

AALL NATIVE PEOPLES LAW CAUCUS NEWSLETTER

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A newsletter for members and friends of the AALL Native Peoples Law Caucus
A caucus of the American Association of Law Libraries



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Defining Indigenous Peoples

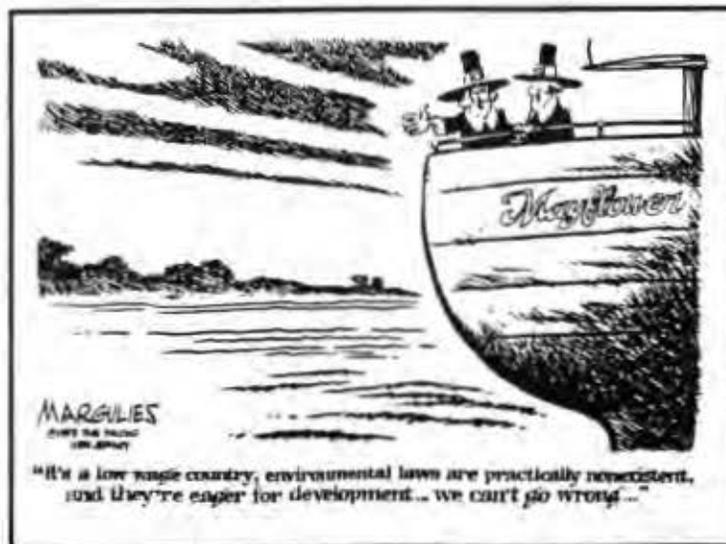
Just a decade ago an on-line search for the term indigenous people would have produced few if any references. Terms such as Indians - North America were relied upon for global searches. In much of the world standard search terms often proved inadequate. If a researcher wanted to search for references to the Penan of Sarawak, the Karen of Burma or the Hill Tribes of Thailand, he or she would have needed to know the proper name or search term in order to find references to the tribe they were looking for.

There is no universal definition of indigenous peoples or populations, and as a result, estimates of the total number of indigenous people worldwide vary from 200 to 350 million. Because national governments define indigenous populations differently, some using racial criteria and others using social and cultural criteria, definition of the term is noticeably absent in recent United Nations documents, such as the current Draft Declaration on the Rights of Indigenous Peoples, or Chapter 26 'Recognizing and Strengthening the Role of Indigenous People and Their Communities' of the Earth Summit's Agenda 21. Both documents refer readers to the International Labor Organization's (ILO) Convention No. 169 for definitions.

Following ten years of study by the UN, a special rapporteur presented a "Study of the Problem of Discrimination Against Indigenous Populations", to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. This study galvanized international opinion, and informed the subsequent Convention No. 107.

Drafted in 1957, Convention 107 reflected assimilationist view, and called for the progressive integration of indigenous people into national cultures. It was based upon the subsequent debate and historic recognition of the viewpoints and participation in its deliberations. The ILO in its Convention No. 169 (1989) stresses self-determination. It was a milestone in that it defines indigenous and tribal peoples as:

Art. 1, Par. 1. (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.



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Par. 2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

Self-identification, historical continuity, colonial history, language and culture are all essential to an operative definition of the term "indigenous peoples".

Perhaps the best definition comes from indigenous peoples themselves. The World Council of Indigenous Peoples puts forth the following definition: Indigenous peoples are such population groups as we are who from old-age time have inhabited the lands where we live, who are aware of having a character of our own, with social traditions and means of expression that are linked to the country inherited from our ancestors, with a language of our own, and having certain essential and unique characteristics which confer upon us the strong conviction of belonging to a people, who have an identity in ourselves and should be thus regarded by others.

—Dana Guppy

Center for Indigenous Environment and Development

SERIALS OF INTEREST

Here are a few examples of newsletters and newspapers which concern indigenous peoples:

Sovereign Nations is a monthly publication of the Tribal Self-Governance Demonstration Project. Self-Governance is a "tribally driven initiative intended to provide tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals." Volume 2, issues 6-8 (May-July 1993) contain a three-part history of the Project, which initially included the following tribes: Absentee-Shawnee, Cherokee, Hoopa, Jamestown S'Klallam, Lummi, Mille Lake Band of Chippewa, and Quinault. Each issue is approximately eight pages. For more information, please write to: Maureen Kinley, Coordinator, Communication & Education, Self-Governance Demonstration Project, c/o Lummi Indian Business Council 2616 Kwina Road, Bellingham, WA 98226; (206) 738-2301.

Indian Country Today, formerly the Lakota Times, is the largest Native American-owned weekly in the U.S. It covers national news as well as news from the Lakota-Sioux community in South Dakota. Information is available from Amanda Warbonnet, Indian Country Today, P.O. Box 2180, Rapid City, S.D. 57709.

