

# Journals predict poor Indian Congressional year

By VINCE LOVETT

The *Congressional Quarterly* and *Juris Doctor*, a law journal, have joined the parade of publications predicting unsympathetic treatment of Indian issues in the halls of Congress. An article by Larry Light in the December 2 *Congressional Quarterly* says: "Legislation to help Indians now comes under closer scrutiny than it did several years ago, and sometimes fails on the

floor owing to a small but vociferous anti-Indian faction created by the claims issue."

"Most members, let's face it, really don't care about Indians and never have," explained one House staffer closely involved in Indian affairs. "When it was fashionable for them to favor minorities, they did so. Now it's out of fashion and you have a small group of guys running around trying to stick it to the Indians."

"These guys can get their way." It concluded: "The loss of Abourezk and Roncalio is a blow to Indians because their lobbying effort is small. NCAI, comprised of 154 of the nation's 483 tribes is the sole registered lobbying group for native Americans. Still Indian activists expect to prevail ultimately. "We have a higher profile now," said NCAI's Noel, due to the Longest Walk and other public relations drives.

"People are beginning to understand our views."

The *Juris Doctor* piece by Jill Norgren and Petra Shattuck in the October/November issue includes the following: "The use of courts to regain resources and protect Native American rights could be regarded as yet another convincing example that litigation is the best mechanism to repair injuries which politically weak minorities have the power neither to prevent nor to correct."

"Courts, constitutionally mandated with the protection of individuals and groups against discriminatory majoritarian policies, are the only governmental institutions which can — and must — ignore the political reality responsible for a minority's denial of rights."

"From this vantage point Indian legal gains raised high expectations: If courts could indeed redress the wrongs of the past and be tribunals forcefully protecting Indian rights and re-

sources, the history of the American Indian would have reached a turning point. Indian leaders could then look forward to the day when they and their people would no longer be treated by the U.S. government as pesky irritants or immature wards."

"Such high hopes now seem premature. Developments during the last year have put in jeopardy the Indians' recent legal gains. Rising anti-Indian sentiment, vacillating court decisions, and an increasingly unsympathetic congressional reaction may mark the beginning of yet another era of change — but hardly the one Indians had hoped for. It is in this sense that litigation which promised at the outset to provide Indians with significant leverage may turn out to be a Pandora's box of political problems."

"For Native Americans such an outcome would once again confirm John Marshall's prediction that courts cannot redress the past or prevent the future."