

Tribes Battle New Threats

By Tom Barry
Pacific News Service

The long-simmering war against Native American sovereignty, rekindled by discoveries of vast energy wealth on Indian lands, has entered a new and intensified phase. In the past year federal and state government officials, prodded by various corporate interests, have launched a concerted drive to stem a tide of court rulings that have tended to favor and extend Indian rights.

The battle lines are much the same as those in the Indian Wars

- Congress prohibit Indian taxation of non-Indian business on Indian lands;
- legislation be enacted to prohibit Indian courts from exercising criminal or civil jurisdiction over non-Indians;
- and, Congress allow state governments to levy taxes on Indian land and business.

Some Western states' congressional representatives have joined the lines in an effort to take the Indian War to the nation's capital. Last fall four bills

"The United States has always been a country of equals," says Cunningham, "with no individual or group subjected to subordinate or special rights. Indian policy must reflect this same fairness and not continue the special patchwork of separate governments scattered throughout the land."

Cunningham claims that if Indian people were free of the federal trust status they would fare better as equal U.S. citizens.

John Redhouse, a director of the National Indian Youth Council (NIYC), disagrees: "It seems like an all-American approach to break down the barriers between Indian and non-Indian," he declares, "but it is really a corporate, governmental, industrial effort to deny Indian people their tribal and individual rights."

Indian people, Redhouse observes, own over 55 percent of the nation's uranium supply and about one-third of the country's low-sulphur strippable coal - resources corporations would like ready access to, and state governments would like to tax.

Cunningham's Washington State colleague, Rep. Lloyd Meeds, a longtime supporter of Indian rights, reversed his position after he almost lost his last election. Meeds recently introduced the "Omnibus Indian Jurisdiction Act of 1979" which would have much the same effect as the Cunningham bill.

Meeds claims there exists "a direct conflict between Indian tribal aspirations and the constitutional rights of American citizens. I believe where tribal aspirations collide with constitutional principles the tribe's interests must yield," he says.

In the energy-rich Southwest, the

Navajos, Apaches and Pueblo Indians have joined in a strong show of unity to fight all four of the current congressional anti-sovereignty measures.



They made us many promises, more than I can remember. But they never kept but one, they promised to take our land, and they took it.

--Red Cloud

New Mexico's 19 Pueblo governors labeled the Native American Equal Opportunity Act "a direct challenge to the survival and continued existence of the Pueblo people and the Indian people of this country."

The tribes and pueblos of the Southwest have stirred intense governmental friction by a series of bold measures aimed at consolidating their new sense of identity and strength. The Navajo Nation, for example, has enacted its own environmental water and air regulations, set a tax on on-reservation businesses and put non-Navajos on notice that once on Navajo land they are subject to tribal laws and tribal courts.

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As tribal lands and energy resources become more alluring to large corporations, the unity of tribal life is threatened. Native representative Philip Deere, left, led a delegation to a United Nations conference, calling for aid in enforcing U.S. treaties.

of the last century: the control of land, water, and minerals in the West.

But while in the past the battles have been fought mainly in the federal courts, elected officials are now showing a new boldness and are entering the fray.

Last September, the Western Conference of the Council of State Governments fired a warning shot with a resolution calling for the end of Indian sovereignty. "The United States Constitution provides for only two sovereign powers: The United States and the states," declared the state officials.

"Indian tribes," they added, "are political subdivisions of the United States and are not sovereign in their own sphere."

The Western Conference specifically recommended that:

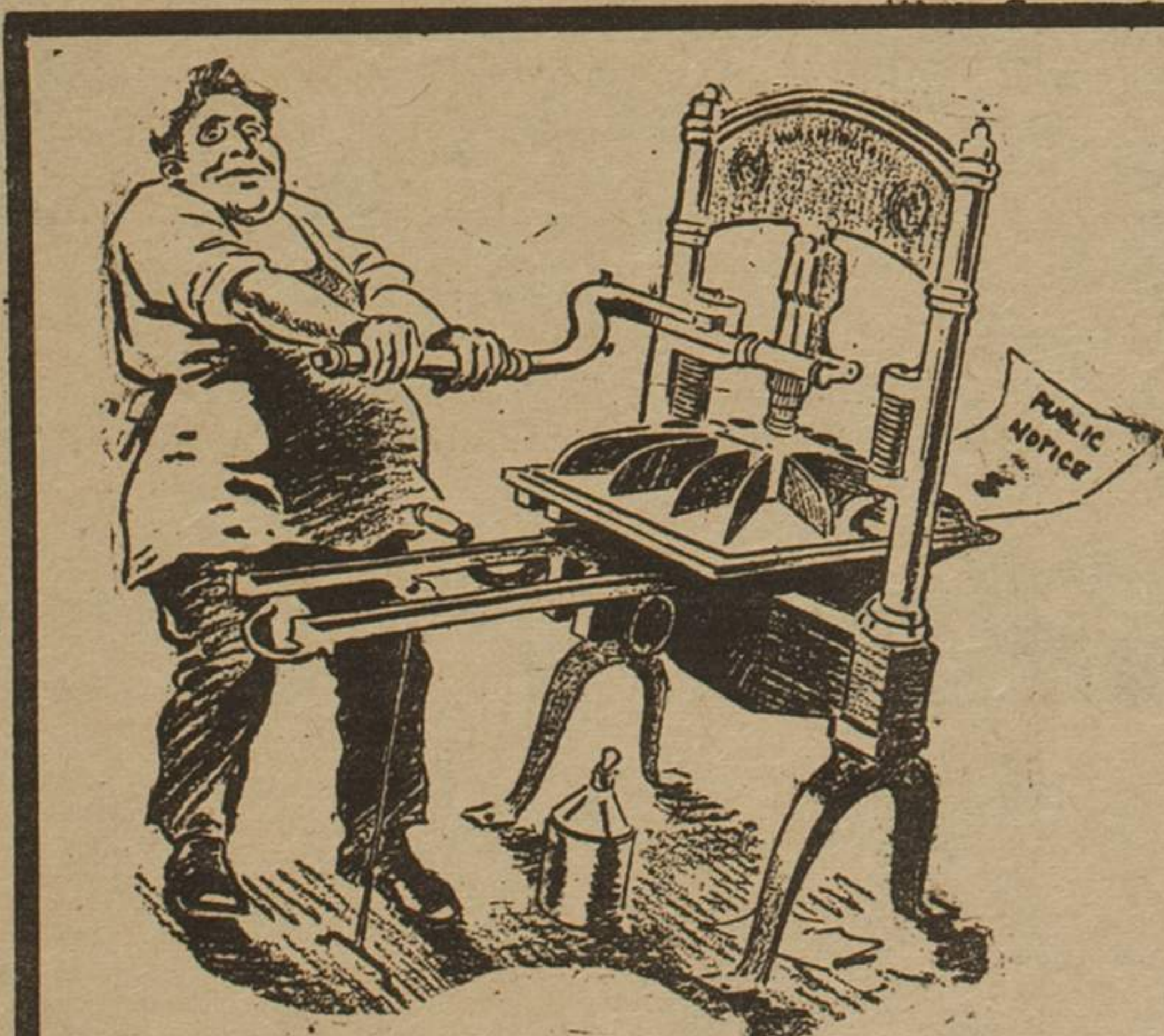
- final authority over Indian land-use planning be held by state planning agencies;

