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The Caucus will meet on Monday, July 21, from 5:15 until 7:00 p.m. at the next General Meeting in Baltimore. Check your registration materials for the location.

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Articles published elsewhere are not accepted.

Credits:
William Creepingbear (Kiowa/Cheyenne/Pawnee) of Carnegie, Oklahoma, drew the Southern Plains singer shown on the cover.
Carrie Goeinger, a professional photographer and avid pow-wow goer, snapped the photographer of Mildred, with Mildred's permission.
The painted pottery design is from the Southwest, 11th - 13th centuries.
Shown on the last page, the sand painting signifies the Dine' people.
Unless otherwise indicated, all articles and copy were written by editor, Maria Pretti.
A Memorial:

MILDRED CLEGHORN

Tribal Leader, Historian, Government Field Worker

Mildred Cleghorn, former leader of the Fort Sill-Apache Tribe died last April in a car accident. Caucus members will remember that Mildred honored us by speaking at last year's annual AALL meeting. Everyone who heard Mildred's speech will feel honored to know that they were among the last audience to hear her tell her remarkable story.

Mildred was a past chief leader of her tribe. The tribe was forced from Arizona with their medicine man, Geronimo. Almost 400 people were loaded onto railroad cars and shipped to Florida as prisoners of war in September 1886. The tribal members were transferred to Fort Sill, Oklahoma. Mildred's death leaves only two survivors of the Fort Sill Apache Tribe who were released as prisoners of war from the Fort in 1913. Mildred was born in captivity.

Ms. Cleghorn visited her ancestral lands in the mountainous Chiricagua desert in Southern Arizona and New Mexico in 1986. She helped to get a small portion of her homeland, confiscated in 1877, returned to the Apache tribe. The story of Mildred and of her tribe can be read in the October 1992 issue of National Geographic.

Ms. Cleghorn was also a past director of the Native American Legal fund (NARF). She was a member of the National congress of American Indians. She also was a historian of Native dress, and served as an extension agent in Kansas, Nebraska, Oklahoma, New Mexico, and Arizona. Mildred taught at Riverside Indian School in Anadarko, Oklahoma.
Our Caucus: Thriving and Striving

At the 1996 89th AALL General Meeting at Indianapolis, Indiana, we sponsored the program Finding Tribal Law. The program was well-received. Over 160 law librarians attended. Mildred Cleghorn (Ft. Sill-Apache) and Robin Kickingbird (Kiowa/Pottawotomie) were the featured speakers. Mildred, a distinguished tribal matriarch, spoke on the history of her Fort Sill-Apache Tribe, and her experiences as the chief tribal leader. Robin spoke on finding the laws of American tribes.

At our Indiana Caucus meeting, many members proposed additional programs. Lorraine Lester, University of New Mexico, is drafting a program on Indian Gaming. Lorraine has followed the fiery political activism and controversy in regard to gaming in the State of New Mexico. Claire Stuckey, the University of Minnesota, has many friends among the native leaders of the Northern Wetlands area, and has traveled many times in the Southwest visiting Indian country. She is drafting a program proposal on cultural themes. We had many more program ideas and proposals in the offing. We also discussed hosting an institute on “How to Find the Law of Native Peoples.” Caucus members are determined to continue to bring attention to subjects concerning law librarianship dealing with the Native Peoples.

We are heartened that tribal leaders are supporting us. Mildred Clehorn, a national figure, was very gracious in supporting our mission. At the Southwestern AALL meeting held last April in Tucson, Governor Bill Anoatubby (Chickasaw) attended a law library discussion group. Governor Anoatubby is the chief leader of the Chickasaw people.

The Eiteljorg Museum of American Indians and Western Art generated much excitement among our members at the Indianapolis meeting. The museum was only two blocks from the Meeting’s conference site, enabling us to visit one of the best collections of Indian Art in the United States. At the the Eiteljorg, we found the best of painting, pottery, basketry and clothing. Even the museum’s building was wondrous. The museum’s architect had designed the building after being inspired by the earthen structures of the pueblos of northern New Mexico.

This is a double issue of the newsletter. It does take much time and much devotion to produce the newsletter. Thank you for your patience in waiting for this issue, we aim to produce a

submissions rather than print rewritten or republished pieces. Please do not be shy in submitting any original copy or artwork that you want to include in the newsletter. Your submissions are welcome.
The Pueblos and Federal Indian Policy from 1961 to 1974: A Bibliographic Essay

by DALE MASON, Ph.D., Professor of History University of New Mexico at Gallup

When the Spaniards entered the Rio Grande Valley in the sixteenth century they found certain Indian groups or communities living in villages and these Indians they designated "Indios Naturales" or "Indios de los Pueblos" to distinguish them from the "Indios Barbaros," by which term the nomadic and warlike Indians of the region were designated. The Indians who were called Pueblo Indians were not of a single tribe and they had no common organization or language. Each village maintained its own government, its own irrigation system, and its own closely integrated community life (Cohen 1942, 383).

