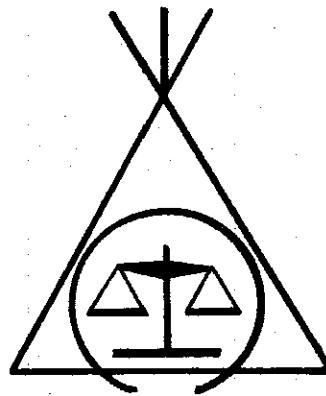


INDIAN LEGAL TRAINING PROGRAM

NEEDS ASSESSMENT



**INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW
AND THE DEVELOPMENTAL LEARNING LAB**

INDIAN LEGAL TRAINING PROGRAM

Needs Assessment

Explanation

In order to make the workshop(s) interesting and useful to you, we need your help. Those planning the workshop(s) need to know about your interests, your present understandings of tribal sovereignty issues, and about your background. It will only take you several minutes to complete this survey.

This assessment is being conducted in fulfillment of Contract No. HEW 105-76-6106, Office of Native American Programs, Department of Health, Education, and Welfare.

The Institute for the Development of Indian Law
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Washington, DC 20005
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Kirke Kickingbird, Project Director

and the

Developmental Learning Lab of Cook School
708 South Lindon Lane
Tempe, Arizona 85281
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Dr. Cecil Corbett, Contract Director

1.0
INTERESTS

Directions

Listed below are topics that might be covered in your workshop(s). Please tell us which of these are of the most interest to you by rank ordering them. Put a "1" in front of the topic of the most interest to you. Put a "2" in front of the topic of second interest to you, a "3" in front of your third interest, and a "4" in front of your fourth interest. If you have no interest in a topic, put a "0" in front of it.

- | | |
|-------------------------------------|-----------------------|
| <input checked="" type="checkbox"/> | Mineral Rights Issues |
| <input checked="" type="checkbox"/> | Water Rights Issues |
| <input checked="" type="checkbox"/> | Taxation Issues |
| <input checked="" type="checkbox"/> | Fishing Rights Issues |

Other Directions

If there are other topics that you would like to have considered, please list them below. If resources are available we will try to include your suggestions. You do not need to rank order your suggestions.

INTER TRIBAL Reaction -

2.0
BACKGROUND

Directions

Please complete each of the following questions. This information will help us select teaching methods that will help you learn.

- 2.1 Name: KAREN BONEY
- 2.2 Tribe: SNOQUALMIE
- 2.3 Sex: Male ☐ Female ☒
- 2.4 Marital status: Married ☒ Not Married ☐
- 2.5 Highest Grade Reached in School: 10 - with a GED
- 2.6 Age:
- | | | | | | | | | | |
|-------|--------------------------|-------|--------------------------|-------|-------------------------------------|-------|--------------------------|-------|--------------------------|
| 14-19 | <input type="checkbox"/> | 20-29 | <input type="checkbox"/> | 30-39 | <input checked="" type="checkbox"/> | 40-49 | <input type="checkbox"/> | 50-59 | <input type="checkbox"/> |
| 60-69 | <input type="checkbox"/> | 70-79 | <input type="checkbox"/> | 80-89 | <input type="checkbox"/> | 90-99 | <input type="checkbox"/> | 100 + | <input type="checkbox"/> |
- 2.7 Job title: Council person, S.T.O.W.W. BOARD, DELEGATE, CETA YCSA. Repro
- 2.8 Relation to Tribal Government: (check 1)
- | | |
|--|-------------------------------------|
| Presently a member of the tribal council | <input checked="" type="checkbox"/> |
| A former member of the tribal council | <input type="checkbox"/> |
| Tribal staff | <input checked="" type="checkbox"/> |
| Other: (please describe) | <input type="checkbox"/> |
- BOARD DELEGATE TO S.T.O.W.W.

2.9 Learning Style:

I feel that I learn best by: (check 1)

- | | |
|--------------------------------|-------------------------------------|
| Hearing (such as lectures) | <input type="checkbox"/> |
| Reading (such as books) | <input type="checkbox"/> |
| Seeing (such as films) | <input type="checkbox"/> |
| Experience (such as projects) | <input type="checkbox"/> |
| Combining a variety of methods | <input checked="" type="checkbox"/> |

2.0
BACKGROUND (cont'd)

2.9 Learning Style - cont'd

I feel that I learn best: (check 1)

- | | |
|--------------------------|-------------------------------------|
| By myself, alone | <input type="checkbox"/> |
| With one other person | <input checked="" type="checkbox"/> |
| In a small group | <input checked="" type="checkbox"/> |
| In a large group | <input type="checkbox"/> |
| In a variety of settings | <input checked="" type="checkbox"/> |

I feel that I learn best: (check 1)

- | | |
|--|-------------------------------------|
| In English | <input checked="" type="checkbox"/> |
| In my own tribal language | <input type="checkbox"/> |
| With the occasional help of an interpreter | <input type="checkbox"/> |

3.0
KNOWLEDGE

True-False

After each of the following statements, circle (T) for True or (F) for False. Your answers to these questions will help us identify what you already know so that we can cover new ideas in the workshop.

- 3.1 Treaties made before 1871 are no longer binding since they are old.
- 3.2 Your tribe could enter into a treaty or an agreement with the United States Government today.
- 3.3 Sovereignty was given to tribes by the United States Government as specified in the U. S. Constitution.
- 3.4 In tribal elections, the members of the tribe delegate power to the tribal government.

T ~~(T)~~ (F)

T (F)

T (F)

(T) F

3.0

KNOWLEDGE (cont'd)

- 3.5 The problems facing your tribal government can be resolved by the Bureau of Indian Affairs. T ☒ F
- 3.6 The concept of "Federal-Indian Trust Relationship" comes from United States law and policy. ☒ T F
- 3.7 Indian tribes today have the sovereign right to govern themselves. ☒ T F
- 3.8 P.L. 280 reduces the sovereignty of a tribe. ☒ T F
- 3.9 All federal programs relating to Indian affairs are the responsibility of the Dept. of Interior. ☒ T F
- 3.10 Indicate by checking the appropriate box how many treaties, agreements, and executive orders your tribe has with the United States Government.

	0-5	6-20	21-35
TREATIES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AGREEMENTS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EXECUTIVE ORDERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ATTITUDES

Directions: Read each statement and check the box that describes how you feel.