Spirit of Crazy Horse Newsletter is the official newsletter of the Leonard Peltier Defense Committee. Published bi-monthly, it is filled with important information about the LPDC and the Native American movement. Subscription rates are: \$10/year (6 issues), \$20/year for international subscriptions, \$5/year for seniors, no charge



for prisoners. Write to the Leonard Peltier Defense Committee, P.O. Box 583, Lawrence KS 66044. Make checks payable to: Crazy Horse Spirit, Inc.

People's Rights is a newsletter of the Lawyers for Human Rights and Development, available from 225 1/1, Kotte Road, Borella, Colombo 8, Sri Lanka; tel. 686180. Articles in the no. 1 - 1993 issue include "Equality Before the Law - How Far From Reality", "Development That Threatens Human Rights in Sri Lanka", and "Voice of America That Makes the Women of Iranawila Wail."

Native American Smoke Signals: Voice of the Nations is a monthly newspaper covering news and issues from all the Americas. It's roughly 25 pages long, and contains editorials, poetry, news accounts and other articles such as, in vol. 1, no. 7 (Nov. 1993), "Networking Natives Sharing Information via Computers". It's available from 7A Publishers, 20175 Stagecoach Trail, Mayer, AZ 86333; (602)274-3833.

Aboriginal Law Bulletin is a publication of the Aboriginal Law Centre at the Faculty of Law, University of New South Wales, P.O. Box 1, Kensington 2033 NSW. The October 1993 issue (vol. 3, no. 64) is a special international issue, although most of its articles concern Australia and the Commonwealth countries. Among them are several pieces on the Mabo decision, including a list of readings.

The Eagle is a new monthly covering environmental issues from a Native American perspective. It is available from Partners In The Environment, The Eagle, PO Box 292, Mt. Vernon, VA 22121; (703) 768-4287.

The Teme Augama Anishnabai of Canada are producing a newsletter now called Masinahigan. For a donation it can be obtained from: Teme-Augama Anishnabai, Group Box 46, Bear Island Temagami, Ontario, P0H 2H0. They have also recently produced material on the Wendaban Stewardship Authority. They are still recovering costs of their legal battles; any help can be sent to: The Bear Island Foundation, Bear Island, Lake Temagami, Ontario, P0H 1C0.

Please address comments about the caucus to:
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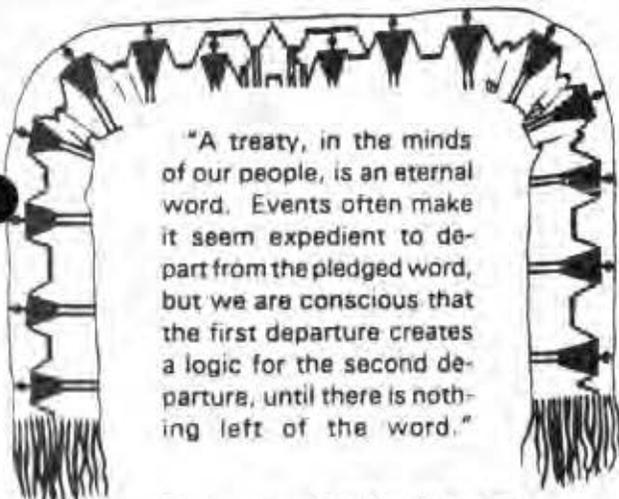


thanks! to Amy Hamblin for document production

It seems as though magazines of general interest are carrying articles related to indigenous peoples more often recently. For one recent example, see "Letter from the Amazon: With Spears From All Sides", by Joe Kane starting on page 54 in the Sept. 27, 1993 issue of The New Yorker. Abstract: "The Huaorani are an ancient tribe whose survival is threatened by American oil development in the Ecuadorian Amazon. They endured missionary zeal, corporate encroachment, and American environmentalist campaigns claiming to represent their interests. Then the Huaorani tried to save themselves."

NEW LIST ON INTERNET

A new list called INDKNOW became available in the fall of 1993, created and managed by Preston Hardison of the Center for Indigenous Environment and Development in Seattle. Its focus is indigenous knowledge systems, and traffic is moderate. To subscribe, send a message to listserv@uwavm.u.washington.edu (subscribe indknow < your name).



"A treaty, in the minds of our people, is an eternal word. Events often make it seem expedient to depart from the pledged word, but we are conscious that the first departure creates a logic for the second departure, until there is nothing left of the word."

-- Declaration of Indian Purpose,
American Indian Chicago Conference

West Publishing Releases Cherokee Nation Code Annotated

This two-volume set contains the complete 1992 recodification of the Cherokee Nation statutes, based on a thorough review of statutes enacted prior to the Five Tribes Act of 1906, and those enacted since 1975 and the adoption of a third, superseding Cherokee Nation Constitution. The set includes the Act of Union of 1839 between the Western Cherokees and the Eastern Cherokees, the 1839 Constitution of the Cherokee Nation (initiating its existence as a republic in Indian Territory), the 1975 Constitution of the Cherokee Nation of Oklahoma, and the Rules of the District Court of the Cherokee Nation. For more information, call West Publishing at (800) 241-0214.



