

Indian News Notes

By **VINCE LOVETT**

NEVADA INDIANS LOSE LANDMARK WATER RIGHTS CASE: A Federal judge has ruled against the Pyramid Lake Paiute Indians in a landmark case brought on the tribe's behalf by the Justice Department. The tribe was seeking renegotiation of water rights along the Truckee River, which supplies, among others, the city of Reno. Judge Blaine Anderson of the 9th U.S. Circuit Court ruled that the Indians were properly represented, through the Justice Department, when the Orr Ditch Decree became final 33 years ago. He also said there has been adequate compensation for any fishery losses. The decision is expected to be appealed.

GERARD PROPOSES TRIBAL-CENTERED BUDGET PROCESS: In a December 6 letter to tribal chairmen, Assistant Secretary for Indian Affairs Forrest Gerard, there is proposed a "new budget planning procedure for the Bureau" to reflect tribal priorities and provide operational flexibility and fiscal accountability. Gerard writes: "The new budget structure is built on a location basis rather than the current program basis of the current system. Responsibility for budgeting of annual operations at the tribe/agency level will be on a government-to-government basis so that you can make budget decisions that directly affect the welfare of your tribal members. The location basis will give Congress and other reviewing offices an opportunity for the first time to consider tribal needs and priorities individually rather than on a Bureau-wide basis." Gerard requested review and comments from the chairman.

STANDS LOSES SUIT TO REGAIN CROW TRIBAL POWER: U.S. District Judge James F. Battin said that the ouster of Pat Stands Over Bull as Crow tribal chairman followed the ancient ways of the tribe and consequently, he dismissed Stands' suit to regain office. The judge's ruling confirmed Forrest Horn as tribal chairman and assured tribal leaders that actions taken by their government can stand up in Federal court. Battin's ruling included six pages of Crow history, meant to show "the similarities and parallels between the underlying facts of Stands' impeachment and the history of Crow tribal politics.

MEXICO'S YAQUIS RETAIN STRONG TRIBAL SELF-GOVERNMENT: The December 11 New York Times carried a feature on Mexico's 22,000 Yaqui Indians. The article said that the Yaquis, "as economically 'defeated' as the rest of the country's seven million surviving Indians," have retained the only strong system of tribal self-government in Mexico today. The Federal government, according to the article, has come to accept their system of self-rule "almost as a state within a state--Sonora--respecting their traditions and cautiously avoiding direct interference in their lives." The article notes that the survival of the Yaqui language and traditions is the more remarkable since the tribe has been in touch with the non-Indian world since the 16th century with their lands crossed by a highway and a railroad that brings thousands of tourists south from California every year.

INDIAN NEWS PUBLISHER RESPONDS TO SEATTLE TIMES EDITORIAL: Bruce Van Brocklin of Northwest Indian News got banner headline attention in the Seattle Times December 6 with a letter challenging the paper's exercise of responsibility in an editorial on the "dual status" of Indians. The paper did not use the term "supercitizens" which some Washington state officials have applied to Indians; the editorialist, however, did credit Congressman Don Bonker for the gist of the editorial. This "dual status" gist is that Indians have the rights and benefits of citizens and also "the rights and privileges provided by treaties, including such things as exclusive hunting and fishing rights, control and use of water, and authority over non-Indians living within reservations." The editorialist was opposed to an anti-Indian backlash approach; he simply favored, with Congressman Bonker, renegotiating the Indian treaties to "reflect present conditions." The clear implication was that reworking these "anachronistic agreements" would eliminate those "rights and privileges provided by treaties, Etc." The editorial was not couched in obviously vicious or angry language; to the casual reader it might have seemed a sane, well-reasoned approach. Van Brocklin noted in his letter that it was, rather, a parrot approach, accepting and echoing--unthinkingly--the Congressman's view. He said: "It is easy to accept the views of elected officials as being of sufficient substance to form the core of editorial thinking, but it is also professionally irresponsible. If you expect readers to take your editorial views seriously, it is incumbent upon you to first demonstrate your understanding of both sides of an issue."

SOLICITOR ASKS FOR INFO ON MINERAL PRODUCTION ON INDIAN LANDS: The Associate Solicitor for Indian Affairs has asked the Assistant Secretary for Indian Affairs to gather information about tribal mineral leases, including any state taxes paid under such leases. The December 1 memo notes that the Solicitor's opinion of November 7 (See Fort Peck item above) "Held that mineral production on tribal lands under leases issued pursuant to the 1938 Indian Mineral Leasing Act is not subject to state taxation." It says that a survey of current mineral production on tribal lands is necessary. The survey should include examination of the leases to determine whether they were issued under the 1938 act and identification of "all instances where taxes on tribal royalties are currently being paid, the nature of the taxes and the parties paying the taxes." When the information is compiled, the memo says, "we should, if appropriate, notify the parties to cease paying the state taxes." Copies of the memo went to regional and field offices.