	STRONGLY AGREE	AGREE	NO OPINION	DISAGREE	STRONGLY DISAGREE
1. What happens to our tribe is mostly our responsibility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The degree of sovereignty that our tribe has is dependent upon the amount of land our tribe has.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Our tribe is run by a few people in power outside our tribe and there is not much that our tribe can do about it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The more sovereign our tribe is, the more our tribe will alienate (make unhappy) non-Indians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. There will always be conflicts between Indians and non-Indians, no matter what is done to reduce the conflicts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The more sovereign our tribe is, the better off our tribe will be.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. As far as tribal affairs are concerned, most of us are victims of forces we cannot control.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. In the long run, our tribe will get the respect that it deserves.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Some day most of our treaty rights or executive orders or agreements will be honored.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. My contributions to the tribe are having an impact upon the tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for your help with planning the workshop(s).

PROGRESS REPORT

August 10, 1977

Contract No. HEW-105-76-6106

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

Institute for the Development of Indian Law
927 15th Street, N.W., 2nd Floor
(202) 638-2287

Submitted by

K. Kirke Kickingbird
Project Director

Submitted to

Rita Ricketts, Contracting Officer
and
Gerry Farrell, Project Officer

Office of Human Development
Department of Health, Education and Welfare

C. Pueblo de Acoma Workshop

The Pueblo de Acoma Workshop on Jurisdiction held July 21 & 22 was quite successful in terms of assisting the tribe with some of its immediate problems. This required the staff to modify the agenda by delivering shorter lectures and allowing a little more time for question and answer sessions. The presence of consultant Tom Luebben, who is very knowledgeable about the Pueblo tribes, reminded us how important it is to have someone present who is aware of current problems. This enables tribal members to realistically apply the knowledge they are receiving from the workshop. (Agenda attached.)

D. Oglala Sioux Workshop

The second workshop, Indian Sovereignty, for the Oglala Sioux was held July 25-27 at Porcupine, South Dakota. (Agenda attached.) This was a real challenge, not only for the present workshop but for the future of the program at Pine Ridge. Election is approaching (Fall 1977) and each term the campaigning for office seems to start earlier. Several persons seized the opportunity to present their platforms, based primarily on the blood quantum issue and on energy and related giant industries. Several elderly members are concerned mostly about the 1868 Treaty and are unwilling or unable to relate to other subjects.

It was impossible to generate group discussion or participation in group exercises. This appeared to be due to the presence of a charismatic national Indian leader whose following comprised

Staff attorney Charles Chibitty and consultant Lawrence Hart instructed on the subject of Jurisdiction. The people who attended seemed very interested but unfortunately the number of participants was small. Many people recommended that future workshops be held at night so that more employed people would be able to attend. Those who did attend the workshop became really involved in the group exercises and group discussions were lively. They are quite eager for the Treaty workshop. It has already been scheduled for September 13-15.

II. SMALL TRIBES ORGANIZATION OF WESTERN WASHINGTON

During July final preparations were made for conducting two 3-day workshops. The first was conducted on the Makah Reservation July 12-14. Peak attendance was 34 people.

The second workshop was conducted on the Squaxin Island Reservation on July 19-21. Peak attendance there was 41.

The coordinator, Ken Hansen, and the consultants felt that for the most part the workshops both went well considering they were the first for the STOWW and American Friends Service Committee trainers.

The coordinator and trainers decided they needed to do more work on the presentation and materials for the Jurisdiction portion, so much of the month was spent on that subject. The remainder of the month was spent arranging for the printing of treaty materials by local Indian affiliated print shops. STOWW wants to print in bulk to save time and money.

III. PROBLEMS

A. Repayment Schedule

From the beginning of the program until mid-January the repayment schedule from HEW was slow and caused cash flow problems with the project. From then until the end of June there were no similar problems. Payments were made regularly so that we never had an excess of outstanding vouchers. However, no reimbursements were made during July. We realize that the summer months are disruptive for HEW with new contracts and summer vacations, etc., but we hope the regular repayment schedule will resume very soon before we encounter severe cash flow problems.

B. Motivational Films

In our June report we reported that we were working on a subcontract with Joel Freedman, Cinnamon Productions, Inc., to develop five motivational films on: "Indian Treaties," "Indian Sovereignty," "Indians and the U.S. Government," "Indian Jurisdiction," and the "Federal-Indian Trust Relationship." We have submitted our proposed subcontract to HEW but there have been some delays in getting it approved. We hope approval will be completed in enough time to make the films useful for this project year.

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Jurisdiction workshop

ACOMA

July 21-22, 1977

Agenda

July 21

7:00-7:30	Introductions Review of agenda
7:30-7:45	Historical Overview Slide Show
7:45-8:15	What is Jurisdiction? Group Discussion
8:15-8:30	BREAK
8:30-9:00	U.S. Constitution Group Discussion
9:00-9:45	U.S. Congress Group Discussion
9:45-10:00	Review and Evaluation

July 22

7:00-7:15	Indians and the U.S. Gov't Slide Show
7:15-7:45	U.S. Courts Group Discussion
7:45-8:30	State Jurisdiction Group Discussion
8:30-8:45	BREAK
8:45-9:00	Concurrent Jurisdiction Group Discussion
9:00-9:45	Indian Jurisdiction Today Group Discussion
9:45-10:00	Review and Evaluation Participant's Evaluation

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Sovereignty Workshop

Pine Ridge
July 25-27, 1977
Agenda

July 25

9:30-10:00	Introductions
10:00-11:00	A Definition of Sovereignty -Group Discussion
11:00-12:00	The Exercise of Sovereign Powers -Group Discussion
12:00-1:30	LUNCH
1:30-2:45	What is Sovereignty for the Oglala Sioux? -Group Discussion
2:45-3:00	BREAK
3:00-4:00	Indians & The U.S. Gov't -Group Discussion Historical Overview -Group Discussion
4:00-4:30	Questions
4:30-5:00	Review & Evaluation

July 26

9:30-10:00	Review of Activities
10:00-10:45	Indian Sovereignty & the U.S. Gov't
10:45-11:45	The Legislative Branch -Group Discussion
11:45-12:00	Questions
12:00-1:30	LUNCH

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Indian Legal Curriculum & Training Program

Sovereignty Workshop
Cheyenne-Arapaho
July 28-29, 1977
Agenda

July 28

8:30-9:30

Introductions
-Program Explanation

9:30-10:30

What is Sovereignty?
-Group Discussion

10:30-10:45

BREAK

10:45-12:00

The Exercise of Sovereign Powers
-Group Discussion

12:00-1:30

LUNCH

1:30-2:30

What is Sovereignty for
Cheyenne-Arapaho?

