

# **Indian News Notes**

By VINCE LOVETT

**GERARD QUOTED IN OPPOSITION TO EDUCATION TRANSFER:** Interior Assistant Secretary Forrest Gerard, in Oklahoma City May 17-19 for a meeting of BIA Area Directors, was reported in the Saturday Oklahoman and Times to have said that he opposed the transfer of BIA education programs to the Administration's proposed new Department of Education. The Yakima Nation Review in its May 10 issue published Gerard's comments made in April in a memo to Interior Secretary Andrus. He said in this memo: "The Indian people are not so naive nor am I so naive, as to think that the unique trust relationship with Indian tribes will continue if these programs and services are fragmented throughout the Federal Government in the absence of a clear statement of policy and an appropriate protectorate system in place prior to significant transfers of BIA functions and authorities...And further, and perhaps most objectionable, the (White House) document specifically disdains the opinions of the very Indian people whose lot it professes to improve."

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**FEDERAL FUNDING FOR INDIAN PROGRAMS EXCEED TWO BILLION:** Federal funding of Indian programs has grown by almost \$500 million in two years according to a May 22 report prepared by BIA. In FY 1979 the funding of Indian programs from nine Federal agencies is calculated to be \$2,044,749,000. For FY 1977 the same agencies report funding of \$1,566,918,000. The four largest funders ('77 figures in parens) were Interior, \$1,000,580,000 (\$829,525,000); HEW, \$611,887,000 (\$461,544,000); Labor, \$213,957,000 (\$115,089,000); and HUD, \$124,300,000 (\$97,800,000). These figures do not include Indian trust funds, nor do they include any assistance provided by the Small Business Administration. In some instances, also, the report is based on estimates, rather than amounts specifically budgeted for Indians

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**BILL INTRODUCED TO EXTINGUISH MAINE INDIAN LAND CLAIMS:** Legislation was introduced May 23 in both the House and Senate by the Maine Congressmen, at the request of the Maine Governor and Attorney General, to end the Passamaquoddy and Penobscot Indian Tribes' claims to more than 12 million acres of land in that State. The bill (HR. 12834 and S. 3130), according to Congressman William Cohen's introductory statement, would "extinguish all Maine Indian claims for possession, occupancy or trespass against Maine, any Maine subdivision or any individual" and would substitute for the tribes "a right to assert a claim against the United States for damages..." in the U.S. Court of Claims. That court, if it deemed the claims valid, could award a judgment "equal to the value of the Indians' interest in the land or water at the date of transfer, less any payments made in consideration of the transfer, plus reasonable, annual simple interest." Cohen invited the involvement of his colleagues in the House "especially those who have experience in dealing with the difficulties resulting from past Native American claims in other areas." The bill also has a sovereignty issue tacked on. The last section of the proposal says: "Any lands currently held or hereafter acquired by an Indian in the State of Maine, or any persons residing or found thereon, shall be subject to all laws of the State of Maine." The promised White House Bill to settle the Indian claims against most of the private landholders is reportedly still in the drafting process, but the Justice Department will be reporting to the court by July 1 when litigation against the State and the 14 largest landholders may be initiated.

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**COURT CANCELS CHEAP COAL CONTRACTS WITH CROWS:** The Crow Indian Tribe of Montana won "the big one," as a tribal attorney expressed it. A Federal judge in California ruled that 17½ cents per ton leases held by Shell Oil Company and American Metals Climax, Inc. for coal mining on tribal lands were invalid. The leases were estimated to involve 1.6 billion tons of coal. The tribe was reported to be interested in renegotiating for \$2.50-\$3.00 per ton. That kind of renegotiating would mean that the tribe would receive about \$4 billion more for its coal.

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**FEDERAL STATUS RESTORED FOR FOUR OKLAHOMA TRIBES:** President Carter signed legislation May 15, restoring Federal recognition to the Modoc, Wyandotte, Peoria and Ottawa Indian Tribes in Oklahoma. The restoration makes them eligible for Federal Indian programs. The Act is expected to cost the Federal Government \$1.4 million the first year. At the same time, the President signed a bill requiring the Federal Government to acquire 600 acres of land in New Mexico for the Zuni Indian Tribe. The land, now owned by the State of New Mexico, includes the Zuni Salt Lake which is considered by the Indians to be a sacred shrine. The tribe, estimated at 1,500 Indians, currently mines the salt from the lake and has purchased all lease rights to the area. In addition, this legislation gives the tribe the right to file an aboriginal land claim in the U.S. Court of Claims for a separate parcel of 5.2 million acres in New Mexico and Arizona despite the fact that the deadline for filing the claim has passed.