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Confederated Tribes and Bands
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Horse feathers

HASKELL STUDENTS at Lawrence, Kan., are enjoying a "significant change in freedom to exercise their own judgment" under a new policy that abolishes mandatory dormitory hours. Each dorm is now setting its own hours by a majority student vote. The shift toward greater personal responsibility came after a spontaneous student march and the presentation of a petition signed by 225 students to Haskell School Supt. Wallace Galluzzi.

A MISQUOTATION in a recent New York Times story on the American Indian Community House undid whatever good it might have accomplished in terms of understanding, says Secretary Miffie Hines, because it drove an artificial wedge among the Indians living in the city. The article erroneously stated the organization excluded any Indians who were not full-blood from its programs and activities. "That error is actually not as horrendous as the totally inaccurate one under the small headline," said Miffie. It read: "10,000 Indians in the city try not to feel isolated."

INDIAN PARTICIPATION in the national observance of the 200th birthday of the United States is totally nil at this point in time, charges Sen. Charles Mathias, R-Md., the man largely responsible for the creation of the American Revolution Bicentennial Commission. Mathias views the bicentennial activity not as so much big bang hoopla but as a "time for national reassessment of where we are and where we want to go." Only one black currently belongs to the commission, with no representation from any of the many minorities in the U.S. or from the young.

ANADA'S MAURICE STRONG, a top governmental civil servant, former business executive and a dark horse contender to replace UN Secretary General U Thant as head of that world body in coming months, has among his assets a fluency in the Canadian Eskimo tongue.

FORT DEFIANCE is the site of a new Navajo map-making facility which is now employing eight tribal engravers and four trainees under 23-year-old Navajo James Ahasteen. The team is producing scribed and engraved maps for a national topographic map series under sponsorship of the U.S. Geological Survey.



Eagle Butte, S.D

Internal Revenue Service Threatening

EAGLE BUTTE, S. D.--(AIPA)--Charging that Internal Revenue Service agents have been "harassing and threatening" them, the Cheyenne River Sioux Tribal Council on Dec. 1 officially closed all files to the IRS and requested the Interior Department and the Indian Bureau to remove the agents from their reservation.

On the same day in Washington, D. C., Frank Ducheneaux, chairman of a special tribal taxation committee, told the press that IRS agents had in the past illegally entered tribal offices by bribing a guard and seized many records upon which demands for individual tax filings were based. Ducheneaux said the tribe "has no plans at this time to seal our borders" to the IRS, but that the IRS agents constituted "injurious presence"--a phrase which under their 1934 tribal constitution provides adequate grounds for eviction. Ducheneaux said the IRS had promised increased harassment on Dec. 1, which in turn provoked the council action.

The special council resolution requested the council itself not to furnish the IRS with any information concerning its council members and urged members of the tribe to refuse to file requests for information concerning their trust properties.

The root of the dispute appeared to be the legality of taxation of income derived from properties held in trust for the Indians by the federal government. A critical tax decision made only five days previous in the ninth U.S. Court of Appeals in San Francisco was cited by Ducheneaux as additional support for the action.

The gist of the Nov. 26 decision, known as the Stevens Case, is that income derived by an Indian from land allotments whether acquired directly under the 1879 Allotment Act, or by gift, inheritance or purchase, is tax-exempt under U. S. trust title.

Ducheneaux cited the U.S. Constitution, the 1954 IRS Code and the 1868 Sioux treaty as legal grounds for the council action.

The U.S. government "by the mere fact that it is trying to levy an income tax on the occupation of the Indian on the reservation is disturbing the Indians in violation of the treaty," said Ducheneaux. Ducheneaux charged IRS with taxing the ward for the benefit of the guardian. "If the Bureau of Internal Revenue is permitted to levy this tax," he said, "it will break every Indian cattle operator on the reservation, and all governmental programs to make the Indians self-sufficient will go for naught."