2:30-3:00

Indians & the U.S.
-Group Discussion

3:00-3:15

BREAK

3:15-3:45

Historical Overview
of Indian Legislation
-Group Discussion

3:45-4:15

Questions & Answers

4:15-5:00

Review & Evaluation

PROGRESS REPORT

October 10, 1977

Contract No. HEW-105-76-6106

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

Institute for the Development of Indian Law
927 15th Street, N.W., 2nd Floor
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Submitted by

K. Kirke Kickingbird
Project Director

Submitted to

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Office of Human Development
Department of Health, Education and Welfare

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I. ACTIVITIES FOR CURRENT REPORTING MONTH

A. Curriculum Development

1. Materials Completed:

- a. The text on "Indian Water Rights" has been completed and is ready for printing. Offset copies have already been used in the Water Rights Workshop with the All-Indian Pueblo Council in Albuquerque. A copy of the text is included with this report.
- b. Three historical background booklets on Cheyenne-Arapaho Treaties were researched and written by our main research consultant, Ray DeMallie. Mr. DeMallie will present the materials at the Indian Treaties Workshop for the Cheyenne and Arapaho Tribes October 26-28, 1977. Copies of the book are included with this report and will be given to each participant at the workshop. The titles are:
 - "Early Treaties with the Southern Cheyenne and Arapaho."
 - "Treaties of the 1860's with the Southern Cheyenne and Arapaho."
 - "The Jerome Agreement with the Southern Cheyenne and Arapaho."

2. Materials in Development

- a. The text on "Indians and the U.S. Government" is at the printers for final printing.
- b. Self-Instructional Texts are being developed for the following subjects: "Indian Sovereignty" and "Indians and the U.S. Government."
- c. Cook School is working on the following: filmstrips Trust and Jurisdiction.

- d. The texts on "Indian Jurisdiction", The Federal-Indian Trust Relationship," and "Indian Treaties" will be completed in final draft by December 1.

B. Research and Technical Assistance

There continues to be on-going research in authoring and editing of the remaining textbooks.

Sabra Woolley Downs, an anthropologist, has conducted research on the Taylor Grazing Act for Santa Ana Pueblo at the request of the Pueblo government. She also provided technical research assistance to two of the tribal members who came in to conduct some of their own research. Her work was completed October 31st.

C. Oglala Sioux Jurisdiction Workshop

The third workshop was held with the Oglala Sioux Tribe September 14-15 with approximately 40 persons in attendance each day. The tribe had been especially interested in information on Indian Jurisdiction from the beginning of the series. Most of the participants were tribal court personnel and the Tribal Safety Commission which is responsible for law enforcement on the reservation. The commissioners are elected from each of the political districts of the reservation.

Staff and consultants at the workshop were: Rosemarie Cornelius, IDIL, Charles Chibitty, Attorney/Consultant, and Mario Gonzalez, Oglala Sioux Attorney and Tribal Judge.

The sessions were held during daytime hours in the College Center Library under more comfortable weather conditions than during the previous workshop.

The only problem was the inability to begin the sessions on time due to late arrival of participants. This problem will persist with any future workshops at Pine Ridge because of the size of the reservation and the lack of lodging facilities. Some people must travel nearly 90 miles to attend a workshop. We are having difficulty in scheduling the next workshop with the Oglala Sioux. The next month and a half will be very busy for them.

D. All-Indian Pueblo Council Water Rights Workshop

On September 27 and 28 the workshop on Indian Water Rights was held for the All-Indian Pueblo Council at the Pueblo Cultural Center in Albuquerque, N.M. The Sessions were held in the daytime in the center's auditorium which was small but adequate. All of the 19 Pueblos were represented at some point during the two day workshop. Approximately half the governors attended at least part of the sessions. The number of participants averaged about 35 for all of the sessions. Highlights of the discussions were on the Winters Doctrine, the Prior Appropriation Act, U.S. v. Aamodt, U.S. v. Exon, state administration, and federal contracts. See complete agenda attached.

There were only a couple of minor problems. The slide projector did not work so the sovereignty slideshow had to be rescheduled. We borrowed another unit from the media center at the complex. Also each day's agenda had to be shifted to allow for late arrival of the participants.

Consultants and staff at the workshop were: Tom Luebben, Attorney; Steve Nickeson, Water Rights Specialist (both Tom and Steve are from the National Indian Youth Council in Albuquerque), Aviva Kempner, Attorney/Consultant; and Rosemarie Cornelius, IDIL Staff.

We received many favorable comments during the two days the workshop was held, as well as excellent written evaluations from the participants. Many of the participants put their workshop instruction to immediate use. A joint water rights conference conducted by the National Congress of American Indians and the National Tribal Chairman's Association was held in Washington, D.C. Consultant Aviva Kempner attended and reported that many of the Pueblo governors and other representatives told her that they felt better able to deal with water rights issues since the Albuquerque workshop. We received a request from Governor Garcia, Nambe Pueblo, Chairman of the Eight Northern Pueblos Indian Council to conduct a water rights workshop with that organization so more of their members will be able to attend. See attached letter.

E. National Congress of American Indians Annual Convention

Douglas Basinger, volunteer from IDIL, attended the NCAI Convention in Dallas September 19-23 to promote the Institute's publications and to deliver a mini Sovereignty workshop to the general assembly. We received several inquiries about our program as a result of the presentation.

F. Northwest Tribes (STOWW)

The month of September showed an overwhelming upswing in the program among the Northwest Tribes. Four very successful workshops were conducted on consecutive weeks. The first workshop was with the Sauk-Suiattle Tribe on September 7, 8 and 9 at Marysville, Washington. Since the Sauk-Suiattle lack a reservation or specific tribal facilities, the program was required to rent space for the workshop. Peak attendance was 13 which is not at all bad considering there are only about 100 tribal members there. Sherwin Broadhead, Rudy Ryser, Elizabeth Furse and Ken Hansen were the workshop trainers. Tom Morris provided the advance work. The workshop agenda was as follows: Day 1 - Sovereignty and Indians and the U.S. Government; Day 2 - Treaty Rights and the Indian Reorganization Act; Day 3 - Jurisdiction and a review of the Sauk-Suiattle Constitution.