I propose a new goal for our Indian people. A goal that ends the old debate about "termination" of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership self-help (Johnson 1970, 336).

It is long past time that the Indian policies of the Federal government began to recognize and build upon the insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions (Nixon 1971, 213).

Introduction

From 1961 to 1974 federal Indian policy evolved from tribal termination to tribal self-determination. At the urging of Indian leaders and organizations and with the support of successive presidential administrations and the assent of Congress, Indian tribes were given progressively more access to both policy decision making processes and direct responsibility for program implementation. As articulated in Special Messages to Congress, Self-Determination became the expressed policy of Presidents Lyndon B. Johnson and Richard M. Nixon.

The Pueblo Indians of New Mexico were active in efforts to influence Indian policy during this time and were in turn affected by the changing policy. Programs and policies were implemented in ways that were felt directly on the nineteen Pueblos of New Mexico. The purpose of this bibliographic essay is to explore materials available to scholars concerning Pueblo Indians and federal Indian policy during the period under study.

1 These nineteen Pueblos are: Picuris, Taos, San Juan, Santa Clara, San Idefonso, Nambe, Pojoaque, Tesuque, Sandia, Isleta, Cochiti, Santo Domingo, San Felipe, Santa Ana, Zia, Jemez, Laguna, Acoma, and Zuni.

2 This essay will not consider the literature dealing with either general litigation concerning individual Pueblos or the specific cases involving the Pueblos and the Indian Claims Commission. While there were important instances of both types of court actions during the time period of concern to this essay, the literature involved is most often the legal documents and judicial decisions specific to each case and law review articles. This essay is concerned almost entirely with policy as determined by Congress and the President. In this regard it should be noted that much of the non-ICC litigation during the 1960s resulted from the various laws passed during this period, the most important of which was the
Policy Background

To understand the changes that occurred in Indian policy during the 1960s and 1970s it is necessary to place them in the context of the ebb and flow of that policy throughout American history. Historian Francis Paul Prucha's two volume The Great Father: The United States Government and American Indians (1984) is the most comprehensive study available of the history of federal Indian policy. The 1986 abridged version is an excellent one volume edition of this work. Besides the obvious additional policy detail, the two volume work contains excellent footnotes which are absent in the shortened version.

Two works of not on Indian policy were published by the Department of the Interior in the early 1970s. Theodore W. Taylor's 1972 The States and Their Indian Cultures and Lyman Tyler's 1973 A History of Indian Policy are valuable studies of the development of Indian policy. While Taylor's is more narrowly focused on one aspect of Indian-government relations, both deal with policy issues contemporary to the beginning of the self-determination era.


For Indian policy generally during the Eisenhower administration see Larry W. Burt's Tribalism in Crisis: Federal Indian Policy 1953-1961. The goal of this policy was to terminate the federal responsibility for Indians and finally integrate Indians into the dominate culture. The late Senator Arthur V. Watkins (R-UT), a prime congressional force behind the termination policy, authored a 1957 article for The Annals of the American Academy of Political and Social Science entitled "Termination of Federal Supervision: The Removal of Restrictions Over Indian Property and Person." Watkins argues that termination would benefit Indian people by severing tribal ties

Volume V of the Smithsonian Institution's Handbook of North American Indians series, History of Indian-White Relations, contains several contributions exploring federal Indian policy. These include Hazel Whitman Hertzberg's "Indian Rights Movement, 1887-1973" and Lawrence C. Kelly's "United States Indian Policy, 1900-1980."

Twentieth century Indian policy is reviewed in Vine Deloria Jr.'s 1985 American Indian Policy in the Twentieth Century. This collection of essays includes one by Deloria entitled "The Evolution of Federal Indian Policy Making." Deloria is a prolific writer on American Indian law and policy, much of it dealing with contemporary issues. His We Talk You Listen and Behind the Trail of Broken Treaties delve into the historical and political reasons behind the activism of the 1960s and 70s, as well as articulate the goals of the movement.

The specific policy changes brought about the in the Kennedy-Johnson-Nixon years are the subject of several recent works, including Forbes (1981), Carmack (1985), Gross (1989), McClellan (1990), Robbins (1990), Jaimes (1990), and Mason (1992). Forbes, Mason and McClellan consider the reforms of the Nixon era in particular but each approach it from different perspectives. Mason, for example, finds a clear tie to changes begun under President Johnson, changes Carmack writes about both from the perspectives he gained during the 1960s as a consultant with Oklahoma tribes and then as a high official in the Bureau of Indian Affairs.