Janitor Related Disturbance

CHILOCCO, Okla.-(AIPA)-On Nov. 15 the federal union of school employes, the National Federation of Federal Employees (NFFE), Local Chapter 46, exonerated Doyle Pressley in connection with any blame in the Chilocco incident and recommended the following policies and actions be adopted

Reno, Nevada

"to promote a more efficiently operated school":

1. A written code "informing students of their responsibilities and liabilities in the event of a student attack" on an employe should be made part of student orientation, coupled with "periodic reminders" in the regular course of instruction.

Con't on pp. 3

NCAI MEDIATOR

NCAI

RENO, Nev.-(AIPA)-During its most turbulent gathering in history buffeted by divisions between reservation and urban Indians, participants in the 28th annual NCAI convention here agreed to form a coalition of four organizations to study ways to establish a common front on issues facing all Indian people.

The week-long convention Nov. 14-20, shaken by the

growing pains of the Indian world in the 1970s, was marked by sharp protests, walkouts, and intense floor debates, and witnessed the landslide election of its new president, Leon F. Cook.

Cook's victory topped a week of turmoil triggered by the activist American Indian Movement (AIM) and the National Indian Youth Council (NIYC) present in numbers, who lambasted the 28-year-old NCAI for alleged

Con't on pp. 3

LAND MARK

For "us" Indians

SAN FRANCISCO, Calif. --(AIPA)--A landmark court decision exempting all Indian income from trust properties from taxation by the Internal Revenue Service was rendered here Nov. 26 in the 9th U.S. Circuit Court of Appeals here.

The court ruling in the case "Stevens v. Commissioner of Internal Revenue" determined that all income from trust properties is exempt from federal tax-

Washington D.C

NATIVE LAND ENRICHED

WASHINGTON, D.C. (AIPA) Potential offshore oil supplies in the Cordova Field in the Gulf of Alaska may be more vast than North Slope supplies, according to a report released here Nov. 7 by Sen. William Proxmire, D-Wis.

The Proxmire report was prepared for the senator's hearings Nov. 22-24 on oil prices before the Senate subcommittee on priorities and economy in government.

The report stated that the Cordova Field deposits, "might interfere with the

North Slope pricing expected by the oil industry." Cordova Field oil could be moved by tanker from the ice-free area, eliminating a pipeline system required for North Slope development and resulting in lower costs for the consumer.

Flore Lekanof, deputy director of community services in the Indian Bureau, said that oil development within three miles of the Alaska shoreline "would benefit all citizens, including Natives" because the state

Con't on pp. 3

Louis R. Bruce

Counter Coup

By RICHARD LA COURSE

WASHINGTON, D. C. — (AIPA) — It took a total of three suspense-filled weeks to rearrange the personnel in the Central Office of the Indian Bureau with the blessing of the Interior Department, but Commissioner Louis R. Bruce finally has his coup.

Between Bruce's appearance at the NCAI convention in Reno Nov. 17 and confirmation of his new appointments here Dec. 8, it was anybody's guess how it would all work out. In Reno, Bruce had announced key personnel changes under a new office structure developed by Deputy Commissioner John O. Crow. The reorganized office structure was developed in the aftermath of the Preston Report, a study of the Bureau's weaknesses and structural means to remedy them.

When Bruce departed for Reno, he left behind a total of 17 personnel changes and ordered them acted on during his absence. The impact of those changes would be nationwide throughout the division-ridden BIA, from the most remote agency and city office into the operation of the Central Office itself. It was everywhere acknowledged that his appointments—if confirmed—could upset the bastion of loyalties among long-term BIA employees who have headed off his policies and programs in many crucial tests across the breadth of Indian country.

When Bruce returned from Reno, he walked into a storm.

First, Interior Secretary Rogers C. B. Morton told senators Nov. 21: "The President has promised to shake the Bureau and shake it up good. We've shaken it and it's fluttering a bit now with motion. The people Commissioner Bruce has selected represent his view of how to get things done. His method perhaps is not out of the Harvard Business School."

Second, the Interior Department labeled his Reno announcements "temporary personnel changes." Then Morton said publicly that what the BIA needed was a "greater sense of motion." "It just seems in the area of Indian affairs," said Morton, "that personalities become more important than the mission and the program."