The second workshop was with the Lower Elwha Band of Clallam near Port Angeles on the Olympic Peninsula. Again, because the tribe lacked adequate community meeting facilities, it was necessary to rent a banquet facility through a Port Angeles Restaurant. In an attempt to make the workshop more accessible to those members of the Lower Elwha community who would be unable to attend during the weekdays, the third day was held on a Saturday in the old reservation dining hall. The consultants involved were Ken Hansen, Rudy Ryser, Sasha Harmon, Sherwin Broadhead and Elizabeth Furse. Tom Morris again provided the advance work. The agenda was nearly identical

to Sauk-Suiattle's. The only difference was the tribally specific portion which was the tribe's constitution. Peak attendance, 45, set a record for the Northwest Tribes' workshops. This was accomplished through careful coordination and advance work with the Lower Elwha Tribal Chairwoman and other key tribal staff.

The workshop for the Skokomish Tribe was held September 20-22 at the Skokomish Tribal Center near Shelton, Washington. Peak attendance was 34. The participants were a mixture of tribal staff, tribal members and approximately twelve individuals who were involved in Indian education programs in local school districts. The workshop was very well received and the instructors felt it had a very strong impact on the tribal community and the local education circles. Consultants for the workshop were: Ken Hansen, Sasha Harmon and Tom Morris, who did the advance work. The composition of the participants differed from those of other workshops in that nearly half the participants were from local school districts and their primary involvement is in Title IV, Johnson-O'Malley or U.R.D. The information was very valuable to this group because they are involved in developing or expanding Indian education curricula within the various school districts. Thirty-three was the peak attendance number at the workshop.

The Upper Skagit Tribe and the Swinomish tribal community jointly sponsored a workshop on September 27, 28 and 29 at the Swinomish Tribal Center in LaConnor. The

workshop was very well received by the participants from both tribes. The joint workshop was suggested because of the small number of participants which Upper Skagit could guarantee would attend. Peak attendance at the workshop was 34 people and they offered some of the best dialogue and questions which we have experienced at any workshop previously. Many of the older people in attendance felt that the Institute should spend additional time talking to older members of the tribal community to learn more facts and attitudes that many people of this community hold about the Indian Reorganization Act. To the Swinomish at any rate, the I.R.A., for the most part, has been very beneficial over the years. The people making these comments have firsthand recollection of meetings with Commissioner John Collins and Messrs. Wheeler and Howard. The basic workshop format was utilized, featuring Sovereignty and Indians and the U. S. Government on the first day, Treaty Rights and the Indian Reorganization Act on the second day and Jurisdiction and the Tribal Constitution of both tribes on the third day.

The total number of participants for the month, based on peak attendance at each of the four workshops, was 123. When added to the previous totals it is approximately 215 to date. Based on the seven workshops conducted, this places us at just over 30 participants per workshop, which is above the originally anticipated average, which was 25 participants.

G. Geneva Conference

On September 20-23 at the Palais Des Nations, the United Nations Headquarters in Geneva, Switzerland, a conference, The International NGO

Conference on Discrimination Against Indigenous Populations - 1977 - in the Americas, was held. The conference was sponsored by the Special Committee on International Non-Governmental Organizations (NGO) on Human Rights, which has consultative status with the United Nations. This human rights committee gave special responsibility for organization of the conference to its subcommittee on racism, racial discrimination, apartheid and decolonization. The conference focused on the issues of Indian sovereignty, self-determination, and genocide. Tim Coulter, Executive Director of the Institute for the Development of Indian Law, worked closely with Mr. Niall MacDermot in developing the working papers on law and the legal report which the conference adopted.

Kirke Kickingbird served as expert consultant on Indian affairs to the United States Delegation which attended the conference. Ms. Gloria Gaston-Shapiro, an officer of the United States Mission in Geneva, was designated as delegate to the conference and was responsible for the participation of the United States Delegation.

Since one of the topics to be discussed was sovereignty, the Institute for the Development of Indian Law made available copies of the text "Indian Sovereignty" which was developed as part of the Indian Legal Curriculum and Training Project. The following items are attached concerning the conference: Letter from George A. Dalley, State Department; Telegram from Secretary Vance, State Department, to U.S. Mission in Geneva; and American Indian Journal, September, 1977, Vol. 3, No. 9.

II. PROBLEMS

The only problem we have had is in scheduling workshops with the tribes with whom we have been working. Other involvements are taking a

lot of time. The tribes do want to continue the workshops so we are now trying to arrange some solutions to the scheduling problem.

III. PLANS

A. The five motivational films will be made in mid-November. All five will be filmed in Washington D. C. by Cinnamon Productions, Inc., of New York City. The scripts need a small amount of revision and will be submitted with the next monthly progress report. Since we have not received firm commitments from all of the proposed speakers we will wait until next month's report to submit their names.

B. Workshops:

Cheyenne and Arapaho	- October 11-13	-Indians & the U.S. Government Jurisdiction
Salt River Pima-Maricopa	- October 21-22	-Indians & the U.S. Government Proposal Writing
Cheyenne & Arapaho	- October 26-28	-Indian Treaties
Shoalwater Bay	- October 4,5 & 6	- STOWW Comprehensive Agenda
Cowlitz	- October 8	" " "
Siletz	- October 9	" " "
Quileute and Hoh	- October 11-13	" " "
Port Gamble	- October 25-27	" " "
Steilacoom	- October 21-22	" " "
Makah	- October 24	" " "

APPENDICES

- Text - "Indian Water Rights"
- Cheyenne and Arapaho Treaty Background Materials (booklets):
 - Early Treaties With the Southern Cheyenne and Arapaho.
 - Treaties of the 1860s With the Southern Cheyenne and Arapaho.
 - The Jerome Agreement With the Southern Cheyenne and Arapaho.
- Oglala Sioux Tribe Workshop Agenda - Indian Jurisdiction, September 13-14, 1977.
- All-Indian Pueblo Council - Water Rights Workshop Agenda - September 27-28, 1977.
- Letter of Request for Training from Governor Garcia, Eight Northern Indian Pueblos Council.
- Materials related to Geneva Conference:
 - Letter from G. A. Dalley, State Department.
 - Telegram from Secretary Vance, State Department, to U.S. Mission in Geneva.
 - American Indian Journal, September, 1977, Vol. 3, No. 9.