Most of the work done on Indian policy during this era focuses on Nixon. Little attention is paid to Johnson and even less to President Kennedy. The one exception is M. Annette Jaimes' "The Hollow Icon: An American Indian's Analysis of the Kennedy Myth and Federal Indian Policy" (1990).

One of the most significant pieces of Indian legislation passed in the 1960s was the Indian Civil Rights Act of 1968. Passage of the law, which in large measure made the Bill of Rights applicable to Indian tribes, is thoroughly described in Donald L. Burnett's Harvard Journal of Legislation article, "An

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Historical Analysis of the '1968 Civil Rights Act'' (1972). This proposed law was partly modified during consideration in Congress because of the Pueblo's unique government/religion relationship.

Presidents Johnson and Nixon remain the only two presidents to send Congress Special Messages on Indians. Johnson sent his in March 1968, near the end of his term in office. Nixon's Message was sent to Congress in July 1970. Both of these historic documents stressed the creation of new relationships between Indians and the federal government, relationships founded on the concept of Indian self-determination. These Messages can be found in the appropriate volumes of their respective Public Papers of the Presidents of the United States.


Law and policy are inextricably linked in Indian policy. For this reason Felix Cohen's Handbook of Federal Indian Law is indispensable. The original 1942 edition remains a classic and contains much material not found in either of the subsequent revisions, including a separate invaluable chapter on the Pueblo Indians. It is generally agreed that the second edition published during the termination era is not up to the standards of either the original work or the 1982 revision. The 1982 edition of the Handbook, for which University of Oklahoma Law Professor Rennard Strickland served as Managing editor, is an excellent source of materials describing the changes in Indian policy ushered in during the 1960s and 1970s, including great detail on self-determination and the Indian Civil Rights Act of 1968.


Wilkinson's book is probably the most "traditional" in its approach, arguing that Indians on balance have benefited by the intervention of the federal courts. Williams' approach is vastly different from Wilkinson's. He integrates an extensive body of literature that places federal Indian law in a much longer historical sweep than is generally found in works on the subject.

University of Notre Dame's Sharon O'Brien has written the only major work on Indian tribal governments, historic and contemporary. One chapter of the American Indian Tribal Governments (1989) deals specifically with the government of the Isleta Pueblo. O'Brien also addresses the impact of self-determination on the workings of tribal governments.

The Pueblos of New Mexico

The inhabitants of the nineteen New Mexico Pueblos are the descendants of a people who witnessed and participated in the transformation of the American Southwest. Their ancient relatives were the enormously talented people of the Anasazi, Mogollon, Hohokam ad other cultures who built amazing apartment-cities and irrigated the dessert. Their more "historic" relatives in turn greeted, resisted, and adapted to the Spanish entradas of the 16th century. More recently, their relatives and then they themselves adjusted to and modified the newer systems they encountered from the "Americans."

Through the centuries of encounters with vastly different cultures the Pueblo people have more than many American Indians maintained a strong hold on their indigenous cultures. Their languages remain vital and their religions, while having absorbed some aspects of Roman Catholicism, maintain their native vitality.

While much has been written about the Pueblos in general, some specific cultures have received more attention than others. An important place to begin research on the Pueblos, both for an introduction to Pueblo history and culture and for bibliographic leads, is Volume 9 of the Smithsonian Institution's
Handbook of North American Indians (1979). This volume, edited by San Juan Pueblo native and anthropologist Alfonso Ortiz, contains chapters on prehistoric and historic Pueblo people. The Handbook contains a chapter on each of the nineteen extant New Mexico Pueblos. The Zunis, one of the more studied groups of American Indians, has six chapters devoted to various aspects of their culture (only the Hopis of Arizona have more chapters). Four of the chapters on the New Mexico Pueblos are written by Pueblo Indians: Joe S. Sando (Jemez), Alfonso Ortiz (San Juan), and Edmund J. Ladd (Zuni).

For a broad historical view of the development of the American Southwest and its impact on the area's Indians, Edward H. Spicer's Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-60 (1962) is indispensable. Intricately detailed and sometimes slow going for that reason, Spicer's book is the best available.

For in-depth understandings of specific Pueblos, ethnographic studies are where to turn. Frank H. Cushing's classic works on the Zuni from the 1880s through the early 1900s remain an important source on that group of Pueblo Indians. (See the list of Cushing's works in the Handbook’s bibliography.) Three other examples of ethnographies about individual Pueblos are Elsie Clews Parsons' 1925 The Pueblo of Jemez; William Whitman II's 1917 The Pueblo Indians of San Ildefonso: A Changing Culture; and Alfonso Ortiz's 1969 The Tewa World: Space, Time and Becoming in a Pueblo Society.

