the library for anyone to study, not all materials can be sent out, either because of copyright restrictions or excessive copying costs. Information for obtaining these restricted materials directly from the source is given in the *Catalogue*. Until the computer system is operational, the library cannot accommodate requests for extensive research into the collection. Requests for NILL materials should be limited to ten items per request.

Donations. NILL welcomes donations of books, articles and other materials on Indian law. Briefs and pleadings from Indian law cases, usually difficult and expensive to obtain, are especially welcome because of their value to the library's clients. Please contact the librarian, Diana Lim Garry, regarding donations.

Second Annual NARF Art Show

Over 40 Native American artists participated in NARF's second annual art show and lecture series, "Visions of the Earth," held December 4-6, at NARF's offices in Boulder. The Colorado Humanities Program sponsored the lecture series, and 20% of the proceeds from the art sales was contributed to NARF. Many of the exhibiting

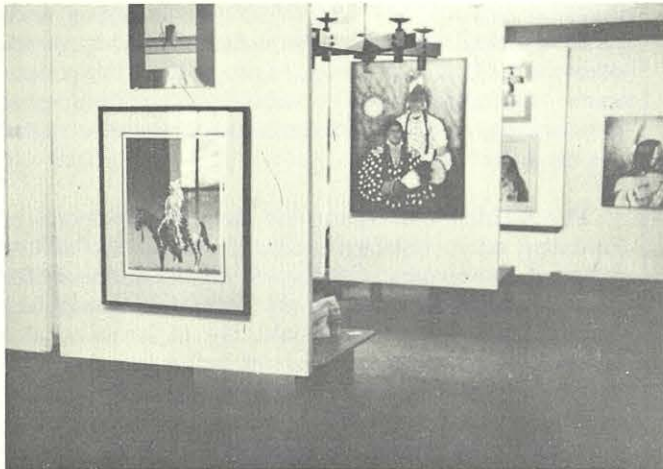
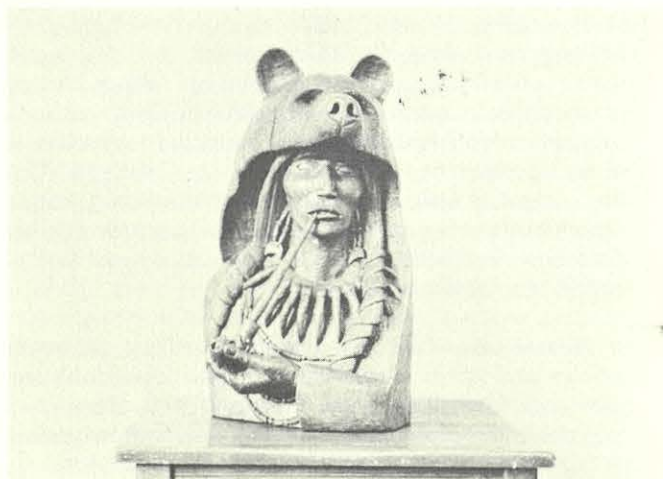


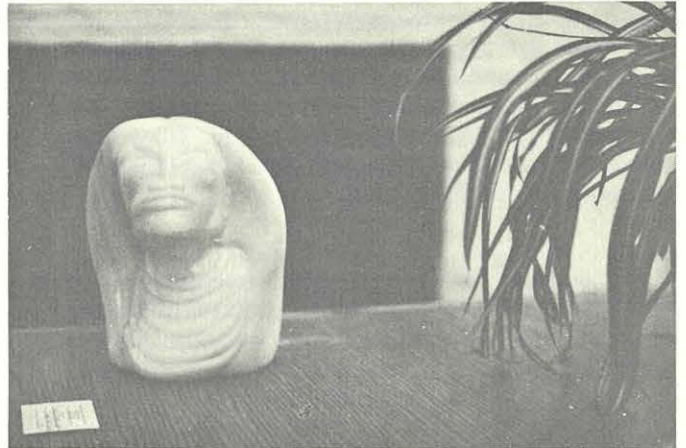
Exhibit display at NARF offices in Boulder

artists were on hand to discuss their work with the nearly 1,000 visitors to the art show. Noted Indian actor and artist, Will Sampson, a member of NARF's National Support Committee, attended the show as a special guest.