Description of Curriculum

JURISDICTION WORKSHOP

Oglala Sioux

September 13-14, 1977

Tuesday, September 13

Introduction and Program Explanation (30 minutes)

A brief explanation of what the Institute is and what the workshop is all about. An explanation of what will be discussed will be given at that time.

What Is Jurisdiction? (30 minutes)

A short lecture on the meaning of jurisdiction, what it means to any government; but especially what it means to Indian governments.

Jurisdiction and the U.S. Constitution (45 minutes)

A lecture which attempts to explain the justification of the United States in exercising jurisdiction over Indian people and territory.

Indian Jurisdiction and Congress (45 minutes)

A discussion of legislation since 1817 that has affected jurisdiction over Indian people and territory. We will look at the practical effect of this legislation on Indian affairs.

Wednesday, September 14

Indian Jurisdiction and the Executive Branch (30 minutes)

The Executive Branch is charged with the duty of carrying out the laws passed by Congress. This lecture will discuss if the Executive Branch is doing a good job or if they have overstepped their authority. The lecture will further discuss what effect this has had on Indian jurisdiction.

Indian Jurisdiction and the U.S. Courts (30 minutes)

The federal courts have upheld Indian jurisdictional powers more than the other two branches of the federal government. Cases will be discussed looking at how they affect Indian jurisdiction.

State Jurisdiction (30 minutes)

The states have always tried to exercise jurisdiction over Indian people and territory but is this legal? Court cases dealing with state jurisdiction and PL 280 will be discussed.

Indian Jurisdiction Today (30 minutes)

This is a discussion of examples of what Indian nations are doing across the U.S. Further discussion of cases supporting Indian jurisdiction and the powers that Indian nations can exercise under U.S. law.

Cheyenne & Arapaho
Jurisdiction Workshop

Tuesday 13
~~Wednesday Sept. 14~~

10:00-10:30

Introductions & Program Explanation

10:30-11:00

What is Jurisdiction?
Lecture,
Group Discussion

11:00-11:15

BREAK

11:15-12:00

Jurisdiction & the U.S. COstitution
Lecture
Group Discussion

12:00-1:00

LUNCH

1:00-1:45

Indian Jurisdiction & Congress
Lecture
Group Discussion

1:45-2:15

Group Exercise
Group Discussion

2:15-2:30

Break

2:30-3:00

Review & evaluation

Wednesday
~~Thursday Sept 15~~

10:00-10:15

Review

10:15-10:45

Indian Jurisdiction & Executive BRanch
Lecture
Group Discussion

10:45-11:15

Indian Jurisdiction & the U.S. COurts
Lecture
Group Discussion

11:15-12:00

Group Exercise
Group Discussion

12:00-1:00

LUNCH

1:00-1:30

State Jurisdiction
Lecture
Group Discussion

1:30-2:00

Indian Jurisdiction Today
Lecture
Group Discussion

2:00-2:30

Review & Evaluation

Institute for the Development of Indian Law
INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

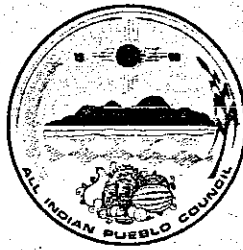
Oglala Sioux Jurisdiction Workshop

September 13 (Tuesday)

10:00	Introduction
10:15	What Is Jurisdiction?
10:45	Historical Background of Indian Jurisdiction
11:15	How the U.S. Justifies Its Jurisdiction Over Indians.
12:00	--- Lunch ---
1:30	Indian Jurisdiction and the U.S. Congress
3:30	Review

September 14 (Wednesday)

10:00	Indian Jurisdiction and the Executive Branch
11:00	Indian Jurisdiction and the Judicial Branch
12:00	--- Lunch ---
1:30	State Jurisdiction
3:00	Indian Jurisdiction Today
3:45	Review



ALL INDIAN PUEBLO COUNCIL, INC.

Office of the Chairman

1015 Indian School Road, N.W.

P.O. Box 6507

Albuquerque, New Mexico 87107

Phone: (505) 247-0486

AGENDA

WATER RIGHTS WORKSHOP

JOINTLY SPONSORED BY:

ALL INDIAN PUEBLO COUNCIL/INSTITUTE FOR DEVELOPMENT OF INDIAN LAW

SEPTEMBER 27 & 28, 1977

IPCC AUDITORIUM

SEPTEMBER 27, 1977

8:30 - 8:35.....	Invocation Introductions
8:35 - 9:40.....	Preliminary.....Program Explanation Expectation Exercises Review of Agenda Needs Assessment Purpose of Evaluation Pass Out Text--Review *Nickeson, Luebben <i>Pre-Test A.</i>
9:40 - 10:00.....	Sovereignty Comprehensive Film *IDIL Representative
10:00 - 10:20.....	General Water.....Hydrology & Measurement Information *Luebben
10:20 - 10:45.....	Nature of Water, Effects on Life and People History of Water Law *Nickeson
10:45 - 11:00.....	Break
11:00 - 11:30.....	Water Law.....Basis in Property Rights *Luebben

Agenda on Water Rights Workshop
 September 27 & 28, 1977
 Page Two

11:30 - 12:00.....	Riparian Rights, Prior Appropriation Rights *Nickeson
12:00 - 1:00.....	Winters Doctrine.....Winters Case, Basic Doctrine and Other Cases *Leubben
1:00 - 2:15.....	Lunch
2:15 - 2:30.....	Arizona v. California *Nickeson
2:30 - 3:15.....	Akins and Eagle River *Nickeson
3:15 - 3:30.....	Break
3:30 - 3:45.....	Federal Reserve Doctrine as Opposed to Indian Reserve Doctrine *Luebben
3:45 - 4:00.....	Federal Contracts *Nickeson
4:00 - 4:15.....	Interstate Compacts *Nickeson
4:15 - 4:45.....	Administration of.....State Courts & Agencies Water (State Jurisdiction) (State Engineers Office) *Luebben
4:45 - 5:15.....	Federal Courts & Agencies (U.S. Bureau of Reclamation) (State Engineers Office) *Luebben
5:15 - 5:30.....	Review & Evaluation <i>Post - Test A.</i>