Book Reviews

In an article in Publishers Weekly (8/16/93) entitled "Reports from the Field: A Spate of books in honor of the U.N.'s Year of Indigenous Peoples", Lisa See reviews the following titles:

Endangered Peoples, from the Sierra Club is an oversized, lavish picture book with photographs by Art Wolfe and John Isaac, and foreword by Rigoberta Menchu. Sierra Club has also published The Law of the Mother, an environmental reference work, which "grew out of a recent congress of the International Union for the Conservation of Nature, and was produced in association with the World Wide Fund for Nature...[it is] divided into sections that look at the condition of tribes, legal and moral questions of who owns the land, methods of conflict resolution for dealing with issues of land use and examples of creative solutions."

Beacon Press' new title State of the Peoples: A Global Human Rights Report on Societies in Danger is produced by Cultural Survival, with foreword by Rigoberta Menchu and introduction by Robert F. Kennedy, Jr. Its essays address issues concerning indigenous peoples in Burma, Honduras, South Africa, Bosnia, Borneo, Ethiopia and Minnesota (the Anishinabeg Chippewa).

VIDEO REVIEWS

Brad Carty's column "Video Shopper", in the December 1993 issue of Wilson Library Bulletin, begins "the recent emphasis on multiculturalism in history, literature, and the arts has led to...a reexamination of our hemisphere's roots. The programs under scrutiny this month all deal in one way or another with this fascinating and sometimes tragic legacy." He reviews the following titles, giving ordering information for each: Dream Tales, The Spirit of the Mask, The Sun Dagger, The Dakota Conflict, Dakota Encounters, Custer's Last Trooper, The Trial of Standing Bear, and Voice of the Plains: John G. Neihardt.

CORRECTION

The December 1993 issue of the American Association of Law Libraries newsletter listed the name and contact person for this caucus inaccurately. The correct name is the Native Peoples Law Caucus, and the contact person is Maria Protti.



CAUCUS PROGRAM APPROVED FOR SEATTLE CONVENTION

The Education Committee has approved a two-part program proposed by the Caucus, to be presented during the 1994 annual convention in Seattle. It will be titled "The Nations Within: Tribal Sovereignty in North America." Speakers who have accepted include Russel Barsh, professor at the University of Lethbridge in Alberta; Thomas Berger, author and former British Columbia judge; Ralph Johnson, professor at the University of Washington; Kathleen Hill, author, UW 3L, and Klamath tribal member; and deanna harragarra waters of the National Indian Law Library.

MORE ON TECHNOLOGY

In the August 1993 issue of the science magazine *Omni* (vol. 15, no. 10), there's an article on page 46 titled "New Technologies, Ancient Cultures: the fate of Native American tribes depends on preserving past traditions with future tools". Author A.J.S. Rayl sees the incorporation of computerized research and communications as a vital part of the self-determination movement, essential to defending their "sovereignty, sacred lands, and religious freedom; reclaim[ing] their cultures; and once again becom[ing] vibrant, healthy, self-sustaining communities." Rayl describes the Iowa Indian Defense Network (see the second issue of this newsletter), the work of the American Indian Telecommunications group (see last issue of this newsletter), IndianNet (see page 9 of this issue), a project by the American Indian Higher Education Consortium and the Native American Public Broadcasting Consortium (as well as NAPBC's own AIRQS - American Indian Radio on Satellite project), and some specific tribal projects. He blends his discussion of technology with a review of the legal history and contemporary legal issues.

BACKDROP

Here are some recent gleanings from NPR. The full text is available by searching nexis:npr with the following queries:

wampanoag and thanksgiving and mourning

"The Native American tribe of Wampanoag will be observing this Thanksgiving as it has in the past -- as a national day of mourning. The tribe will spend the day at Plymouth Rock, fasting and holding vigils." (The decades-old ceremonial fast is sponsored by United Americans of New England). --11/25/93

chemical prospecting

"[The International Cooperative Biodiversity Group] will collect unusual insects in the mostly uninhabited...tropical rain forests of Northwestern Costa Rica. Another group, working in Sunnam, will try to learn from what Conservation International's Mark Plotkin considers the best source of new drug ideas -- the indigenous peoples and their shamans." --12/8/93

disney and virginia and controversy

"Disney America is to be built near Manassas, Virginia...The Disney people...are stressing authenticity, and saying they'll celebrate the worst of America as well as the best. One Disney official told the press 'We are hoping to be really a little controversial and not be quite as nice and sweet'." Commentator Christopher Buckley goes on to suggest such exhibits as Watergate Village, Hall of Falling Dominoes, and a Supreme Court exhibit. (Any other suggestions?) --11/12/93

shaman and apprentice and jaguar

This story is a conversation between Neal Conan and "Mark Plotkin...an ethno-botanist [see above]...who spends much of his professional life learning from the peoples of the jungle and trying to preserve their knowledge before it vanishes along with the rainforest. He has written a book called *Tales of A Shaman's Apprentice*." --9/18/93