Third, during a trip to the Pacific Northwest, Morton on Dec. 3 stated that the federal government "isn't getting anything" for the \$1 billion it spends each year on Indian programs, and rapped the Bureau for "lacking a sense of direction." He said "angling for power" within the Bureau was hampering programs designed to help Indians.

"I'm astonished at Bruce," said one Bureau associate. "He walked clear out to the end of the pier without any advance warning." Bruce reportedly sensed a total erosion of the authority of his position and policies, and went into counsel with trusted top aides, then committed himself in terms of personnel and the self-determination philosophy to reorder the Bureau into the organization by which his administration will be henceforth judged.

For some time it appeared that the changes would not take place. Inside sources in the Bureau

reported that Morton was stung personally by news stories that Bruce, a subordinate, had made a daring end run to regain control of his agency by announcing his appointments—many to supergrades—prior to Interior approval in Reno.

A signal of Bruce's strength came when Harrison Loesch, assistant secretary for the Bureau of Land Management to whom the Commissioner reports, told senators during committee testimony:

"I am aware that in many Indian communities my name is mud—for various reasons. But

there is no conflict between the BIA and the Bureau of Land Management. Every time a dispute has arisen, the Indians have won it."

Loesch, according to sources, went to bat for Bruce on the strategic changes, and only three of Bruce's requested reassignments were subject to compromise.

Key Reno announcements confirmed by Interior include the naming of Ernest Stevens (Oneida) to head the office of economic development; Alexander McNabb (Micmac) to head the new office of engineering and construction; James Hena (Tesuque Pueblo) as executive assistant to the Commissioner; Hans Walker Jr. to direct the new Indian Water Rights Office; and Hanay Geigamah (Kiowa) to head a new office of youth programs.

In an effort to smooth over seeming differences between Interior and the BIA concerning the appointments, and official Interior press statement said: "...Morton announced today his approval of organizational changes in the Bureau of Indian Affairs that have been developed since Secretary Morton himself took the first step last July 23rd in naming John O. Crow to the reactivated position of Deputy Commissioner."

Morton, in the prepared statement, said the new organizational plan "is designed to tighten administrative management of the Bureau's operations in order to get the most mileage from the federal dollars being spent for Indian programs."

In Reno, Bruce had told the assembled delegates in a well-received speech:

"I want to see Indians buying cars from Indians on reservations, and buying food in Indian-owned food stores, driving on Indian-planned and Indian-built roads, talking on Indian-owned telephone systems, and living in an Indian-managed economy. Indian economy can be as stable as any other economy when the dollars can be exchanged numerous times in the local community."

"Now it's up to you to take the bull by the horns, if that is your wish. I can assure you that my office stands ready to cooperate with you—to travel a new road in Indian affairs so that meaningful and positive gains are made for the economic and social development of Indian country."

Much of the paralysis of the Bureau in advancing Indian programs has stemmed from personnel conflicts fanning out from the Central Office itself. But the strengthened hand of Bruce's new team—upon which the Commissioner has decided to

stake his total performance' entails the shouldering of the burden of that criticism in a renewed effort to make the Bureau work.

Economic Development responsible for programs to improve the economic status of Indians, the management and use of Indian natural resources, credit and financing, industrial development and real estate management, together with employment assistance (a new addition).

ALEXANDER McNABB (Micmac): Director of the Office of Engineering Construction which oversees multi-purpose water and irrigation projects, construction of reservation road systems, construction and maintenance of buildings.

FLORE LEKANOF (Aleut): Acting Director of the Office of Community Services aimed at individual and community welfare, housing, tribal operations and community development programs.

CARL CORNELIUS (Oneida): Director of the Office of Administrative Services responsible which has among its responsibilities the matter of contracting with the tribes.

HERSCHEL SAHMAUNT (Kiowa): Acting Director of the Office of Legislative Development responsible for shaping and affecting legislation on Capitol Hill which affects Indians.

HAROLD COX (Creek): Director of the Office of Management Systems which formulates directives and develops data for the internal operation of the Bureau.