SEPTEMBER 28, 1977

8:30 - 8:35.....	Invocation
8:35 - 9:00.....	Preliminary.....Review Review of Agenda IDIL Representative <i>Pre - Test B.</i>

Agenda on Water Rights Workshop
 September 27, 28, 1977
 Page Three

9:00 - 10:00.....	Politics & Economics... of Water	Three Laws of Indian Rights Irrigated Agriculture Rise of Municipal Power Mineral & Energy Development Conflicts of Interest *Nickeson
10:00 - 10:15.....		Break
10:15 - 10:45.....	Affects on Pueblos.....	Pueblo Lands (U.S. vs. Joseph) (U.S. v. Sandoval (Pueblo Lands Act) *Luebben
10:45 - 11:00.....		U.S. v. Guy Exon *Nickeson
11:00 - 12:00.....		Middle Rio Grande Conservancy District San Juan-Chama Diversion *Luebben
12:00 - 1:00.....		U.S. v. Aamodt (History of Case) *Nickeson (Progress of Case) *Luebben
1:00 - 2:00.....		Lunch
2:00 - 2:30.....	Means of Gaining Recognition of Water Rights	Litigation *Luebben
2:30 - 2:45.....		Break
2:45 - 3:15.....		Legislation *Nickeson
3:15 - 3:45.....	Water Codes.....	Tribal Authority v. Secretarial Authority *Nickeson
3:45 - 4:45.....		Points of Model Water Code *Luebben, Nickeson
4:45 - 5:00.....		Review & Evaluation Discussion

*Tom Luebben, Attorney At Law
 *Steve Nickeson, Writer

Post-Test B.

September 28, 1977

Mr. Kirke Kickingbird
Director, Indian Legal
Curriculum & Training Program
Institute for the Development
of Indian Law
Washington, D.C. 20006

Dear Mr. Kickingbird:

During the Water Rights Workshop held in Albuquerque, September 27-28, 1977, I had the privilege of visiting with Rosemarie Cornelius about the Indian Legal Curriculum and Training Program.

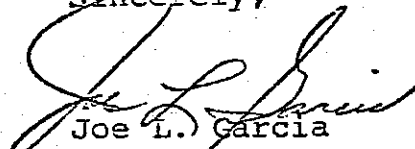
Ms. Cornelius informed me that the training is conducted at the invitation of the Tribe. As the Chairman of the Eight Northern Indian Pueblos Council, I am formally requesting that workshops be conducted for the ENIPC as soon as possible.

It is my understanding that your year ends in mid-November. If your workshop schedule is not filled for this year, we would appreciate the opportunity to host at least one workshop this year. Specifically, we are requesting a workshop on "Tribal Sovereignty." We would also want to be considered for a full series next year.

The workshop would be held at San Juan Pueblo, where all facilities are readily available. The contact person(s) would be the undersigned, or Mr. Bernie Teba, Assistant to the Executive Director of ENIPC. I may be reached at (505) 455-7826, or you may call Mr. Teba at (505) 852-4265.

Thank you in advance for your favorable consideration to our request.

Sincerely,



Joe L. Garcia
Governor

RECEIVED SEP 14 1977



DEPARTMENT OF STATE

Washington, D.C. 20520

September 12, 1977

Mr. K. Kirke Kickingbird
Director, Institute for the
Development of Indian Law
927 15th Street, N.W., Suite 200
Washington, D. C. 20005

Dear Mr. Kickingbird:

I much appreciate your having agreed to serve as an expert consultant on the U.S. guest delegation to the International NGO Conference on Discrimination Against Indigenous Populations in the Americas-1977, which is to meet in Geneva September 20-23. I understand that your official travel order has already been sent to you. I would appreciate your informing us of your travel plans so that we may notify our Geneva Mission about your arrival date.

Ms. Gloria Gaston-Shapiro, an officer of the United States Mission in Geneva, has been designated as the delegate to the conference. During the conference she will be responsible for the conduct of the participation of the delegation as a guest of the conference, and you may look to her for guidance. When you arrive in Geneva I request that you contact Ms. Gaston-Shapiro at the U.S. Mission. The Mission address is 80 rue de Lausanne, and the local telephone number is 32-70-20.

My very best wishes for a rewarding and successful conference.

Sincerely,

A handwritten signature in cursive script, reading "George A. Dalley".

George A. Dalley
Deputy Assistant Secretary
Bureau of International Organization Affairs

cc: Ms. Gaston-Shapiro
U.S. Mission GENEVA

UNCLASSIFIED
Department of State

OUTGOING
TELEGRAM

BIA

PAGE 01 STATE 215864

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Rec'd. Comr.s. Office

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TAGS: SHUM, OCON

SUBJECT: NGO CONFERENCE ON INDIGENOUS POPULATIONS IN THE
AMERICAS

REF: STATE 211695

PLEASE INFORM DEPT OF NAME OF OFFICER MISSION DESIGNATES
AS U.S. "GUEST" DELEGATE TO NGO CONFERENCE ON INDIGENOUS
POPULATIONS IN THE AMERICAS SEPTEMBER 20-23. PROPOSED
EXPERT, K. KIRKE KICKINGBIRD, WILL BE GIVEN NAME TO
CONTACT AT MISSION AFTER ARRIVAL IN GENEVA. VANCE

UNCLASSIFIED

PROGRESS REPORT

November 10, 1977

Contract No. HEW-105-76-6106

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

Institute for the Development of Indian Law
927 15th Street, N.W., 2nd Floor
(202) 638-2287

Submitted by

K. Kirke Kickingbird
Project Director

Submitted to

Rita Rickets, Contracting Officer
and
Gerry Farrell, Project Officer

Office of Human Development
Department of Health, Education and Welfare

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I. ACTIVITIES FOR CURRENT REPORTING MONTH, OCTOBER 1977

A. CURRICULUM DEVELOPMENT

1. Five Motivational Films

Under contract with Cinnamon Productions of New York, five motivational were shot on location in Washington, D. C., October 17 and 18. The five 5 1/2 minute 16mm color film are to be used at the beginning of the workshops on the following topics:

- Indian Sovereignty (Kickingbird, Speaker)
- Indian Treaties (Oren Lyons, Speaker)
- Indian Jurisdiction (Mario Gonzales, Speaker)
- Federal-Indian Trust Relationship (Lance Lujan, Speaker)
- Indians and the U.S. Government (Ernie Stevens, Speaker)

Copies of the scripts used in the films are attached to this report.