Walnut sculpture by Eddy Running Wolf

The show received outstanding reviews from local art critics and others. Best of Show awards went to Randy Wood (Seminole-Creek) for "Otter Vision" in the original graphics category; to Barry Coffin (Navajo) for "The Tall One" in the three-dimensional work; and to Amando Pena (Yaqui) for "Bisonte Serie Blancos" in the limited edition category. Besides paintings, prints and sculpture, the show included leather works, rugs, woven baskets, and Indian jewelry. An exhibition poster was especially designed by noted Crow artist Earl Biss and was a popular item with the visitors.



Alabaster sculpture by Presley LaFontaine

As one of the country's leading Indian organizations, NARF believes strongly in promoting this important aspect of Indian life. Likewise, the support of NARF's work by participating artists nationwide is extremely valuable in our efforts to promote self-determination for Native Americans. Plans are already underway for next year's show, hoping to make it even bigger and better than this year's.



A limited number of the exhibition posters are still available. The 21½ X 32" four-color poster is an offset reproduction of a 1980 Earl Biss oil painting, "Autumn of the Kour-Delaine With Reflections of Monet," and would make a beautiful gift for oneself or a friend. *100% of the exhibition poster sales proceeds benefit NARF.* To order, please make out your check or money order to the Native American Rights Fund (\$30 per poster plus \$2 for mailing), and send to: Earl Biss Poster, Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302.

CONTRIBUTION

Please type or print clearly and make checks payable to the Native American Rights Fund. Thank you.

Enclosed is my tax-deductible contribution to assist the Native American Rights Fund in the assertion and protection of Native American rights.*

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*Contributors of \$25 or more annually will receive this newsletter and need not send in the Announcements coupon.

CATALOGUE

For a description of the *National Indian Law Library Catalogue: An Index to Indian Legal Materials and Resources* and the forthcoming publication of the new edition, please see items on the Library and NARF Publications.

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Address

☐ Send me copy(ies) of the Catalogue at \$75.00 a copy when it is published and bill me at that time.*

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*This Catalogue price is subject to change but all orders postmarked before any official change will be honored.

ANNOUNCEMENTS

Please enter the following subscription for Announcements*

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*See newsletter item on NARF Publications. Regular donors to NARF of \$25 or more annually will automatically receive this newsletter.

Requests for Assistance

Any work undertaken by the Native American Rights Fund, whether it be litigation, advocacy or other legal assistance, must come within the priorities and guidelines established by the NARF Steering Committee. NARF's resources, both financial and attorney staffing, also determine NARF's ability to accept legitimate requests. All requests for legal assistance or inquiries regarding NARF's services must be addressed to the Deputy Director at the Boulder, Colorado office.

Jeanne Whiteing, Deputy Director
Native American Rights Fund
1506 Broadway
Boulder, Colorado 80302
(303-447-8760)

Contributions to the Native American Rights Fund

The work of the Native American Rights Fund is supported by grants and contributions from private foundations, corporations, federal agencies, tribes, and individuals. NARF is continually in need of funds to support its efforts to protect the rights of Native Alaskans and American Indians throughout the United States. Those who would like to make a contribution should see the enclosed coupon. Anyone interested in receiving more information on NARF should contact Mary Hanewall, Development Officer, at the Boulder office.

Remember NARF With a Bequest

A bequest to NARF will not only help us to continue defending Indian rights in future years, but can be of benefit to you in your present tax planning. For information on this method of giving, please check the box on the enclosed "Contribution" coupon.



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