JAMES HENA (Tesuque Pueblo): Executive Assistant to the Commissioner who undertakes special task assignments and reports directly to the Commissioner.

THOMAS OXENDINE (Lumbee): Director of the Office of Communications which combines the functions of public information, congressional relations and tribal relations.

HARRY RAINBOLT (Pima): Director of Southeast Agencies, similar to an area director, to oversee BIA operations of the Mississippi Choctaw, North Carolina Cherokee, and the Florida Seminole and Miccosukee Reservations.

JOHN SYKES: Director of the Office of Fiscal Plans and Management, which consolidates formerly splintered fiscal and planning operations.

MILTON BOYD: Remains Director of the Office of Audit.

ROBERT GAJDYS: Director of the Office of Planning Research which will develop overall Bureau policies and objectives and innovative program concepts.

MAURICE JOYCE: Remains as Director of the Office of Inspections.

WILLIAM FREEMAN: Special Assistant to the Commissioner for detail on special assignments.

According to an Interior Department statement Dec. 8, "further announcements regarding posts filled at present on an acting capacity will be made in the near future."

Yakima Nation Review

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YAKIMA NATION REVIEW

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Gentlemen:

Your publication has been highly recommended to us to coverage and content. Would you please let us know your subscription price and frequency of publication so that our library here at the School of Public Health may place an order with you.

I am enclosing a summary sheet of our Master of Public Health Degree Program for Native American Professionals. We will be recruiting from five to ten American Indian or Alaskan Native students for this program which will start September, 1972. We would surely appreciate any publicity that you could give to our recruitment efforts.

We would also like to provide you with information as to the program and the Indian student activities from time to time in the future, if you may.

Sincerely yours,

Elaine Walbroek
Deputy Director
Special MPH Project

Dear Mrs. Nightwalker:

Wish I could be more informal in my salutation. Anyhow you know I mean "Hi Carrie." I meant to write to you long ago to let you know what a fine job you and the staff are doing on the Review. I have enjoyed every issue. I am enclosing a copy of a news-

REVERSAL FOR RELOCATION POLICY

In a major change of its relocation employment program, the Indian Bureau is planning to redirect much of its \$40 million program to reservations for "point of origin" training similar to that under the GI bill to complement reservation manpower and resource development. When the new program gets underway under area reversing the brain drain and manpower drain from reservations. Said Commissioner Bruce: "For the first time we can see concrete evidence that the termination policy is being refuted. I am pleased that no longer will the BIA alienate Indians from their land."

IMPORTANT

ATTENTION ! ATTENTION ! ! ATTENTION

Dr. Ralph Johnson and a few Indian law students from the U of W Bill Jeffries from the Indian Task Force . . William Gingery , Assistant Attorney General, Washington State will be at the Toppenish Community Center to speak to all who come on Jan. 6th at 1 pm . . so be there !



MEDIATOR

or No?" Cook blasted the federal government for failure to protect Indian resources and homelands, while activists Gerald Wilkerson (NIYC) and Dennis Banks (AIM) hit NCAI's alleged indifference to the urban, the poor and the young. NICA President William Youpee decried the "jealousies and hatred" which had divided Indian groups, and NCAI Area Vice President Lucy Covington proposed a National Congress of Urban Indians "so that we can work better together."

Themes introduced by the unity panel spread throughout the convention, producing the late-night sessions and ultimately the coalition study group which observers called the first inter-group cooperate effort cutting across major lines in a decade.

Evident reservation fears were that urban Indians were ultimately terminationists, seeking foreclosure of reservations for cash settlements. Urban concern was the failure of the Indian Bureau to assist off-reservation human needs while not cutting into the existing Bureau budget for reservation needs.

Participants in a special resolution pressed the Bureau to expand its services to all Indians which reserving its present budget to meet reservation needs and services.

Leon F. Cook, the first individual who was not a tribal chairman to be elected to the office of the NCAI presidency since 1954, clearly faced a difficult role ahead in satisfying traditional groups as well as the social action groups and urbans of both moderate and activist persuasions. failure to represent all Indians of the 50 states, including urban Indians.