The films have been cut and previewed by the project director, Kirke Kickingbird, who was pleased with the results. Stills are being inserted now and a final prototype will be ready by the first week in December. The remainder of the work on the contract will entail making film and video tape copies.

2. Film Strips

Film strips have been completed for the topics of Sovereignty, Treaties and Indians and the U.S. Government.

C. WORKSHOPS

The following seven workshops were conducted during the month of October:

1. Cheyenne-Arapaho, Weatherford, Oklahoma--October 11-13, 1977

This workshop combined the topic of "Indians and the U.S. Government" delivered on the first day, and "Indian Jurisdiction." See attached agenda. Approximately 24 participants attended the three-day workshop, including two traditional Cheyenne chiefs and staff from the tribal government office. The ages of participants ranged from late teens to early sixties. Lawrence Hart, Doug Basinger, Charles Chibitty and Kevin Gover were trainers. Kevin worked with the American Indian Policy Review Commission and studied the special jurisdictional problems of Oklahoma. Doug Basinger is a legislative specialist and managing editor of the Institute's American Indian Journal.

2. Salt River Pima-Maricopa, Scottsdale, Arizona--October 21-22, 1977

A workshop on Indians and the U.S. Government was conducted for two days in the Library of the Salt River Pima-Maricopa Reservation. Twelve people attended. The workshop included a section on proposal writing and program planning which was specially requested by Salt River at an earlier workshop. See attached agenda.

that the program is going extremely well. See attached letters from Rudy Ryser, and Joe DelaCruz. Although there are no remaining funds for the program in the Institute's budget, both the American Friends Service Committee and STOWW will continue to support at least another four workshops. It is anticipated that by the last workshop to be conducted by the end of November, some 400 people will have participated in 14 workshops serving 16 tribes.

The workshops and materials are beginning to receive positive attention in Indian communities throughout the country. Attached to this report are recent letters of appreciation from people who have participated in this year's program. Also included are 10 new requests for the program.

II. PROBLEMS

A. WORK SCHEDULE NEEDS TO BE ALTERED

Throughout the program we have been plagued by timing problems. Some of these have been caused by the inability of participating tribes to schedule the workshops conveniently. Others have been caused by the fact that massive training efforts coincide with curriculum development. Still others have resulted from administrative delays caused by H.E.W. By the end of October, 33 workshops were conducted. Three

Example III

Indian Sovereignty

Indians and the U.S. Government

Indian Jurisdiction & Trust
Relationship

Example IV

Indian Sovereignty

Indian Treaties

Indian Jurisdiction

Almost all of the tribal groups with whom we are dealing (Comanche, Santa Ana Pueblo, Acoma Pueblo, Salt River, Oglala Sioux, and Cheyenne-Arapaho) fall into Examples I, II AND III. Example IV typifies the workshops conducted in the Pacific Northwest.

To accommodate the scheduling abilities of the participating Indian governments, we need a minimum of another month-and-a-half to complete the workshop series for the purpose of our evaluations. Since November and December are heavy holiday months (and election months for the Pueblos), we feel that we need a no-cost contract extension for the purpose of conducting the final workshops in January. Evaluation of these workshops and the completion of the final report will consequently take place in February.

The second reason causing delays in the program is the simultaneous materials development with the training. Initially we were under the impression that we could not hire additional staff because the RFP had stated a program for "four man years." Even with the use of consultants who were mostly outside of D. C., it became difficult to complete the materials while

Subcontract approval by H.E.W. in July.

Film planning and script development in August.

Filming, editing and reproduction in September.

Since contracting was not secured until September 16, the project was thrown off--new narrators had to be found, new arrangements to be made,-- and filming did not take place until October 17-18. The films will not be completed until the first week in December.

The delays in the film production threw other curriculum development efforts off as well. Now we are expecting that almost everything will be completed by the first week in December. Since the project did not really gear up until the same time last year, we feel that it is reasonable to extend the contract to March 21, 1978. This would mean that approximately 40 workshops directly affecting close to 1,000 people, and the development of numerous effective, self-instructional training materials which can be used over and over again, will have been accomplished within an 18-month period.

We will shortly submit a request to our Program and Contract Officers for no cost time extension until March 21, 1978. We feel that this extension is needed to complete the work set forth in the contract. But to do so without additional funds will also require the extension of time. We have set the following priorities:

1. Complete all slide shows, films, texts and study guides by December 21, 1977.

APPENDICES

- Scripts for Motivational Films:
 - Indian Sovereignty
 - Indians and the U.S. Government
 - Indian Jurisdiction
 - Indian Treaties
 - The Federal-Indian Trust Relationship
- Cheyenne and Arapaho Workshop Agenda - Indians and the U.S. Government/Jurisdiction, October 11-13, 1977.
- Salt River Pima-Maricopa Agenda - Indians and the U.S. Government and Proposal Writing, October 21-22, 1977.
- Cheyenne and Arapaho Workshop Agenda - Indian Treaties, October 26-28, 1977.
- Letter from Rudy Ryser, Executive Director, Small Tribes Organization of Western Washington (STOWW).
- Letter from Joe DelaCruz, President, National Tribal Chairmen's Association, and Chairman, Quinault Tribe.
- Letters of Appreciation.
- Letters Requesting Training.

INDIAN JURISDICTION

VIDEO

PHOTOS, DRAWINGS, STILLS
CROW DOG TRIBAL COUNCILS

COURTS

CROW DOG

NARRATOR ON CAMERA AT
SUPREME COURT BUILDING

POINTS TO SUPREME COURT

AUDIO

In 1883, Crow Dog, a Sioux killed another Indian on Sioux territory. He was judged guilty by the Sioux Tribal Council according to Sioux law, which made him pay reparations. But the federal courts of the Dakota Territory also tried him and then sentenced him to death. Crow Dog took his case to the United States Supreme Court which decided that the Dakota Federal Court had no jurisdiction or power to try an Indian for a crime committed on Indian territory.