A recent comprehensive one volume survey of the Pueblos of New Mexico is Joe S. Sando’s Pueblo Nations: Eight Century of Pueblo Indian History (1992). Sando traces the encounters with the various European cultures and discusses discrete aspects of Pueblo culture, including language differences among the Pueblos, religion and government. A valuable and interesting part of Santo’s book is his brief biographies of important historic and contemporary Pueblo people.

Other significant general studies of Pueblo people and Southwestern Indian cultures include: Edward Everett Dale's classic The Indians of the Southwest: A Century of Development Under the United States (1949); John Collier's equally classic On the Gleaming Way: Navajos, Eastern Pueblos, Zuni, Hopi, Apaches, and Their Land; and Their Meaning to the World (1962 rev. ed.); and Bertha P. Dutton's American Indians of the Southwest (1983). Collier's book is especially significant considering his personal involvement with Indian policy as the reformist BIA Commissioner during the New Deal and as an observer of Indian life in the southwest prior to assuming that position.

**The Pueblos of New Mexico and Federal Indian Policy: 1961-1974**

Along with the several hundred other Indian tribes around the nation, the 19 Pueblos of New Mexico experienced the transformation of Indian policy during the 1960s and 1970s. While nothing has been published devoted specifically to Indian policy and the Pueblo tribes from 1961 to 1974, research in the proper sources can lead one to discover how policy affected the Pueblos during this time. Recent books and articles about specific Pueblos often contain references to programs or changes brought to the tribes during the 1960s and '70s. Some works have been devoted to specific Pueblo tribal issues of concern during this period, such as the fight by the Taos Pueblo to require their sacred Blue Lake. Finally, the papers of public officials and government organizations can also shed light on the impact changes in federal policy had among the Pueblos.

Indian tribal governments were able to participate in most of the programs created by President Johnson’s Great Society. While these were not designed with Indians in mind, Indian tribes were able to participate on a nearly equal basis with other non-Indian government organizations. Office of Economic Opportunity (OEO) programs such as community action, Neighborhood Youth Corp, and VISTA (Volunteers In Service To America) were established at most Pueblos.

Brief descriptions of federally funded Indian anti-poverty programs can be found in a 1971 study issues by the Arizona Affiliated Tribes entitled self determination... a program of accomplishment. Along with a general description of self-determination are reports of individual OEO Indian projects. Acoma, Isleta, Laguna, Zuni, and Santo Domingo each operated their own Community Action Programs.
Cochiti, Jemez, Sandia, San Felipe, Santa Ana, and Zia together ran the Sandoval County Indian Pueblos Community Action Agency. Nambe, Picuris, Pojoaque, Santa Clara, San Ildefonso, San Juan, Taos, and Tesuque comprised the Eight Northern Indian Pueblos Community Action Agency.

The CAPs operated a variety of OEO funded programs. These included programs to fight alcoholism, to provide services to senior citizens, vocational opportunities, housing services and economic development. In addition to OEO funded programs, these CAP agencies also utilized federal money to operate many other programs designed to lessen the impact of poverty on the Pueblos. These included Head Start (offered at all Pueblo CAPs except Zuni), VISTA, and Neighborhood Youth Corp programs.

The Eight Northern Indian Pueblo Council was highlighted in the Arizona Report for its Eight Northern Enterprises Inc., a CAP initiated entity. The Enterprise was “an umbrella organization comprised of five companies” which was to “produce and stockpile building and decorative materials manufactured or processed primarily from local resources” (30).

The Eight Northern Indian Pueblo Council was itself the result of the War on Poverty (Arizona Affiliated Tribes 1971 and Eight Northern Indian Pueblos Council 1992). It emerged from the coming together in 1965 of the San Juan, Santa Clara, San Ildefonso, Pojoaque, Nambe, and Tesuque Pueblos for the purposes of sponsoring the Neighborhood Youth Council The Eight Northern Pueblos-Community Action program was organized that same year. The name of the organization was changed to the Eight Northern Indian Pueblo Council in 1972 (Eight Northern Indian Pueblos Council 1992, 2).

The files of the New Mexico Commission of Indian Affairs, housed at the New Mexico Records Center and Archives in Santa Fe, are an invaluable resource for documenting the history of Indian participation in anti-poverty programs in New Mexico. According to Theodore W. Taylor, The New Mexico Commission on Indian Affairs helped organize the Indian Community Action Program funded by the Office of Economic Opportunity. This took “months of consultation among Indian leaders, officials of the University and the federal government.” (Taylor 1972, 101).

