Development Of The National Indian Law Library

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

Felix Frankfurter

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

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

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

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In the past, no single person or institution has been aware of all of the lawsuits affecting Indians which have been filed, and there has been no concerted effort at communicating the existence of such suits or other significant developments in Indian law. This has been particularly detrimental to the restoration of Indian rights because the efforts of those few attorneys who have been involved have been uncoordinated and the results (often even the existence) of Indian related litigation has not been generally known to others working in the field.

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

In all areas of Indian law, it is highly desirable to present the courts with issues in an orderly, carefully calculated manner so that the law in this difficult and complex field of work develops favorably. Bad law can be made by having the "wrong" case decided too soon, and much work and many costly mistakes will now be avoided by attorneys and their preparations for litigation made more complete because of the compilation and ready access to the files of the National Indian Law Library.

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

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

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

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

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

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

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

Additional Acquisitions Sought

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

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

How To Obtain Library Documents

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

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

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

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

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

The Cataloguing Procedure

The Library's cataloguing system includes the following procedures:

1. Each case is assigned an acquisition number. Individual pleadings, memoranda, opinions, etc., are given the same acquisition number in addition to an individual letter, e.g., case number 100, pleading number 100A, memorandum number 100B.

2. Following the assignment of an acquisition number, a shelf list card, which is really a "master card," is prepared. This card contains all the important information about the case—i.e., the state, title of case, tribe, date, brief synopsis of the case, and the individual pleadings.

3. Once the shelf list card has been prepared, the following additional tracings are added:
   a. Two cards identical to the shelf list card so that the case appears under its state and tribe.
   b. One to fifteen cards with the main subject heading(s) in capital letters; depending on the number of areas of law touched in a single case, there may be up to fifteen cards prepared at this step in the cataloguing system.
   c. One card with the plaintiff vs. defendant (or author, if book or article) at the top.
   d. One card with the heading of defendant, plaintiff v.

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

   Secondly, the catalogue is an excellent research tool. E.g., to find material on termination, one need only look up the subject heading and all of the cases ever filed related to this subject will be there; or, e.g., to find cases on reservation jurisdiction in California, one will look up the subject heading JURISDICTION - RESERVATION, until he comes to the California cases which will appear altogether after the Arizona, etc., cases on the same subject.
The Native American Rights Fund is a new legal program devoted to the assertion and the protection of Indian rights and to the orderly development of the body of law affecting Indians. The Fund's major emphasis is upon the preservation of Indian resources and the fulfillment of national obligations to Indian people.

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

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

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

Indian Law Back Up Center

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

Thomas L. Smithson has recently joined the Fund's staff to coordinate the Indian Law Back Up Center activities. After one year of practice with Neighborhood Legal Services Centers in Detroit, Michigan, as a Reginald Heber Smith Community Lawyer Fellow, Smithson moved in 1968 to Pine Ridge, South Dakota, to practice in a one-man law office on the Pine Ridge Indian Reservation. The office, which served a population of approximately 10,000 Oglala Sioux people, was jointly funded by the Association on American Indian Affairs, Inc., and the Office of Economic Opportunity.

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

The Southwest Indian Environmental Project

The Field Foundation and the Akbar Fund have provided a significant amount of support for the development of the Southwest Indian Environmental Project. The Southwest is the heart of Indian country within the continental United States. There are some forty Indian reservations in the area and the air and water resources of all of these reservations are endangered by the construction of a gigantic power complex which is now in progress in the Four Corners area.
Pyramid Lake: Court Order Halts Secretary Morton.
In spite of the assurances given to the Pyramid Lake Tribe and to the court, the Secretary of the Interiors proposed new regulations for operating the Newlands Reclamation Project without consulting with the tribe or its attorneys.

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

The Tribe contended that the Secretary's new criteria were actually worse than the old ones. The judge agreed and issued an order invalidating those parts of the new criteria that had the effect of taking more water away from Pyramid Lake from the old criteria. This was a tremendous victory for the Pyramid Lake Tribe and for the Fund in that it halted further destructive acts by the government against the tribe's most valuable resource. The judge also set the case for a full trial in July.

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

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

Pawnee School Stopped from Excluding Indian Children with Long Hair.
Fund attorneys Yvonne Knight and Charles Wilkinson filed suit against a school district in Oklahoma to reinstate three Pawnee youths who had been suspended from school for wearing their hair in a long, traditional hair style. Although the existing law is to the effect that federal courts do not have jurisdiction to stop schools from regulating the hair style of students, a Federal District Court judge in Oklahoma City held that it would violate the rights of Indian children whose culture was the basis for their particular hair styles.