On a combined individual and tribal vote, Cook received 910; John Rainer, 268; Rennie Atencio, 147; Alaska State Sen. William Hensley (favorite son candidate), 130; Earl Old Person, 96; and Ernest Lavato, 32. Cook's overwhelming vote marked some fatal weaknesses in several long-standing political machines which had customarily controlled the balloting in previous years.

Cook, a Red Lake Chippewa and a prominent figure in the recent nationwide debate over federal protection of reservation resource rights, had resigned from a top post in the Indian Bureau Nov. 12 "in the interest of my own self-respect."

Week-long consultation in separate caucuses followed sharp floor exchanges and resulted in the formation of the ad hoc coalition to study means of developing a single national Indian voice. The coalition—to meet before the year's end—will consist of two representatives each of NCAI, NIYC, AIM and the National Tribal Chairmen's Assn. Turbulence on the floor yielded gradually to evening session during which conflicting views were aired and grievances told.

Major actions of the convention were:

Employment of the Executive Director under a new

job profile with stiffer requirements based on administrative talents rather than political support;

Multiplication of the tribal vote by ten, giving tribes greater electoral strength in relation to individual votes;

Opening of membership to state-recognized tribes and bands as well as federal tribes, thus admitting many Eastern Indians;

Provision for a secret ballot to delegates in voting for officers.

The concept of chapter membership in NCAI with regular voting rights for off-reservation Indian organizations was tabled pending further review. The constitutional revisions committee recommended against passage but said a committee recommended against passage but said a committee should give the matter further study.

A proposed amendment that all official tribal votes would have to be delivered by a present tribal member and not be proxy was defeated by the combined votes of urban and small tribes delegates. A two-thirds majority was required to change the constitution and the floor was evenly split.

The convention, billed in advance by NCAI as an All-Indian Strategy Session,

opened its second day with a four-member panel chaired by President-Elect Cook entitled "Indian Unity—Yes

TUNES

TRIBAL TUNES fresh off AIPA's "Top 49" this month are: (1) Pyramid Lake Paiutes—"My Bucket's Got a Hole in It"; (2) Oglala Sioux—"How Much Is That Doggie in the Window?"; (3) Eskimos—"Here Comes the Sun"; (4) Plal Mission Band—"One Less Bell to Answer"; (5) Hopis—"Dark-Moon"; (6) Pueblos—"Have You Seen the Rain?"; (7) Cherokees—"Don't Fence Me In"; (8) Yakimas—"Ain't No Mountain High Enough"; (9) Seminoles—"See Ya Later, Alligator"; (10) Mohicans—"Where Have All the Flowers Gone?" Top BIA tune this month is "Dang Me," while Indian country's all-time bestseller remains "Goodbye, Columbus."

TRUSTEES at the University of Maine have voted to allow any "qualified and eligible" Native American who has resided in Maine for at least one year to attend classes on any of their campuses without cost. Money for room and board, fees and tuition will be available for those accepted whether for undergraduate, graduate or continuing education.

GUFF & STUFF: "If there's a communications gap between Indian country and the government," said Atty. George Crossland (Osage) recently, "It's because you can't see the smoke signals for the smog." "They accuse us of hollering before we get bit," complained Colorado River Vice Chairman Veronica Murdock (Mojave), "but that's the way we're learning to stay alive."

KEY SHIFT Justice Department

Shiro Kashiwa, assistant attorney general in the Justice Department's land and natural resources division responsible for litigation in Indian resource matters, was nominated Nov. 29 for a seat on the U.S. Court of Claims. White House aides reportedly were angered over his testimony on Capitol Hill a week previous at hearings on Nixon's

Trust Counsel Authority bill. Kashiwa both denied and failed to offer any evidence of conflicts of interest in Indian resource protection by Justice—a fact acknowledged by the President in his historic Message of July 1970. Kashiwa's nomination to a lifetime seat on the federal court is subject to Senate confirmation.