RADIO STATIONS

From NETCOM On-line Communications Services:

According to the 1993 Broadcasting & Cable Yearbook, the following stations broadcast at least 10 hours/weekly American Indian language-news-historical-music-and/or cultural programming:

ALASKA:	Nome	KICY 850 AM
ARIZ.:	Tuba City	KGHR 91.5 FM
		KTBA 1050 AM
	Whiteriver	KNNB 88.1 FM
	Window Rock	KTNN 660 AM
CALIF.:	Hoopla	KIDE 91.3 FM
N.MEXICO:	Alamo Community	KABR 1500 AM
	Farmington	KNDN 960 AM
	Gallup	KGAK 1330 AM
	Ramah	KTDB 89.7 FM
	Tse Bonito	KHAC 880 AM
	Zuni	KSHI 90.9 FM
OREGON:	Warm Springs	KWSO 91.9 FM
WISC.:	Reserve	WOJB 88.9 FM

Note also that American Public Radio carries a short program called NativeNews, with interviews and feature articles of interest to the Native American community and the general public.

United States v. Washington: Treaties and the Chinook Trade Jargon

Treaty text:

"The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all the citizens of the Territory..."

Expression of the treaty text in the Chinook Trading Jargon:

Siwash kwahnesum mitlite skookum iskum pish pe howkwutl iskum pish konoway kah, Kah Siwash skookum kopa iskum pish? Kah Siwash papa pe papa papa iskum pish. Kah Siwash papa wake iskum pish, Siwash howkwutl iskum pish.

Huloima man pe weght skookum kopa iskum pish kah Siwash skookum kopa iskum pish Kunamoxt skookum kopa iskum pish, kahkwa Siwash howkwutl iskum konaway pish pe huloima man wake iskum konaway pish. Siwash pe huloima man iskum kahkwa klonas kunjih pish. Spose Siwash iskum ikt "kamonuk pish, huloima man pe weght iskum takamonuk pish.

English equivalent of the Chinook Trading Jargon text:

Indian(s) forever have power (to) take fish but cannot take fish everywhere. Where Indian(s) can take fish? Where Indian(s)' father(s) and father(s)' father(s) take fish. Where Indian(s)' father(s) not take fish, Indian(s) cannot take fish.

Other (men) also can take fish where Indian(s) can take fish. Both can take fish, thus Indian(s) cannot take all fish and other (men) cannot take all fish. Indian(s) and other (men) take same number [of] fish. If Indian(s) take ten tens fish, other (men) take ten tens fish.

Translation notes:

Grammar. The Jargon has only one verb tense that depends on context for person, number, time, voice, and mood. Shaw's dictionary makes no mention of the proper use of relative and subordinate clauses. These two features alone make it challenging at best to express abstract rights that will take effect in the future, and that are defined in terms of the past.

Vocabulary. As with all true pidgin, the Jargon's vocabulary is severely limited. Many words serve double or triple duty, and some common words take on contradictory meanings and depend on context for clarification. (E.g., "pe" means both "and" and "or").

Abstract nouns, and specialized terminology are almost completely absent in the language.

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University of Washington Law School

Indigenous/Native BBS List

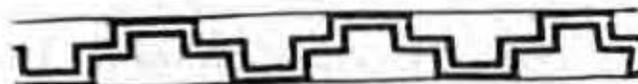
This is a list of Bulletin Board Systems/Services(BBS) in North America that are either run/operated by or oriented towards indigenous peoples, including, but not limited to, Native Americans, Indigenous Canadians, Alaskan Natives and Hawaiian Natives.

For the network connections, this is a legend for the individual networks, which are designated in parentheses next to the network node numbers of the BBS: F = FidoNet | GT = GT Powernet | N = NativeNet | R = RIME V = Virtualnet | W = Worldnet | WL = WWIVlink | WN = WWIVnet

For the speed in BPS, the numbers given are in hundreds. This list is up to date as of DECEMBER 05, 1993.