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

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

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

Current Holdings June 1972

The following is an alphabetical list of the cases, articles and other materials now available through the National Indian Law Library. The complete catalogue of the documents available in each case is too lengthy to be included in this newsletter. If you are interested in receiving this catalogue of documents or if you would like to receive the catalogue with subject headings when it is complete later this year, please fill out the Subscription and Catalogue Request form on the last page of this issue.

Cases

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

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

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

State Courts Tribe Dates

(C.1006)—Connected or consolidated case

1224
Affiliated Ute Citizens v. United States.
1197
Agua Caliente Band of Mission Indians v. County of Riverside.
1029
Anns, Jackson v. Walter Hickel.
Cal., N.D. Cal., Hoopa, 1969.
1021
Cal., Ct. App., 1970.
1239
Bad Bear, Grace v. Fall River County Subcommission for the Mentally Retarded.
S.D., Cir. Ct., Oglala Sioux, 1972.
1096
Bentall, Herbert v. Glenn Sills.
1183
Bennett, Ramona v. Thor Tollefson.
1092
Benson, Gloria v. Board of Education of Independent School District No. 22.
N.M., D.N.M., 1971.
1101
N.M., 10th Cir., Navajo, 1970.
1060
Big Knife, Joe v. Rocky Boy's Chippewa-Cree Tribal Business Committee.
1185
Bittis, Marie v. William McGee.
1082
Black Tomahawk, Mary Lame Woman v. Dale Carlson.
S.D., 10th Cir., Sioux, 1968.
1059
Blackwolf, Leland v. Juvenile Court of Sixteenth Judicial District.
1147
Bobidosh, Alvis, In re Estate of.
Colo., Dept. of Interior, Lac du Flambeau Chippewa, 1968.
1083
Bravebird, Elmer v. Don Sheppard.
S.D., 10th Cir., 1969.
1067
Bridges, Alvis v. Thor Tollefson.
1148
Brooks, Donna Reiter v. Willer Peters.
1050
California v. Foster Alphonse Red Elk.
Cal., Ct. App., Sioux, 1970.
1020
California v. Paul Donahue, Donahue, Paul.
California Justice Court for the Klamath Tribe Judicial District.
1019
California v. Willard Rhodes.
Cal., Ct. App., U.S. Sup. Ct., Pitt River Tribe.
1019
California v. Willard Rhodes.
1049
Campbell, Della Cooper v. Department of Interior.
Cal., N.D. Cal., Pomo, 1969.
1040
Campbell, Thomas v. Walter Hickel.
Cal., N.D. Cal., 1970.
1112 Cannon, Joseph, In re Estate of,
Okl., Dept. of Interior, Osage, 1969.

1158 Capesman, Horton v. United States,
Cal., Ct. Quinault, d. 1971.

1038 Caro, George Vandal v. Charlotte Ann Caro,

1178 Carmex, Lacy M., In re,
Colo., Before State Bd. of Social Services,

1270 Carywood, Lafayette v. Fannie January.

1028 Celestine, Alex, In re.

1099 Chaves, Raymond v. Gregory Kenny,
N.M., D.N.M., Navajo, 1970.

1266 Chemehuevi Tribe v. Federal Power Commis-
sion.
Wash., D.C., F.P.C., D.C. Cir., Chemehuevi

1228 Cheyenne-Arapaho Tribe v. United States.
Cal. Ct., Cheyenne-Arapaho, Colo. River Tribes,
Confederated Colville Tribes, Yakima, Confed-
erated Tribes of the Umatilla Res., Hoopa
Valley Tribe, Indians of Cal., Pyramid Lake
Patuets, Southern Utes, Confederated Utes,
Western Shoshone, Yankton Sioux, 1970.

1227 Cheyenne-Arapaho Tribe v. United States.
Cal. Ct., Cheyenne-Arapaho, Confederated Col-
ville Tribes, Yakima, Confederated Tribes of
the Umatilla Res., Ft. McDermitt, and Fallon
Res., Palate-Shoshone, Pyramid Lake Patuets,
Reno Sparks Indian Colony, Walker River and
Yerington Patuets, Paviotso, Mono, Oregon
Patuets, Hoopa Valley Tribe, Indians of Cal.,
Southern Utes, Confederated Utes, Tingit,
Haida, Yankton Sioux, 1970.

1144 Chicago Indian Village v. Richard M. Nixon,
Ill., N.D. Ill., 1971.

1199 Children of the Chippewa, Ottawa, and Potaw-
tomie Tribes v. Regents of the University of
Michigan.
Mich. Ct. Ct., Chippewa, Ottawa, Potawatomi,
1971.