Chilocco disturbance con't

2. Students must be informed of the "obligation of employees to settle student disturbances."

3. Students must accept "their moral obligation to assist and not to hinder employees who are performing their duties."

4. Employees, whether on or off duty, are expected to assist in quelling "student disturbances." The correction of student misbehavior is considered a part of the responsibility of every employe.

5. The news media and other outside "groups or individuals" appearing on campus must be cleared through the Superintendent's Office.

6. Persons found guilty of "leading students to rebel or riot" must be duly charged, and, if found guilty, punished.

7. Any group "considered sympathetic with any foreign or comestic organization, association, movement, de-

San Francisco

land mark Con't

The special council resolution requested the council itself not to furnish the IRS with any information concerning its council members and urged members of the tribe to refuse to file requests for information concerning their trust properties.

The root of the dispute appeared to be the legality of taxation of income derived from properties held in trust for the Indians by the federal government. A critical tax decision made only five days previous in the ninth U.S. Court of Appeals in San Francisco was cited by Ducheneaux as additional support for the action.

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ing to levy an income tax on the occupation of the Indian on the reservation is disturbing the Indians in violation of the treaty," said Ducheneaux.

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Ducheneaux said IRS seizure of \$205,727.95 has "seriously crippled" the council in carrying out both tribal and governmental programs. "Another seizure...will close out the Tribal Council is a governing body," he warned. The Indian Bureau, local protector of Indian trust properties and income, has "stood idly by while this harassment has gone on," said Ducheneaux.

He warned that separate "IRS assaults" were now in progress in six other states, including Arizona, Washington, Wyoming, Montana, and both Dakotas.

Native Land con't

would control bidding and royalties in those limits. Beyond the three-mile limit to international waters the federal government would control bidding and royalties, said Lekanof.

The report stated that under uniform regulation no royalty bidding would be permitted. Royalty bidding allows oil firms seeking drilling rights to offer the government a larger percentage of royalties rather than a large cash payment.

The report said the Interior Department has already assessed the offshore supplies but has not made its findings public. Interior has not yet approved the 786-mile \$2.4 billion Trans-Alaska Pipeline System (TAPS), which is expected early in the spring.

In a related development, bipartisan support among Alaska state legislators was reportedly growing for state ownership of the Prudhoe Bay-Valdez pipeline system. Democratic Gov. William A. Egan in late October proposed the concept which, he said, would result in an additional \$100 million annual state income.

The state under existing agreements will receive 12.5 percent royalty on oil production. Alaskan legislative concern appeared to be focused on possible revenue losses written off by oil companies as "hidden costs."

Lekanof opposed the concept of state pipeline ownership as a potential problem for Alaska Natives, calling it "a good way to make money off the Native people." Under the pending Alaska claims settlement, two percent overriding royalties—which may be paid in the form of bulk oil—to Alaska Natives may entail Native payments to the state for the use of the pipeline.

Officials of Humble Oil Co., a member of the Alyeska oil consortium developing North Slope, criticized the governor's proposal. "It is particularly disturbing," they said, "because it contradicts the basis of our competitive free enterprise system."

The American Petroleum Institute said "at the present time" it knew of no oil in the Gulf of Alaska, meanwhile, and a spokesman for Sen. Proxmire cited seismic surveys and core drillings which provided the basis for the Cordova oil find.

bureau bits

BUREAU BITS: The ever-humbled BIA, never free from a volley of verbal arrows, is ducking another rain of wit. Among the new outbreak: "The BIA bites the hand that feeds it." "...Kiss my B...I...A..." goes another. The mother of the BIA is the Posterior Department," quipped one wag. And another: "That tired old BIA machine has only two gears left—STOP and REVERSE." ...On the recent militant "arrest" action by AIM in the Bureau lobby in September, Browning Pipestem snapped to ABC-TV: "That wasn't a riot in there—what you just heard is the BIA being dragged screaming and kicking into the twentieth century."