The records of the Commission bear out Taylor’s observation. Of particular relevance are the “Indian Rights, Projects, Programs and Industries 1954-1970” and “Federal Agencies” files.

Contained in these files are copies of letters and memos from Commission staff to Pueblo Governors and other tribal officials regarding OEO programs. An October 23, 1964 memo concerns “Preparation of applications for funds under Title II (Community Action Programs) under the Economic Opportunity Act” (Commission on Indian Affairs.) The document describes opportunities open to Indian tribes under the recently passed legislation. Memos such as this are evidence of the assistance the Commission provided to Pueblo Councils in their efforts to participate in War on Poverty programs.

The Commission’s files also contain Pueblo Council resolutions about federal programs as well announcements and minutes of poverty program conferences such as the one held in Santa Fe in September 1966 (Commission on Indian Affairs.). The files also contain federal publications that shed light on administration programs directed at Indians. Included is one pamphlet entitled “is it really worthwhile? an anthropologist talks about Head. Start” and another entitled “The Economic Opportunity Act of 1964: Implications for American Indians” (Commission on Indian Affairs).


One interesting OEO funded project was Zuni’s use of federal money to begin an oral history project in 1965. With additional funding from the BIA Research and Cultural Studies Development Section, the tribe compiled stories of Zuni society, history, lore, and religion from the Zuni people
themselves. These were published by the University of New Mexico Press in 1972 as The Zunis: Self-Portrayals by the Zuni People.

The affects of 1960s and '70s policy at Zuni are also highlighted in T.J. Ferguson’s article “The Impact of Federal Policy on Zuni Land Use” (Ferguson 1989) and in Ferguson and Hart’s 1985 Zuni Atlas. In the former, Ferguson writes that, “With the War on Poverty programs of the 1960s, the Zuni Tribe developed its first funding outside of the BIA, and this helped to develop tribal political leadership” (Ferguson 1989, 114).

The impact of self-determination at Acoma Pueblo is found in Acoma: Pueblo in the Sky by Ward Alan Minge (1991). He notes that “An increasing number of boards and special offices created by the [Tribal] Council also reflected influences from the [Indian Claims Commission] claims settlement and self-determination project” (Minge 1991, 123). One important innovation during this period was the creation of Acoma’s first permanent court by the Law and Order Code passed by the Tribal Council in 1971 (130). The establishment of this court was the direct result of the Indian Civil Rights Act of 1968.

While not directly related to any act of the federal government, the Isleta Pueblo demonstrated the new resolve of tribes to control their own affairs without outside interference when it ejected a Catholic priest from the Pueblo in 1965. John Phillip and Mary T. Olguin describe in detail the removal of the priest after he continually acted not only in defiance of tribal traditions but Tribal orders as well (1976).

One of the most symbolic acts of the early self-determination era was the return of the Blue Lake to the Taos Pueblo. Through a series of actions by the federal government in the early 1900s, the Blue Lake, a sacred site to the people of Taos, was put in the hands of the federal government and made available to non-Indians. In a half-century long struggle, Taos Pueblo and their allies fought for the return of the Lake. The effort gained momentum during the 1960s and then became a sure thing after President Nixon made the return of the Blue Lake a centerpiece of this 1970 Special Message to Congress (Nixon 1971).

The events surrounding the Blue Lake has been the subject of numerous articles and a definite study authored by R.C. Gordon-McCutchan (1991). The articles include Whatley (1969); Collins(1971); and Bodine (1978). Prucha (1984 and 1986) and Mason (1992) also touch on the issue of the return. Gordon-McCutchan’s book, The Taos Indians and the Battle for Blue Lake, covers the entire controversy from the original taking through the political battles and the ultimate vote in Congress and Nixon’s signing the act returning the Lake. He makes extensive use of interviews and the archives at the University of New Mexico.

In his research, however, Gordon-McCutchan overlooked one valuable source of materials concerning the 1971 legislative fight in Congress over the bill to return the Lake. While he did interview former United States Senator Fred Harris (D-OK) for his book, Gordon-McCutchan did not consult the Harris Papers located in the Carl Albert Center for Congressional Studies at the University of Oklahoma. The Harris Collection contains a file devoted to the legislative battle of the Blue Lake, an effort that succeeded in no small measure to Harris’ efforts in the Senate.

Among the documents in the Harris Blue Lake file are correspondence between Harris and other Senators concerning support for the legislation. Some of the correspondence is with Senator George McGovern (D-SD) who was Chairman of the Committee on Interior and Insular Affairs Subcommittee on Indian Affairs Committee and Senator Henry Jackson (D-WA), Chairman of the full Committee. Other correspondence includes such interested groups as the National Committee for Restoration of the Blue Lake to the Taos Indians and the Taos Tribal Council.