NAME	NUMBER	BPS	NETWORK
1st Computers	(***)NOW-DOWN	144	
Fourth Estate	(***)XXX-XXX	24	1:243/43(F)
Starlight	(201)228-9632	96	90:2606/575(N)
Native Spirit[1]	(201)326-9295	96	1:2606/537(F), 90:2606/572(N)
BlackStar!	(201)335-6132	96	90:2606/574(N)
Native Spirit[2]	(201)538-6087	96	1:2606/537(F), 90:2606/573(N)
Shaolin's 37th Chamber	(202)269-0956	24	90:109/5(N)
Int Computer ICUG	(202)955-2259	96	90:109/349(N)
Reservation	(203)742-7205	144	1:327/999(F)
Pontoon	(203)757-7591	24	90:141/1156(N)
Quarto Mundista	(206)786-9629	144	1:352/333(F), 90:352/333(N)
American Indian	(206)877-9004	96	
Necronomicon	(210)675-4787	24	
Smoke Signal	(214)276-0321	144	1:124/6104(F)
Coyote Gulch	(719)578-1340	96	90:128/112(N)
Domestic Engineer	(719)596-8964	96	90:128/68(N)
ENAN	(800)548-2669	144	
PlayWorld	(804)473-2217	96	90:275/24(N)
Skeleton Closet[1]	(804)499-5150	96	90:275/22(N)
Skeleton Closet[2]	(804)671-8547	96	90:275/23(N)
Jammie Party	(804)851-1384	96	1:271/310(F), 90:275/25(N)
Deep Space	(804)857-0173	24	
Eagle's Nest Trading Post	(813)526-4602	96	1:3603/263(F), 90:80/263(N)
NPIE	(813)823-3534	24	90:3603/264(N) (Temporarily Down)
International Computers	(813)823-4364	96	90:3603/300(N)
Fourth Dimension	(813)934-3307	24	1:3603/480(F)
Broken Lands	(902)463-6908	24	90:251/30(N)
Hot South	(912)242-0496	96	90:3645/30(N)
KC GeneSplicer	(913)684-1855	96	90:280/318(N)
Ubik	(916)723-4296	96	90:203/289(N)
Wet-N-Wild	(918)584-1050	96	
Lone Wolf's	(919)447-3338	96	

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NEW FRONTIERS IN CATALOGING NATIVE AMERICAN MATERIALS



Finding established name authorities on tribes is difficult. Many times the tribal name is not established. A tribe may have only ethnological subject headings that do not reflect its corporate nature, which allows for signing treaties and making financial deals.

Richard Amelung, PhD, is head of the technical services department at the St. Louis University Law Library. He reports that under the National Coordinated Cataloging Operation (NACO), his librarians are devising new subject headings for tribal entities. Richard's work is important because he directly is establishing Library of Congress corporate tribal names complete with cross reference structures. For example, he created the corporate heading for the Pottawatomi Tribe 1870-1890, which represents the Pottawatomi as having financial group dealings and not just as a social entity.

St. Louis University Law Library is the only law library in NACO. Libraries that participate in the prestigious NACO (formerly the Name Authority Cooperative Project) submit name authority records to the Library of Congress. The Library of Congress will include the records in its name authority file.

Richard and his cohorts are cataloging the University Publications of America's (UPA) comprehensive collection on Native Americans.¹ This UPA set is a major microform set with 8,000 titles. There are 5,500 government documents and 2,500 service organization records in the set. The Office of Indian Affairs, now the Bureau of Indian Affairs, collected the documents. It began the collection in the 1870's when the Office first bound its materials. The works date from the 1840's and greatly aided the Office's internal research activities.

Instead of having to use the guide to the UPA as just an inventory, the librarians at St. Louis University are cataloging all materials in the guide. They are thereby making the UPA contents much easier to locate.

In a parallel project, the University of Denver Law Library is cataloging individual titles within the Law Library Microform Consortium's Native American Collection.² LLMC publishes a microfiche collection of legal and historical materials related to native peoples. Barbara N. Greenspahn, the Director of that Library, invites other law libraries to join in the effort.

The University of Denver Law Library is sending a computer tape of their local system cataloging records to OCLC, an international amalgamation of bibliographic records. The goal is to enable other law libraries to order the LLMC records from OCLC.

¹ This collection includes contents on the following topics: American Indian periodicals, early American Indian documents,

treaties and law 1607-1789, the FBI files on the American Indian Movement and Wounded Knee, the Lake Mohawk Conference of Friends of the Indian, major council meetings of American Indian tribes, a Native American reference collection, records of the United States Indian Claims Commission, reports of the Commissioner to the Five Civilized Tribes, a survey of conditions of the Indians in the United States, a survey of Indian reservations, Indian land tenure, Bibliographical essays and a guide to the Literature, and the Office of Indian Affairs 1824-1880. The Native Americans Reference Collection includes congressional documents, reports and committee hearings, and pamphlets, reports, and other materials published by various groups that support Indian causes.

² The LLMC has 1,688 titles in a collection of 6,708 microfiche. It includes tribal documents, United States treaties, United States executive documents, federal and state judicial documents, United State legislative documents, academic studies and private organization publications, reference works, treatises, and materials dealing with relations with indigenous peoples outside the United States, from the early 1880's until 1989. For further information on the LLMC collection contact: The Law Library Microform Consortium, P.O. Box 11033, Honolulu, Hawaii 96828. Phone (808)956-5562.

- Maria Protti

Editor's note: see the 4/15/93 issue of Library Journal (p. 132) for a review of Sanford Berman's Prejudices and Antipathies: A Tract on LC Subject Headings Concerning People, 2d ed. McFarland & Co., ISBN 0-89950-828-6. It is unrevised from his 1972 edition, but has a new preface by Eric Moon and foreword by the author, and is issued in paperback. The review notes "perhaps the reissue of Berman's classic book will inspire someone to do further research and analysis on this conclusions in [the context of databases]".