Termination Sways Congressional Laws

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potawatamie Tribe of Kansas and Nebraska, and those members of the Chipewewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

LYLE O. SNADER
Clerk of the House of Representative

J. MARK TRICE
Secretary of the Senate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That in reaffirming the trust and treaty relationships between the United States of America and the American Indians, and between the United States and the Alaska Natives, which Indians and Natives are hereinafter referred to as "Indians", the purpose of this Act is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians.

SEC. 2. (a) The Indian Trust Counsel Authority, hereinafter referred to as the Authority, is established as an independent agency in the Executive Branch. (b) The Authority shall be governed by a Board of Directors composed of three members to be appointed by the President by and with the advice and consent of the Senate.

(c) At least two of the members of the Board of

Directors shall be Indians.

(d) The terms of office of members of the Board of Directors shall be four years, except that of the first three members appointed, one shall be appointed for a two-year term, one shall be appointed for a four-year term. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of term of office, a member shall serve until his successor has been appointed and qualified. A member of the Board of Directors may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(e) The President shall designate one of the Directors to serve as Chairman at his pleasure.

(f) The members of the

Board of Directors shall receive pay at the daily equivalent of the rate provided for grade GS-18 in section 5332 of title 5, United States Code, for each day they are engaged in the business of the Authority, and shall be allowed travel expenses, including a per diem allowance as authorized by section 5703 of title 5, United States Code, in connection with their services for the Authority.

SEC. 3. The Board of Directors shall convene at the call of the Chairman, but must convene at least once each quarter, to set policy for the Authority and review its activities. The Board of Directors shall report to the President and the Congress annually on the activities of the Authority.

SEC. 4. The Board of Directors shall without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and prescribe the duties of a chief legal officer for the Authority, who shall have the title of Indian Trust Counsel, and who shall be paid at a rate equal to that provided for in level V of the Executive Schedule. (5 U.S.C. 5316), and a Deputy Indian Trust Counsel who shall be paid at a rate not in excess of that provided for grade GS-18 in section 5332 of title 5, United States Code.

SEC. 5. (a) The Board of Directors shall appoint, fix the pay of, and prescribe the duties of such attorneys as it deems necessary after consulting with the Indian Trust Counsel.

(b) The Board of Directors shall appoint and fix the compensation of such special counsel and experts as it deems necessary.

(c) Attorneys or special counsel appointed under this section may, at the direction of the Authority, appear for or represent the Authority in any case in any court, before any commission, or in any administrative proceeding.

(d) The Board of Directors may, in the event of a conflict between parties requesting the assistance of or the representation of the

Authority under the provisions of section 8 or 9 hereof, hire special counsel or experts to assist or represent one or all of the parties.

SEC. 6. The Board of Directors shall, subject to the provisions of title 5, United States Code, appoint such employees as it deems necessary in exercising its powers and duties.

SEC. 7. The Authority, in the exercise of its functions, shall be free from control by any executive department.

SEC. 8. The Authority, with the consent of an aggrieved Indian, Indian tribe, band, or other identifiable group of Indians, is authorized to render legal services in regard to rights or claims of the Indians to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, and minerals, and rights to hunt and fish, within the United States trust responsibility owing to the Indians, which services are now rendered by the Department of the Interior or by the Department of Justice, but nothing in this Act shall absolve the Department of the Interior and the Department of Justice of their responsibilities to the Indians, including those which derive from the trust relationship and any treaties between the United States and any Indian or Indian tribe: Provided, That the Department of Justice as of the effective date of this Act or as soon thereafter as practicable, is relieved of its responsibility

to represent Indians or Indian tribes with regard to their rights or claims to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, minerals, and rights to hunt and fish. The legal services performed pursuant to this section may include, but shall not be limited to, the investigation and inventorying of Indians' land and water rights, and the preparation and trial and appeal of cases in all courts, before Federal State, and local commissions, and in all administrative proceedings.