There are also private memos and notes that were working papers for the Senator and his staff. One example is a legal pad page of prospective voting pairs on the final bill. Another important document in the file is a copy of the publicity brochure the Tribe had printed to help make its case to the public, “The Blue Lake Area... an appeal from Taos Pueblo” (Fred Harris Collection, Box 197, Folder40).
Sources for Future Research

Because there has been no thorough or systematic study of this era and the Pueblo Tribes of New Mexico, the area is ripe for further research. There are several other possible sources for researchers interested in this area of Indian policy, including the National Archives and the Bureau of Indian Affairs.

Two additional New Mexico sources of materials related to the relevant era and topic are the papers of former members of Congress from New Mexico housed at the University of New Mexico in Albuquerque and the papers of former New Mexico governors housed at the State Records Center in Santa Fe.

The papers of Senators Dennis Chavez, Joseph M Montoya and Clinton P. Anderson, all Democrats, are available to researchers in the special collections of the University of New Mexico. Chavez served in the Senate from 1935 until his death in 1962; Montoya served in the Senate from 1964 to 1977; Anderson, a Secretary of Agriculture in the Truman Administration, served from 1949 to 1973. Anderson’s papers would be of particular interest to those researching the battle of the Blue Lake. During the debate on the return Anderson was Chairman of the Agriculture Committee and actively opposed the return as ultimately passed by Congress (Gordon-McCutchan 1991).

The papers of the Governors of New Mexico are located in the State Records Center and Archives. The following men were governor during the years 1961 to 1974:

- Edwin L. Mechem 1961 - 1962
- Jackson M. Campbell 1963 - 1967
- David F. Cargo 1967 - 1970
- Bruce King 1971 - 1974

Because of the proliferation of federal programs that resulted from the Great Society, the papers of Campbell, Cargo and King are especially likely to produce results.

Governor Campbell’s papers include a “Federal Agencies” heading. Under the “Departments” heading, those files in “Interior - BIA” would be significant. Under “Boards, Agencies, Commission,” the “OEO” file would be important.

Governor Cargo’s papers also have a category called “Federal Agencies.” Of particular interest would be the “OEO” and “CAP” files. The “OEO” files are further subdivided into VISTA, Job Corp, and Legal Aid. “CAP” is divided into the following files: 8 Northern Pueblos, Santa Clara, San Juan, Santo Domingo, and Zuni. This latter division reflects the CAP projects located at those specific Pueblos as well as those operated by the council of the eight Northern Pueblos.

Governor King’s papers have a “Federal Papers” category. The OEO file would be important here. Nothing listed in the inventory for Governor Mechem’s papers gives a clear indication of relevant materials. This is the result both of the nature of the inventory and the fact that Mechem served as governor before the changes in Indian policy that came about later in the 1960s took place.

The two major New Mexico daily newspapers, The Albuquerque Journal and The New Mexican, would be excellent sources except for the lack of indices.

Finally the Pueblos themselves might be a source of material. Two potential problems lie here, however. First, the archiving practices of the tribes might be erratic, as they are for many organizations that do not have qualified person assigned to that task. Secondly, and probably more importantly, is the problem outsiders can have in obtaining the trust of Indian officials. Indian public servants are often justifiably wary of opening tribal documents to the scrutiny of outsiders who might or might not have the knowledge, skill and sensitivity to correctly interpret the frequently complex nature of tribal politics.

Appendix Libraries and Archives visited in compiling this essay:

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4 Mechem also served in the United States Senate from 1962 to 1964. His Senate papers are also housed at the State Records Center.
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BOOKS AND ARTICLES

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Helpful Internet Sites

Part I in a Series

1. From Marshall to Marshall: The Supreme Court's Changing Stance on Tribal Sovereignty,
   The author, Philip Prygoski, is a professor at the Thomas M. Cooley Law School in Lansing, Michigan. He teaches Constitutional Law and Federal Indian Law. His lengthy article examines "... how the decisions of the Court for the past 170 years have defined, defended and ultimately diminished that sovereignty." This site is sponsored by the American Bar Association.

http://www.abanet.org/genpractice/compleat/f95marshall.html

2. The Indian Child Welfare Act: The need for a Separate Law
   B.J. Jones outlined the Indian Child Welfare Act and its effects. He is litigation director for the Dakota Plains Legal Services, which provides legal assistance to the indigent residents of eight South Dakota and North Dakota Indian reservations and their adjoining counties. He is the author of The Indian Child Welfare Act Handbook (ABA Family Law Section, 1995).