The Haudenosaunee, the People of the Longhouse

(This is the first part of a two-part article.)

During this time of year when Americans celebrate family traditions, I think it is a good time to be reminded of the beautiful story of the founding of the Iroquois League, a confederation of Five Nations (now Six Nations) established between 1350 and 1600 A.D. but perhaps even as long as a thousand years ago and still a functioning government. The Iroquois call themselves the Haudenosaunee (People of the Longhouse), and they see their member nations as each comprising a room of the Longhouse with the Seneca at the western door, the Mohawk at the eastern door, and the Cayuga, Onondaga, and Oneida in between. Since 1722 the Tuscarora have also been a member.

According to tradition, the Iroquois believed in Teraonhiawagon who commanded men to love one another and to live in peace, but he was opposed by an evil brother who had led the Iroquois into wrongdoing. Before the League was founded, the Iroquois were living in a state of never-ending warfare and near anarchy. Some of the Iroquois were praying that Teraonhiawagon would send his promised ambassa-

dor to help them fight evil. Others proposed to call a great council of all the Iroquois who were worried about the future of their people.

Among those favoring a council was Hiawatha who was born either a Mohawk or Onondaga. Little is known about his early life except he was an influential medicine man and noted orator. He had married the daughter of a chief by whom he had either three or seven daughters (the legend varies) and was living in the Onondaga Nation. That nation was then ruled by a tyrant, Atotarho, who intimidated his subjects by wearing live snakes in his hair and who used spies and assassins to terrorize them.

As Atotarho's informers brought him plans of the preparatory meetings for the great council, he would appear each time in a terrible rage and the confounded and terrified chiefs would flee. He especially hated Hiawatha and killed each of Hiawatha's daughters one by one through evil plans and treachery. The grief stricken father, Hiawatha, abandoned the Onondagas and traveled through other Iroquoian nations. Although he was given a sympathetic hearing everywhere, the ancient hatreds, superstitions, and suspicions between the nations ran too deep. Finally, the Oneidas agreed to accept Hiawatha's peace plan if the Mohawks would do the same. The Mohawks and Cayugas agreed to do so if Hiawatha could persuade Atotarho to join the Great Peace. This proved impossible for Hiawatha alone to achieve.



At about this time, a baby boy, Deganawidah, was born among the Hurons to an unmarried virgin, Djigosasee, who lived alone with her mother, both too poor and despised to belong to a clan. The grandmother furiously reproached her daughter for her lack of a husband, until one night in a dream the grandmother learned that her daughter had been telling the truth. The dream also told her that the baby would be a male child whom they should name "he the thinker". But in the dream, she learned that her grandson would indirectly cause the downfall of the Hurons, the worst possible thing that any Native American could do. (The Iroquois did attack and destroy the Hurons on March 16, 1649 which was so vividly portrayed in the 1991 film, *The Black Robe*.) The despairing grandmother and mother attempted three times to drown the baby in the icy waters, but when they failed in each attempt, they decided that it was the will of the Creator that they should raise the child. Although he was a handsome boy and very intelligent, he stuttered severely and was ignored and persecuted by the tribe.

One day Deganawidah had a vision in which he

saw a great spruce tree growing from the soil composed of three sets of double principles of life: sanity of mind and health of body; righteousness in conduct, thought, speech and equity and justice among all people; physical strength and civil authority. The tree was supported by five roots (the five nations) and from its base stretched a carpet of snow. The carpet protected the lands of the tribes who adopted the principles but could be extended to provide shelter and brotherhood to every nation and race of mankind. At the top was an eagle who watched for any enemy who might try to disturb the Great Peace.

An outcast at home, Deganawidah decided that it was his calling to bring the Great Principles of Peace to the Iroquois nation. Because Deganawidah stuttered so badly, he like Hiawatha met defeat and his message was not listened to or well received.

Somehow, he met up with Hiawatha and together they visited each Iroquois nation. Hiawatha, an eloquent speaker and experienced statesman, was able to win the acceptance of Deganawidah's message. The last people to accede were the Onondaga still ruled by Atotarho. The chiefs of the other nations, Deganawidah, and Hiawatha visited Atotarho and according to tradition, it was Hiawatha (He who combs) who combed the evil ideas and mental illness from Atotarho's mind. Atotarho became converted to the principles of the Great Peace. In the best American political tradition reminiscent of the recent NAFTA negotiations, Atotarho was made the Keeper of the Fire, and it was proclaimed that the Great Council fire would always burn in the land of the Onondagas.

When the Five Nations created the League, they visualized their symbolic fir tree being dug up leaving a very deep hole in the earth. In the hole ran a swift water current, and into the hole they threw all their weapons and all the causes of war and strife. The Iroquois still think of the league as a living fir tree.

The core unit of the Iroquois League remains the fireside consisting of the mother and all her children and their descendants. Each fireside is part of a larger owachira, comprising the descendants of a particular woman. From one generation to the next, the head of the owachira was succeeded by her oldest daughter. Two or more owachiras made up a clan, and the various clans made up the nation. The women appointed the delegates who represented the owachiras in the clan and tribal councils, originated the questions that would be discussed or acted upon in the councils and recommended what views their delegates should present.

