

Around Washington —

Indian News Notes

By VINCE LOVETT

ANDRUS SAYS NO DEALS FOR GERARD'S CONFIRMATION:

At an Aug. 9 press conference Secretary of the Interior Cecil D. Andrus was asked by Vivian Vahlberg of the "Daily Oklahoman" what he had done to placate Sen. James Abourezk, whom she described as "furious" about the nomination of Forrest Gerard as Assistant Secretary for Indian Affairs. Vahlberg asked Andrus if he had made any deals with Abourezk to accept American Indian Policy Review Commission's recommendations or other things to obtain confirmation for Gerard. Andrus replied somewhat testily "The day is past when the Department of the Interior makes deals with Senators. Forrest Gerard is an outstanding nominee. I will not back away from my position of support for his appointment."

ADOPTION CASE MAY BE PRECEDENT SETTING: In a case that Indian legal authorities say could lead to a precedent-setting decision in the issue of Indian children's custody, a Tucson Superior Court judge has ordered an Apache Indian girl severed from her parents and has cleared the way for a non-Indian family to begin adoption proceedings. The 8-year-old girl, Valerie Duryea, was put in the care of Gary and Virginia Woods, with her parents' knowledge, in 1969 when the girl was an infant. The Woods testified that they have raised the child and her real parents have had little contact with her. Officials of the White Mountain Apache Tribe have intervened opposing adoption by the non-Indians and have sought to have contended that only tribal courts can decide the matter. The tribe has filed a Federal suit seeking to block the adoption. The Woods are also seeking to adopt another Apache girl who has been in their custody for more of her 11 years.

ARTICHOKER TALK ON ICERR STIRS REACTIONS: BIA Phoenix Area Director John Artichoker gave the keynote address at the Federal Regional Council Conference in Carson City, Nev. He spoke about the anti-Indian backlash and the activities of the Interstate Congress for Equal Rights and Responsibilities. The ICERR people are now writing their congressmen demanding an apology from Artichoker. He said of ICERR: "Their ultimate goal is two-fold: One, destroy tribal governments and their relationship with the United States, and two, rid the American scene of Indian reservations. Their master plan is insidious." Also, this: "Just because American Indian tribes are in peril, it does not follow that they have to be paralyzed. The Interstate Congress and their friends are waging a sophisticated effort...and the Indians can answer with sophistication of their own...Indians should stand up for what is right and that which they believe in...but Indians should remember that you cannot go out and spit in the eye of the majority population and expect to win in the long run. Arrogance will never claim victory for Indian tribes...tribes must succeed by being wise and right and willing to negotiate out their problems as statesmen. With sovereignty...with jurisdiction...with the rights that Indians now possess...comes responsibility. Indians will not long have that which they have now unless they exhibit good management and good accountability in their programs."

FLORIDA CIGARETTE TAX ISSUE GOES TO COURT: The Florida State Beverage Division has filed suit in Circuit Court to settle the issue of whether taxes should be collected on cigarettes sold on the Hollywood Seminole Indian Reservation. Division Director Charles Nuzum, who was sued by Sheriff Edward Sack for failing to order the Indians to collect the tax, said he decided to take the issue to court without first seeking an opinion from the attorney general. The trailer-based shop off U.S. 441 is continuing to block traffic with waiting lines of customers. The Florida tax, which they are not collecting, is \$2.10 per carton. Nuzum estimated that the state would lose about \$1.5 million annually from this one shop.

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COURT UPHOLDS TRIBE'S IMMUNITY TO SUIT: Judge Douglas Amdahl of Hennepin County District Court in Wisconsin ruled that the Lac Courte Oreilles Band of Lake Superior Chippewa Indians is a sovereign body which cannot be sued without its consent. A Duluth, Minnesota travel agency had filed suit against the tribe to collect \$2,400 for airline tickets purchased to fly entertainers to a tribally sponsored concert in 1974. The concert lost money. Judge Amdahl based his ruling on a number of Supreme Court and other federal court decisions that have interpreted government treaties with Indian tribes as giving the tribes sovereignty.

PRINTED COPIES OF AIPRC REPORT NOW AVAILABLE: The final report of the American Indian Policy Review Commission, submitted to Congress May 17, is now available in printed form. The 624-page book is a vast improvement over the foot-high stack of 8½-by-11 paper of the typed/duplicated version. Senator Abourezk included a note with complimentary copies he sent. He said: "The significance of this Report should not be underestimated. It is the first study ever to be conducted by Indian people themselves and is the product of hard work and efforts of hundreds of people...I hope you will review the recommendations contained in this Report and forward to us any comments or views you may have. I am committed to effecting meaningful and constructive reforms in our Federal-Indian relationship and hope we can look forward to a more sensitive era of Indian affairs. We on the Commission are proud of this document as it will be a reference to be used for decades by people interested in Indian affairs." A second volume, containing comments on the Report and appendices, will be ready in September. Copies of the Report are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Price is \$20 for the two volumes.