

**Around Washington —**

# **Indian News Notes**

**By VINCE LOVETT**

**PRESIDENT SIGNS EDUCATION AMENDMENTS ACT, INTERIOR BEGINS IMPLEMENTATION OF H.R.15**, the Education Amendments Act of 1978 (now P.L. 95-561) was signed into law by President Carter November 1. Though Title XI of the Act affects Indians most directly, other titles dealing with special education, bilingual education, etc., have a major bearing on Indian education. Interior Assistant Secretary Forrest Gerard announced following the signing that the Department has invited tribal leaders to nominate persons to work on implementing task forces for Title XI of the Act. This title strongly emphasizes local community control of Indian education programs in BIA programs and in public schools — with Johnson-O'Malley and Impact Aid Federal funds. Deputy Assistant Secretary Rick Lavis has been directed by Gerard to head up the implementation process for BIA.

**JUSTICE DEPARTMENT OFFICIALS AGREE TO DISCUSS ROLE WITH INDIANS:** Justice Department officials said they are ready to meet with Indians who are unhappy about a possible change in the Department's historic role as a champion of Indian rights. A meeting was requested by the Native American Rights Fund in an Aug. 18 letter to Attorney General Griffin Bell, Kay Oberly, a special assistant in the Department, said Oct. 26 that officials are attempting to arrange the meeting for "early or mid-November" but no date has been set. Bell told the House Judiciary Committee early this year that in suits involving treaties in which the suit is against the United States, the Justice Department should represent the United States and the Secretary of the Interior should hire outside lawyers to represent the Indians. The NARF officials told Bell his position was at odds with President Carter's position on Indian rights.

**JACKSON WANTS COURT TO BROADEN BOLDT REVIEW, INCLUDE ALL INDIAN CLAIMS:** A *Seattle Times* report (October 20) says Senator Henry Jackson of Washington wants the United States Supreme Court, in considering whether to uphold or modify the Boldt fishing decision, to also look at the broadest issue of Indian claims against the states. Jackson told the *Times* that Indian claims against states for land and resources could total as much as a half-trillion dollars. He said the consequences will be "catastrophic" if the claims are upheld. Jackson indicated that he does not intend to let the court have the final word on the Boldt issue. He said that he expects the court to limit the rights of Indians to claim or fish or other resources. "I can't help believe that the court will decide that enough is enough." He added, however, "We have to be prepared if the court upholds Boldt, to move with legislation." He described the Indian claims as "beyond reason."

**RULING UPHOLDS RIGHTS OF INDIAN FISHERMEN:** A ruling that treaty Indians in the Pacific Northwest should be exempt from salmon fishing regulations issued by the International Pacific Salmon Fisheries Commission was upheld yesterday by the 9th U.S. Court of Appeals. Non-Indian commercial salmon fishermen in Washington state had sued to prevent the Federal Government from exempting the Indians and from issuing separate regulations for Indians. The appeals court said the real attack of the suit was on a court ruling which said Indians should have an opportunity to take one-half of the salmon catch. The court noted that interpretation of

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that ruling was now a question before the U.S. Supreme Court, and said it would be inappropriate for the appeals court to pursue the issues further.

**MAINE INDIAN SETTLEMENT PLAN CALLED WHITE HOUSE CAMPAIGN GIFT TO HATHAWAY:** An editorial in the *Boston Herald American* commented on the fact that the latest White House plan to settle Indian land claims in Maine would cost the State nothing while increasing the Federal payment from \$25 million to \$37 million. Noting that the plan was proposed and pushed by Sen. William Hathaway, the paper concluded that the White House decided to let Maine off the hook to help Hathaway in his uphill battle for re-election against Republican Rep. William Cohen. The editorial concluded: "\$12 million is a pretty big campaign contribution, even from the White House." On Nov. 2, Governor James Longley of Maine said that President Carter and Presidential Counsel Robert Lipshutz had approved a written agreement document which had been initiated earlier by the governor, state attorney general and Maine's Congressional delegation. It was not clear whether the tribes had formally approved the agreement. The Maine Indian paper, *Wabanaki Alliance*, indicated that tribal attorney Tom Tureen favored acceptance. An editorial says: "Tureen says look at it realistically. . . two tribes are not going to be awarded two thirds of the state even if they could win a court suit, which is by no means a certainty."

**PRESIDENT VETOES NAVAJO-HOPI RELOCATION BILL:** Because it contained a legislative veto provision, President Carter vetoed H.R. 11092 which would have increased the funding authorization for the Navajo-Hopi Relocation Commission. In a June 21 message to the Congress, Carter said that he was opposed to legislative vetoes as an intrusion into the area of executive authority and that he would consider any such provision in a bill grounds for a veto. H.R. 11092 would have raised the authorization for expenses by the Commission from \$500,000 to \$1 million. The bill would also have prohibited elected public officials from serving as Commissioners and limited the amount that could be paid annually to a Commissioner. The offending legislative veto would have allowed Congress the authority to disapprove the relocation plan submitted by the Commission. The veto will not affect 1979 funding; Congress has already appropriated \$990,000 for Commission expenses.

**DELORIA HAS PRESCRIPTION FOR HEALING STATE-TRIBAL RELATIONS:** Prescribing a dose of "realism and practicality" to improve relations between state governments and Indian governments, Sam Deloria, director of the American Indian Law Center at the University of New Mexico, told an Indian affairs subcommittee that too often the lunatics on both sides get the headlines and "nobody knows what the serious politicians on either side are saying." Deloria told the subcommittee of the Criminal Justice Study Committee that a foundation-financed project has begun to bring state and Indian politicians together to work out agreements on issues apart from the questions over state and tribal sovereignty. The project is operated by the Commission on Tribal-State Relations formed by the National Conference of State Legislatures, the National Congress of American Indians and the National Tribal Chairmen's Association. "Quite frankly, we're going to pick easy areas in order to snow some victories," Deloria said. "We want to show that these are areas where there is very little dispute over jurisdiction."

**CLAIMS COMMISSION RESEARCH MATERIALS PRESERVED BY UNIVERSITY:** The University of Tulsa has received 180 boxes of materials from the recently terminated Indian Claims Commission in Washington, D.C. The University, renowned for its special collections in Indian law and history, obtained all commission records that were not transferred to the U.S. Court of Claims and the United States Archives. The records include legal exhibits correspondence, maps and other documents. Dr. Rennard Strickland, a TU research professor of law and history, said the collection in terms of research potential, was "priceless." The Commission materials were to be destroyed, until the university requested them. Strickland said the Commission "prepared very elaborate studies for people bringing cases before the commission. They got information such as where the tribes were originally located, how the treaty agreements were reached and general histories of the tribes."