With the establishment of the Great Peace, to the traditional structure firesides, ochiras, and clans, and national councils was added a Great Council. The Council is composed of 50 Peace Chiefs (as distinct from the War Chiefs) who are required to meet every 5 years but can meet whenever needed. Each Peace Chief is appointed by the heads of the ochiras. The position is not hereditary and a procedure for removal for misconduct exists. When a Peace Chief dies, his

successor adopts the name and performs the duties of his predecessor. Thus the names and prescribed functions including those of Atotarho have been perpetuated. The places of Deganawidah and Hiawatha are never to be filled although places are reserved for them in the Council, and they are still considered to be present.

The Peace Chiefs vote as tribes and each tribe has one vote. The Mohawks and Senecas (older brothers) sit on one side of the fire, the Oneidas, Cayugas, Tuscaroras (younger brothers) on the other, and the Onondagas as Firekeepers and moderators at their head. The Mohawks have the privilege of opening the proceedings by choosing and raising the question to be discussed. If they and the Senecas agree, it is thrown across the fire for the Oneidas Cayugas, and Tuscaroras. If they agree, the issue is considered settled. If not, the Onondagas take it up, and the decision is thrown back and each side attempts to adjust it until a unanimous decision can be found. Each nation has one vote except the Tuscaroras who are represented by the Cayugas. If unanimity cannot be reached the Tadodaho, the Onondaga presiding chief, will propose a settlement. Sometimes the Onondagas favor compromise, sometimes one side or the other. The Onondaga proposal is taken up by each side of the fire in turn and if unanimity can be reached, the matter is decided, if no consensus be had, the matter is brought up another time, and even a third time if no consensus is reached. After the third time, the Tadodaho will announce a compromise decision unless the problem is still divisive. If it is, the Tadodaho will say that the Iroquois will not address it at all, because the Peacemaker, Deganawidah, said that the Iroquois should be of one mind.

(. To be continued next issue.)

—Margaret Aycock, Foreign and International Law Librarian,
Univ. of Huston Law Library.



Federal Indian Law: A Top Ten Primer



There are four thousand statutes and treaties which the United States Congress has created to govern relations with Native Americans. There are even more federal regulations and policy guidelines. Tribal law interprets federal law, and so must be considered when reviewing the laws of the United States. To help you understand the historical underpinnings and framework of the law, here is a line-up of ten lodestar works on Federal Indian Law. Rennard Strickland of the American Indian Law and Policy Center cited these works in his entry on "Native Americans" listed in The Oxford Companion on the United States Supreme Court, Kermit L. Hall, ed. 1992. Oxford University Press Hardcover. ISSN: 0-19-505835-6.

1. Angie Debo. A History of the Indians of the United States (1970).

Dr. Debo focuses on the dance of Native history and the law. She documents the taking of acknowledged aboriginal rights throughout the history of the United States.

2. William Canby, Jr. American Indian Law: In a Nutshell. 2nd ed. (1988).

In one of the best nutshells available, Canby provides an introductory text which succinctly outlines the major Federal laws and governmental policies concerning Native Americans.

3. Robert Clinton, Nell Newton and Monroe Price. American Indian Law. 3rd ed. (1991).

This is one of the most heavily used casebooks on the subject.

4. Vine Deloria, Jr. and Clifford M. Lytle. American Indians, American Justice (1983).

A blunt treatment of the federal government's mistreatment of tribes through raw power and the regulation of land use.

5. David Getches, Charles Wilkinson and Robert A. Williams. Cases and Materials on Federal Indian Law. 3rd ed. (1993). A leading casebook in the field, this edition is much enhanced by the addition of Robert Williams, Jr. as a coeditor.

6. Francis Paul Prucha. The Great Father: The United States Government and the American Indian (1984).

Father Prucha wrote this comprehensive series of extensively researched surveys of American Indian policy covering the time of the Revolutionary War to 1980.

7. Rennard Strickland (ed.) Felix S. Cohen's Handbook of Federal Indian Law. 3rd rev. ed. (1982).

This classic first appeared in 1942. Scholars consider Cohen to be the Blackstone of American Indian Law.

8. Rennard Strickland, "Genocide-at-Law: A Historic and Contemporary View of the Native American Experience," University of Kansas Law Review 34 (1986) 713-55.

Federal laws supported the removal of many Indian tribes from their homeland. The removals helped to provoke extreme losses in the Indian population and culture. Strickland dubbed these losses "legalized genocide."

9. Charles Wilkinson. American Indians, Time and the Law (1987).

A popular book presents an overview of how the law has functioned to preserve Indian resources. It notes the forces at work that seek to undermine that historic function of law in Indian policy.