   In 1978, Congress adopted the ICWA, 25 U.S.C. 1901 et seq. It applies to child custody proceedings in state courts for children of Tribal ancestry. This site is sponsored by the ABA.

http://www.abanet.org/genpractice/compleat/f95child.html

3. Indian Identity: Who's Claiming the Boundaries?
   Rekha Balu, the author, is a Chicago-based free-lance writer. Here she provides, polemics on the status of sovereignty and the rights of Indians in relationship to federal government. This has links to The Rights of Indians and Tribes published by the American Civil Liberties Union.

http://www.abanet.org/genpractice/compleat/f95identity.html

4. National Indian Policy Center
   Here is an introduction to the center, archives, bibliography, census, task forces and useful data. The National Indian Policy center was established at The George Washington University pursuant to P.L. 101-301.

   That law mandated the exploration of the feasibility of creating a permanent American Indian information and research institution. Following the completion of the study, Congress authorized the Center to conduct demonstration projects with continued funding.

   gopher://gwis.cir.gwu.edu:70?

5. U.S. Code, Title 25
   This menu-driven site holds Federal Legislation on Indians. Choose U.S. Code, Choose Title 25-- Indians.

   The remaining choices cover section subdivisions, subchapters, and subsections. For every section, this site shows the related citation, title, chapter, subchapter, heading, text of statute, session law sources, references in text refers to the parts of the text and classification, codification notes, and references to the section given elsewhere in the code.

   gopher://hamilton1.house.gov/
Internet Sites on the
Native America Grave
Protection and Repatriation Act

1. Repatriations

A somewhat dated bibliography prepared by Brian Hill, Arcata, California in 1995. The author notes that this bibliography "was accumulated over the past five years as a research project on the Repatriation issue faced by Native Americans. Although many of the referenced pertain directly to repatriation such as laws, museum, and the federal government, there are many that do not. The reason behind this was that the issue crossed many boundaries:" looting, private collections, archives, etc. Please feel free to download, copy or print, or anything else you want to do to this list and use it at your own will."

The bibliography includes citations to the American Committee for the Preservation of Archeological Collections Newsletter and hard-to-find wire service reports. It covers the years 1975-1995.

http://www.geocities.com/CapitolHill/3207/repat.html

2. A Bibliography

Another reparation site, this 1996 bibliography by Stephen W. Russell, is exhaustive. It notes legal, popular magazines, archaeological, and forensic sources.

http://www.geocities.com/CapitolHill/3210/russbib.html

3. Native America Repatriation & Reburial: A Bibliography

Another bibliographic site is the result of the compiling by an academic archeologist, Barb Bocek. The materials listed here are varied and detailed.

They can be found in a specialized Reference Collection at the Stanford University Green Library at Z1209.2N67.N38. Links connect to the "America Indian Ritual Object Repatriation Foundation" and "Mending the Circle: A Native American Repatriation Guide."

George Bush signed the Native American Graves Protection and Repatriation Act (NAGPRA) into law in 1990. The Act protects burial sites on federal and tribal lands and creates a process for repatriating cultural items including artifacts and human remains, to native tribes.

Since November 1993, the Act requires museums holding certain Native American artifacts to prepare written summaries of their collections for distribution to culturally protected tribes.


4. ArchNet

If you are interested in monitoring the progress of the implementation of the Native American Grave Protection and Repatriation Act, see this site. It highlights museums and other sources of archeological knowledge, and links to other sites emphasizing curation and repatriation.

http://spirit.lib.uconn.edu/Ar
Upheaval at Big Mountain

On Big Mountain, Northeastern Arizona, the Dine' (Traditional Navajo) are resisting pressure to relocate. Big Mountain lies between Hopi and Navajo lands. Both peoples used the land for centuries. In 1973, the U.S. government divided this land into the Joint Use Area between the Hopi and Navajo tribal governments.

The federal government ordered ten thousand Navajo on the Hopi side to relocate beyond the reservation. Many moved voluntarily, but found themselves living in poverty thereafter. Others have resisted removal for more than twenty years. The U.S. government, tribal councils and coal companies want the Dine' off of Big Mountain. Today, P.L. 104-301, "The Navajo-Hopi Land Dispute Settlement Act of 1996" most directly addresses the land, and names the area as "Hopi Partitioned Land (HPL)."

There recently has been an "Accommodation Agreement"—a new proposal offered by the federal and Hopi government to the Dine'. The agreement proposes a land lease for 74 years. The terms of the lease would not allow Dineh to bury their dead on the land, a condition which is particularly disdained by the Dine'. There are strict livestock restrictions within the terms of the lease, although Dineh are dependent on livestock for their food and culture. Dineh who have already left Big Mountain cannot be part of the agreement. Each of the resisters are encouraged to individually sign the lease. Those who do not again face removal.