1097 Chiquito, John vs. James Maloney,
N.M., D.N.M., Navajo, 1970.

1085 Claw, Wallace v. George Armstrong,

1214 Cochiti Pueblo v. Bernalillo Municipal School
District Board of Education, Sanita Pueblo v.
Bernalillo Municipal School District Board
of Education.
N.M., D.N.M., 10th Cir., Cochiti Pueblo, Sanita
Pueblo, San Felipe Pueblo, Santa Ana Pueblo,
Santa Domingo Pueblo, 1971.

1201 Cocopa Tribe v. Walter R. Hickel, Cocopa

1198 Collins vs. John E. v. Roger Morton.
Mont., D. Mont., Assiniboine, Gros Ventre,
1971.

Wash., E.D. Wash., Colville Confederated

1202 Confederated Salish and Kootenai Tribes v. 
John C. Moore.

132 Confederated Tribes of the Umatilla Reser-
vation v. Robert Froehlke.
Ore., D. Ore., Confederated Tribes of Umatilla
Reservation, 1972.

1215 Confederated Tribes of the Warm Springs Reser-
vation v. United States.
Cal. Ct., Confederated Tribes of Warm Springs

1113 Cook, John v. Board of Education of Salmon
River Central School District No. 1.

1061 Cree, Eugene v. Leonerd Tomashin.

1255 Crossguns, Virgil, In re.
Mont., D. Mont., Blackfeet, 1969, (C. 1253,
1254).

1274 Daly, Mary v. United States.

1289 Daly, Shirley A. v. Natural Resources Board of
the State of Wisconsin.

1291 Day, Joseph v. Montana.

1234 DeFuna, Marco, Jr. v. Charles E. Odegard.

1048 Deguzman vs. Quetzalcoatl University v. Elliot
Richardson.
Cal., E.D. Cal., 1970.

1042 Del Valle, Elizabeth v. Ralph De Voto.
Cal., N.D. Cal., 1969.

1093 Denetclaw v. Thomas v. Board of Education of
Independent School Dist. No. 22.
N.M., D.N.M., Navajo, 1971.

1074 Department of Game v. Alvin Settle.

1018 Department of Game v. Puyallup Tribe, Inc.

1154 Department of Revenue v. Jack Moses.

1037 Dodge v. Raymond Nolan.

Wash., D.C., D.D.C., Alaska Natives-Eskimos,
1972.

1057 El-Eem Band v. Pomo Indians of Sulphur Bank
Rancheria v. 49th District Agricultural Fair
Association.
Cal., N.D. Cal., Pomo, 1970.

1111 English v. Reuben, In re Estate of.
Okl., Dept. of Interior, Otoe, d. 1969.

1260 Escondido, City of v. Escondido Mutual Water
Company.
Cal., Sup. Ct., Rincon and La Jolla Mission
Indians, 1968.

1276 Fielder, William v. Board of Education of Win-
nebago School District No. 1.

1175 Fire, John v. City of Winner.

1008 Fowler, Mitchell v. Edward Merry.
N.M., D.N.M., 1971.

1091 Fox v. Ella B. v. Walter Hickel.
1180
Frank, William, Jr. v. George Kinney.

1181

1287
Gallup-McKinley County Board of Education,
In re the Protest of.
N.M., District Court, 1971.

1286
Garcia v. Bernallilo Municipal School District Board of Education.
N.M., D.N.M., 1969.

1182

1183
Gayton v. Rogers Morton

1184
Gila River Indian Community v. United States,
Gila River Fina-Maricopa Indian Community v.
United States.

1185
Great Lakes Inter-Tribal Council, Inc. v. Lester P. Volpe.

1186
Idaho, 9th Cir., 1964.

1187
Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3.

1188
Gude, Ruth C., In re Estate of.

1189
Harmon v. John L. Robinson County Board of Supervisors.

1190
Herman v. Dorothy v. United States.

1191

1192
Hudson v. Alvin, In re Estate of.

1223
Huxto, Helen C., In re.

1224
Idaho v. Gerald Cloy Thano.

1045
Indians Against Exploitation v. Chevron Oil Company.

1100
Interstate Counseling Service v. Robert Kennedy,
Montana ex rel. Robert Kennedy v. District Court of Ninth Judicial District.

1105
Jackson, Phoebe v. United States.

1104
N.M., D.N.M., 1970.

1156
Jesse v. Lester v. Jack Carson.
Kansas, D. Kansas, Prairie Band of Potawatimie.
1971.

1262
Ki'arda Apache Tribe v. Rogers C. B. Morton,
1971, (C. 1263).

1102

1103
Jose v. San Antonio v. Gallup-McKinley County School Board.

1104
Kelly, Maude v. United States Department of Interior.

1105
Kellywood, George v. First National Bank in Albuquerque.

1177
Klaw, Donald v. William Henry Kirk.
Ore., Sup. Ct., Klamath, d. 1968.

1108
Klamath and Modoc Tribes v. United States.
Cl. Ct., Klamath and Modoc, 1969.

1153
Klaw, Edward v. Moore, In re.
S.D., 10th Cir., Sioux, d. 1970.

1062
Kreischer, Lloyd v. Ernest Waggoner.
Ore., Cit. Ct., 1971.

1186
Lee, Mary v. William McGee.

1088
Leech Lake Band of Chippewa Indians v. In re.
Leach, Leech Lake Band of Chippewa Indians v. In re.
Minn., D. Minn., Leech Lake Band of Chippewa.