to terminate Indian sovereignty were proposed.

The Western states - where most of the Indian tribes live - feel threatened by recent federal court rulings on Indian land claims and jurisdictional disputes. The new militancy and political sophistication of the country's tribal leaders have also given the Western states cause for concern.

Rep. Jack Cunningham (R-Wash.) termed a recent court decision that reserved 50 percent of all the salmon and steelhead trout in the state for Indians "only the tip of the iceberg" of the Indian threat.

Cunningham recently introduced the "Native American Equal Opportunity Act," a measure which would abrogate all treaties entered into by the federal government with Indian tribes and end all special provisions for Indian fishing and hunting rights.



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Contributors: JOYCE KENDRICK, KELLY LYNE, SHEREE WELCH, PATTI HACKNEY, BARBARA WILLITS, HOAKY, CHUCK MAGERL, KATE DUFFY, PENNY DAVIES, PHYLLIS WATKINS, LAURIE SCHWARM, BARRY SHALINSKY, DIANE LUBER, TERRI TORK, LINDA HARVEY, DAVID HANN, HARRY PUCKETT, CHRISTINE CRIDER, CINDY HAGG, RICHARD LINKER, JANE NICHOLS, JIM BUKOVAC, FRANCES WELCH, LAURIE BRETZ, MRS. MORROW'S SIXTH GRADE CLASS, FARKLEY BARKS, COVER PHOTO-JOLENE BABYAK, CENTERFOLD-BRANDHAM RENDLEN, SPECIAL THANKS TO PAMELA JOHNSTON.

FARKLEY



BY FARKLEY BARKS

BARKS:

There's been some loose talk around town recently about a loose woman. Before our well-paid police decided to stop working, they arrested a woman who was dancing topless at a private club north of the river. Now, a lot of folks north of the river labor under the misconception that the City doesn't give a hoot about their problems. But they couldn't be more dead wrong. We do care about what goes on there. After all, if the City was to allow topless dancing at "the Fort," then soon it could happen in respectable parts of town as well.

At her trial, this lewd dancer was defended by Mark Goodman, a member of the local bar, and a member of the local private club as well. "To tell the truth," the main reason Goodman took the case is because his old partner, Bill Todman, refused to get involved. The price wasn't right.

The judge of our Municipal Court, George Catt, quickly ruled the city ordinance banning public nudity unconstitutional. Now, I do not intend to call into question the motives of our municipal judge in declaring the ordinance unconstitutional, but I cannot overlook his recently rumored plans for opening a "catt house."

Actually, I believe the judge ruled as he properly should have. Now, I'm not saying that I am in favor of public nudity, but I do not want any City Commission that I am sitting on to be responsible for an unconstitutional ordinance on the books. My reputation as a legal scholar is at stake. And I must point out that this ordinance was passed before I took over the City Commission. With this proper, but unfortunate decision, my City Commission is faced with the choice of whether or not to adopt another ordinance which would pass constitutional muster.

Some folks claim that the City has no business regulating morality; and that it is impossible to do so effectively, even if we should. They compare it to that Dutch boy who tried to close the floodgates by putting his finger in the dike. Now, I find the implications of that analogy to be insulting. No member of my City Commission has even introduced an ordinance to protect the constitutional rights of those people, much less placing our fingers in their private parts. We need to replace that old unconstitutional nudity ban with a new ordinance so we will not even be tempted.

Our City Commission has a responsibility to uphold the highest moral standards in our community. We pledge to clean out blight wherever it exists, whether at "The Fort" or on the Bowersock property.