Great reserves of coal and uranium lie beneath Big Mountain. Under the surface Mining Reclamation Act of 1977, the Peabody Western Coal Company extracts minerals within the tribal Land Joint Use Area. For more information on the ongoing relocation activities contact:

Big Mountain support, P.O. Box 1294, Berkeley, CA 94705 (415) 339-8332, www.bmc@mailmasher.com

Dine' Alliance, P.O. Box 1042, Hotevilla, AZ 86030,
Sub-office, P.O. Box 2889, Window Rock, AZ, dineh@primenet.com, http://www.primenet.com/~dineh/index.html

Sovereign Dineh Nation, P.O. Box 40319, Flagstaff, AZ 86004, (520) 522-8683, sdn@timenet.com, http://www.timenet.com/~.sdn/
Included within the federally produced U.S. Serial Set is a broad miscellany of listings of 1,500 original U.S. Government pamphlets written to, by, or under the direction of the federal legislature. All of these scarce congressional documents directly concern policy and laws about Native Americans. The materials are extremely important, not just because they are evidentiary indicia of legislative intent, but because they document the historical treatment and relations of the United States Government toward tribal peoples. The publishing dates of these documents range from 1848 to 1916. The government published the majority in the period from 1879 to 1890—a crucial time which literally determined the survival of tribes within the political boundaries of the United States.

Collectively, the documents discuss more than forty, bands, tribes, and pueblos.

The contents of the pamphlets vary. As might be expected, reports cover both public and private legislation considered by Congress. Also prevalent are hearings, congressional journals, and reports and evidence gleaned from commissioned or conducted investigations. Administratively written materials are in the form of agency annual reports which review contemporaneous social problems, activities, under purview, and extensive survey and research. There are letters from administrators and numerical data concerning payment of claims. Agreements with the tribes and petitions and memorials abound. A few ethnographies appear which the Smithsonian commissioned.

The Congressional documents, including those emanating from committees, are from, or directed to, each house. Congress published them as single pamphlets in separate numerical series for each session. Researchers can most easily identify and trace a document by its series number. For example, 44-1: H.Rp. 499 refers to the 499th report of the 44th Congress, 1st session. This listing shows entries for each of these documents in a sort of chronological order—by Congress, then by congressional session, then by the type of document, and then by the identification number.

The information within all of the documents are reprinted together with House and Senate documents covering other topics in the bound series of volumes popularly, but unimaginatively, called the "Serial Set." A retrospective index to the "Serial Set," covering the period from 1789 to 1969, is published in thirty volumes by the congressional Information Service, under the title U.S. Serial Set Index. That index is divided into non-cumulative chronological sections. The indexes are useful for

1 These peoples include the Apache, Arapaho, Blackfeet, Cherokee, Cheyenne, Chickasaw, Chippewa, Choctaw, Comanche, Cowlitz, Creek, Crow, Delaware, Iowa, Icarias, Kansas, Kickapoo, Kiowa, Klamath, Lemhi, Menominee, Miami, Mission Indians in California, Mississippi, Missouri, Moave Apache, Modoc, Muskegge, Navajo, Nez Perce, Omaha, Oneida, Osage, Otoe, Pawnee, Peoria, Pim, Ponca, Potawatomi, Quapaw, Sac and Fox, San Carlos Reservation, Santee Sioux, Seminole, Seneca, Shawnee, Shoshone, Sioux, Stockbridge and Munsee, Tewa, Tonawana, Tonkawa, Uinta, Ute, Wea, Weeminuche, Wichita, Winnebago, Wyandotte, Yakima, and Yuma.

2 The researcher may refer to the index sections covering these segregated time periods: 1789-1857, 1867-1879, 1889-1897, 1897-1903, 1903-1909, 1909-1915, and 1915-1925.
Housing Regulations to be Discussed

The U.S. Department of Housing and Urban Development (HUD), Office of Native America Programs, is sponsoring a national conference on September 23-25, 1997. This is an amalgamation of two regularly scheduled, annual conferences: the Native American Homeownership Conference, and the Native American Housing Legal Summit. However, this year attendance is especially important.

New draft regulations of the Native American Housing Assistance and Self-determination Act of 1996 are in place. The conference gives attendees an opportunity to learn about these regulations. Ideas are needed on how best to implement the regulations in preserving and enhancing the houses of a tribe.

Also important is the discussion of the new welfare reform regulations which will greatly affect how tribes will manage their housing programs. The Summit will be held at the Sheraton National Hotel in Arlington, VA. Attendance is free. For more information see www.codetalk.fed.us.

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