10. Robert Williams, Jr. The American Indian in Western Legal Thought: The Discourses of Conquest (1990).

Williams blames the legal rationalization and justification for the mistreatment of tribes on the Supreme Court itself. His thesis is that Chief Justice John Marshall provided a "blueprint for destruction" in the important case of Johnson v. McIntosh (1823).

—Maria Protti

INDIANnet

The INDIANnet Census Information and Computer Network Center is the first national computer network to provide public access computerized civic information useful to American Indian and Alaskan Natives. It is the first such network ever owned and operated by Indians.

The network has three objectives:

1. To help American Indians and Alaskan Natives in cities, rural area reservations throughout the U.S. and across the continent to establish free, open access to information about themselves and other tribes.

2. To provide this information through community computer systems linked together into a common network similar to National Public Radio or the Public Broadcasting System.

3. To help supplement what the local systems are able to produce for their communities by providing them with high quality network-wide services and information resources.

Current services include computer conferences and private electronic mail for Indian tribes, nonprofit organizations and individuals. Sources include the Federal Register, Employment Opportunities, EPA data, U.S. Census data and Geographic Information System (TIGER) files. There is also a specialized collection of American Indian and Alaskan Native research reports extracted from ERIC. There are a number of public domain software programs available, and a collection of authentic electronic Indian artwork and graphics. The most ambitious project is the Tribal Profiles Database.

To connect via modem/telephone:

Set your telecommunications parameters to N/8/1. The network will automatically adjust modem settings up to baud rates of 14.4. A graphics terminal interface for Macintosh or Windows may be downloaded and installed on your computer. The system supports VT100 and ANSI terminal emulation. (605)393-0468.

To connect via the Internet:

To subscribe to the listserv, send an e-mail message addressed to: LISTSERV@spruce.hsu.edu and message: sub INDIANnet-L your name.

To access the ftp site, type: <ftp://pines.hsu.edu> (or) <ftp://198.16.16.10>. Login name: anonymous (and) password: your e-mail address.

A telnet site is in development and will be available soon.

For more information, call or write to Dr. George Baldwin, Box 7573, Henderson Street University, Arkadelphia, AR 71923; BALDWIN@HOLLY.HSU.EDU; (501)246-5511 x3292.



INDIANnet is a project of Americans for Indian Opportunity, a national Indian organization dedicated to enhancing the cultural, social, political and economic self-sufficiency of tribes. It is headquartered on the Santa Ana Indian Reservation in New Mexico. For more information about AIO's work, contact LaDonna Harris, President and Founder, Americans for Indian Opportunity, 681 Juniper Hill Road, Bernalillo, NM 87004; (505)867-0278.

INT-LAW RESPONSE

A German scholar recently wrote to the INT-LAW list, asking for hints on literature and special sections relating to "Indians as minorities" and "Indians and autonomy". Suggestions, including those from caucus members Margaret Aycock and Steve Perkins, included this newsletter as well as the following:

Frazier, "The American Indian Collections: The Indigenous People's Heritage is Well Documented at LC." LC Information Bulletin 433-439 (Nov. 18, 1991)

Fritz, Native Law Bibliography, 2d ed., 1990 (167 pp.)
Indian Nations Council of Governments, 630, W. 7th St., Tulsa, OK 74127

Indian Rights, Human Rights: Handbook for Indians on International Human Rights Complaint Procedures, 1988 (129 pp.) directories and bibliographies, including the Human Rights Internet Reporter, from the Human Rights Internet (now called International Human Rights Documentation Network, c/o Human Rights Centre, University of Ottawa, 57, Louis Pasteur, Ottawa, ON, Canada, K1N 6N5; (613)564-3492.

Internet lists NATIVE-L, INDKNOW, and ACTIV-L@MIZZOU1.BITNET (high traffic for activists for peace, empowerment, etc.)

National Indian Law Library Catalogue, 1973-

National Lawyers Guild, Committee on Native American Struggles, 17th Floor, 853 Broadway, N.Y., N.Y. 10003

Native American Bar Association, 144 B East San Antonio, San Marcos, TX 78666

University of New Mexico's special collection at 117 Stanford Dr. NE, Albuquerque, NM 87131-1441

The Newberry Library (Chicago)

PEACENET

Perkins, Researching Indigenous Peoples' Rights Under International Law, available by telnet to liberty.uc.wfu.edu, login: lawlib, (expanded version due spring 1994)

The Rights of Indigenous Peoples in International Law: Selected Essays on Self-Determination, 1987 (67 pp.)

Roy and Miller, The Rights of Indigenous Peoples in International Law: An Annotated Bibliography, 1985 (97 pp.)

Russell Tribunal on the Rights of Indians, The Secretariat, Workgroup Indian Project, Bloemgracht 90, 1015 Amsterdam, The Netherlands.

Publications of the Saskatchewan Native Law Centre

Peter Ward's list of new titles by subject in his bi-monthly Catalog of New Foreign and International Law Titles. About 40 new "native" titles are listed in each issue. (313)665-3520 or Peter.D.Ward@um.cc.umich.edu