1089
LeFleur, Frederic v. Crow Tribal Council.
Mont., D. Mont., Cissy, d. 1971.

1025

1210

1265
Corcoran.

1264
Lonnyakewa, Starfire v. Ken-McGee Oil Indus.
try, Inc.

1293
Mont., D. Mont., 1972.

1278

1137

1107
Laxo v. Rosebud Sioux Tribe.

1139

1178
McDonald, Harold v. George Harkes.

1248
Makah Indian Tribe v. Alvin Anderson.

1043
Manchester Band of Pomo Indians v. United States.
Cal., N.D. Cal., Pomo Indians, 1968.

1252

1141 United Tribes of Mendocino County v. Bureau of Indian Affairs. Cal., N.D. Cal., 1969.
1140 Walters, Donald v. City of Eureka. Cal., N.D. Cal., 1969.
1138 Wilson, Louise, In re Estate of. Okla., Dept. of Interior, Quapaw, d. 1969.

Miscellaneous Holdings

The boldface title indicates the nature of the item and the institution, publication or organization involved. The last line gives the author, tribe and date, when applicable.

Those items with an * (asterisk) are lengthy and a minimal xeroxing fee will be charged. In some instances, these are available through other sources as indicated.


Continued from page 4

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

Attorney General Need Not Represent Indians In Water Claim.

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

An appeal was taken on the particular ruling by Fund attorney Bob Pelcyger. Last week the Court of Appeals for the Ninth Circuit affirmed the decision of the District Court holding that requirement of 25 U.S.C. § 175 that the U.S. Attorney “shall represent Indians in all cases at law and in equity” did not make it mandatory for him to do so in this case where the government was also defending an Indian Claims Commission matter against the same Indians who brought the lawsuit. The court ruled the potential conflict of interest makes it unnecessary for the U.S. Attorney to act under the circumstances.

BLM Chaining of Pinon Juniper Trees Stopped.

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

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

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

Southwest Energy Complex Challenged in the Court of Appeals.

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

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

Indian Students Ordered Reinstatement in Nebraska School.

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

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

Fund Assists Family of Yellow Thunder.

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

While there was little doubt that he was murdered, rumors concerning mutilation of his body and the circumstances surrounding his death abounded. At the request of the deceased man’s family, the Fund’s Deputy Director John Echohawk and attorneys Bruce Greene went to Gordon and the Pine Ridge Reservation to help resolve the situation. An eminent pathologist...
from Denver was engaged to perform a second autopsy on the body which was exhumed. The cause of death and the condition of the body were reaffirmed and an explosive situation in the area, which had attracted thousands of Indians from the Sioux reservation and from throughout the country, was calmed.

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

**Brief Filed in Reservation Gambling Case.**

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

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

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

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

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

**Brief Filed in Oneida Case.**

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

The Fund's brief supports the position of the Indian plaintiffs that a federal question was raised and that the court should have jurisdiction. The brief which was filed in the Second Circuit Court of Appeals was prepared by Fund attorneys Peter Aschenbrenner and David Getches.
Steering Committee
Of The
Native American Rights Fund

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

David Risling, Jr., Vice-Chairman. Mr. Risling is a Hoopa Indian from California. He was Chairman of the Board of Trustees of California Indian Legal Services for four years, and still serves as a member of the CILS Executive Committee.

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

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

Leo Haven. Mr. Haven is a Navajo Indian and the Director of the Dinebetina Ahnilna Be Agaditahe Legal Services where he practiced Indian law for six years. He was an officer of the American Indian Law Students Association and has received national prominence in that capacity.

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

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

OF COUNSEL

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

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

Carol Reed, Pueblo-Cochiti, Secretary to the Fund.

Peri M. Bateman, Oglala Sioux, Legal Secretary.

Carole M. Marshan, Winnebago-Sioux, Research Specialist.


Elva Arquero, Pueblo-Cochiti, Secretary to the Fund.

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

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

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

SUPPORT STAFF OF THE FUND

Elva Arquero, Pueblo-Cochiti, Secretary to the National Indian Law Library.

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Chief of Staff at the Native American Rights Fund

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

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

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

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

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

**Native American Rights Fund Offices**

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

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1506 Broadway
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Telephone (303) 447-8760

or to the Washington D.C. office,

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