SEC. 9. The Authority, with the consent of an aggrieved Indian, Indian tribe, band or other identifiable group of Indians, acting in the name of the United States as trustee for the Indians, may initiate and prosecute to judgment in all courts of the United States, suits against the

United States, its officers and employees, and in all courts of the United States and of the States, suits against any of the States, their subdivisions, departments and agencies, or against persons and corporations, public or private, all actions in law and equity for the protection, preservation, utilization, conservation, adjudication, or administration of natural resources or interests therein had or claimed by the Indians, including, but not limited to, rights to land, rights to the use of water, timber, and minerals, and rights to fish and hunt. The Authority is authorized

to prosecute appeals in all courts of the United States and of the States, and to intervene in any Federal, State or local administrative proceeding in order to protect the rights of the the Indians. The United States waives its sovereign immunity from suit in connection with litigation initiated by the Authority under this section. Any such suit against the United States, its officers and employees should be tried to the court without a jury.

SEC. 10. The powers granted to the Authority by this Act shall not extend to the filing or prosecution of or intervention in any action, claim, or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed under the Indian Claims Commission Act of 1946, as amended, or any other special statute authorizing a claims suit to be brought by Indians against the United States but shall not include suits that could be brought under the provisions of section 1346 (a) (2) and 1491 of title 28, United States Code: Provided, however, that the Authority may assist any Indian tribe requesting such assistance in its claim pending before the Indian Claims Commission.

SEC. 11. The Authority is authorized to—

(1) make such rules and regulations as it deems necessary to carry out its functions;

(2) request from any department, agency, or independent instrumentality of the

Government any information personnel, services, or materials it deems necessary to carry out its functions under this Act; and each such department, agency or instrumentality is authorized to cooperate with the Authority and to comply with a request to the extent permitted by law on a reimbursable or nonreimbursable basis;

(3) receive and use funds or services donated by others; and

(4) make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act.

SEC. 12. There are authorized to be appropriated to be appropriated to the Authority created herein such sums as may be necessary to carry out the provisions of this Act.



BIA

Discriminating

An Indian Tuesday termed the Bureau of Indian Affairs "probably the most discriminatory agency in the federal government."

Browning Pipestem of Ralston, chairman of the National Indian Task Force in Washington, said the BIA has a staff that is 58 percent Indian.

Most of the Indians are classified between grades one and seven for employment levels whereas only 12 to 14 percent of the Indians rank above grade level 12.

"The secretary of the Interior officially has said an employment preferential policy is under study," he said.

"Unofficially the secretary...said he will not sign the policy because it would be bad for the morale of the non-Indian employes. I find that tragic," Pipestem said.

His remarks were made at an Indian Manpower Conference attended by about 300 Indians from numerous states on December 7 and 8.

The conference was attended by Cherokee councilmen Ed Taylor and Gerard Parker; Alvin Smith, Director of the Self Determination Grant; Dan McCoy of the Cherokee Boys Club and Ray Maldonado, representing the local Bureau of Indian Affairs agency.

Sponsored by the Department of Labor, the conference featured BIA Commissioner Louis Bruce as principal speaker. Councilman Taylor was able to discuss many of the reservation's manpower problems with the Commissioner.

The participants attended workshops which investigated funding possibilities for training Indian people to run their own tribal projects.

Another subject was Civil Service hiring guidelines. Indian spokesmen declared that in too many instances the guidelines were used as a weapon against Indians. A job may be announced but the prospective employee has already been hand-picked. Sometimes educated Indians are told that they are "over-qualified" when they apply for work on their home reservations.

Sarasota, Florida

UPSET Votes to move Office

Meeting on November 29 and 30 the United Southeastern Tribes Board of Directors voted to move the USET office from its present Sarasota, Florida location back to the original location in Atlanta, Georgia.

Voting for the resolution were the three Cherokee delegates—John A. Crowe, Jerome Parker and Ed Taylor—and the three Choctaw delegates. Nay votes included three from the Micosukee Tribe of Florida and two from the Seminoles.

New officers for the inter-tribal group were elected. They are: Phillip Martin (Choctaw) — President, Ed Taylor (Cherokee) — Vice President, Joe Isaac (Choctaw) — Treasurer, Howard Tommy (Seminole) — Secretary.