Who do you think had the right to try Crow Dog? The Indian Council? The Dakota Court? The Supreme Court?

This case goes right to the heart of what we call jurisdiction. And it's something you better find out about if you want the power to control your own lives.

That's the Supreme Court Building in Washington, D.C. It's big, but it isn't very different from my tribal court back home. I'm standing here because I want to make the point that when I'm talking about "jurisdiction," I'm talking about legal powers. Because jurisdiction is the legal

power to rule or govern people and land. And that power comes from being a sovereign nation -- and Indian Nations are sovereign.

Jurisdiction is the power to make laws; the power to make people obey them; the power to interpret them; and the power to decide who's right or wrong in a dispute over law.

INDIAN TRIBAL COUNCIL
INDIAN COURTS
INDIAN POLICE, ETC.

Now, we Indian people have these powers and do use them. Let me give you an example: We have the right to pass our own law that it's a crime to steal. Then we have the power to use our police to make sure people obey that law. And if our courts decide that one of us is guilty of a crime we have the right to punish him. All these powers belong to us and no outside nation or people has a right to interfere with our use of these powers.

This seems simple enough, but why, then, is there so much confusion and disagreement over jurisdiction?

MAPS OF ENGLAND AND THE
UNITED STATES AND MEXICO

If we look at the United States and England, separated by an ocean, it is easy to see who has jurisdiction, or power to rule over their land and people.

Or look at the United States and Mexico. One border pressing against another. Here, too, it's clear where power is.

MAP OF U.S. WITH MANY
INDIAN NATIONS INSIDE
THE U.S.

But now look at us. We're sovereign nations too, but we're in a mighty strange position. We're located inside another nation. Our borders are inside its territory. We share the rivers and roads that go through our land.

So you see, the question of jurisdiction for us, is not as simple as between the U.S. and England or Mexico. It's much more complicated and remains sometimes very unclear as to who really has jurisdiction over Indian people and land.

Let me give you some more examples: You remember the case of Crow Dog. The Supreme Court said the Dakota court had no right to interfere with the Sioux Tribal Council's decision to punish Crow Dog in its own way.

STILLS OF KAGAMA

However, three years later, Kagama, a Hoopa from a reservation in California, killed a fellow tribesman. He was tried and convicted by a U.S. court. Kagama appealed the ruling saying that only an Indian court had the right to try him. He lost, because Congress had just passed a law giving the United States jurisdiction over certain crimes even if they were committed in Indian territory.

STILLS, WIND RIVER
RESERVATION

Another example: In 1975, an Indian court convicted a non-Indian for operating a bar on the Wind River Reservation without a tribal license. Then the United States Court of Appeals reversed his conviction. Next, the Supreme Court held that the appeals court

was wrong and the Indian court was right. The Supreme Court upheld the idea that Indian Nations are sovereign and have the jurisdiction to determine their own laws in their own territory.

As you can see, this question of jurisdiction is very confusing. The Indian Nations, the United States government and the individual States are all struggling for jurisdiction over Indian people and their land.

But the confusion is the result of more than just the fact that we are nations within a larger nation, or that we gave up some of our rights or jurisdiction in treaties, or that the Congress is passing laws interfering with our powers and rights.

The confusion also results from our own lack of information. Many of us don't know the rights or powers we possess. We must find out about our jurisdictional rights. Because if we don't know what they are and who has jurisdiction over us, other people -- the Federal and State governments will continue to take advantage of us by increasing their jurisdiction or control over us. Right now the struggle for jurisdiction is going on and we can improve our position. We can implement ordinances for land use planning, for resources and for regulation of our own laws. We can develop our own police forces and we can put support behind our own court systems.

COURTS: INDIAN, STATES,
FEDERAL

NARRATOR ON CAMERA

Recently a number of court decisions have been in our favor and that's because Indian people have been working to find out about their rights.

We have to find out more about our jurisdiction for our own survival and in order to keep control over our lives, our lands and our futures.

INDIAN SOVEREIGNTY

VIDEO

K. KICKINGBIRD WEARING
CROWN O.C.

PUTS HAND THROUGH CENTER
OF CROWN

STILLS: CAVEMEN

MASIAS

MAYANS AND AZTECS

HEBREWS

IRISH

AUDIO

I'm wearing this crown, but it doesn't make me a king or sovereign. Kings used to wear them like chieftains wore headdresses. It didn't make them leaders, but it was a symbol of their power to rule nations, governments, tribes and people. That power is called sovereign power and it's hard to define. It's like the center of this crown, you can't see it, but it's there. It's the power that comes from the strength of a group of people who live together and are bound by common interests.

Sovereign power didn't start with kings or emperors. They just gave it a name. It started long before them.

Cavemen banded together in groups for protection. The power they had from being together stopped other groups from ruling them. African tribes like the Masais lived together to hunt and farm. The Mayan and Aztec Empires, the Hebrews "way down in Egypt land", the Vietnamese, and the Irish ruled by the British Empire - all these remain distinct and separate people like our own. They too possess sovereign powers.

KIRKE ON CAMERA

C.S. DIFFERENT KINDS
OF PEOPLE, RACES, AGES, ETC.

So you can see that sovereign power had nothing to do with how big a nation or group was or is, or how many people live in it. It has to do with the common interests of people and their culture. All the things that bind them together.

KIRK ON CAMERA

So, over the years, sovereign power has come to mean the WILL OF THE PEOPLE AS A GROUP to govern themselves and make their own laws. And no outside group has the right to rule them.

EARLY SETTLERS

Now this is very important to Indian people. When the early founders of the United States got here to set up their own sovereign governments, they found that other people living here had already beat them to it. Long before any white man came to this continent, there were over 600 different Indian societies living here- like the Iroquois, the Sioux, the Pueblos and the Kiowas. These societies or tribes shared common interests. They were separate nations. Our ancestors were sovereign people. They governed themselves and that power came from the length of time they had lived on their land. WE were here first.

STILLS: INDIAN SOCIETIES:
IROQUOIS, KIWAS, PUEBLOS,
SIOUX.

KIRKE O.C.

So, when we talk about sovereignty we mean the power that comes from a group of people who have banded together to form a nation and govern themselves.

All other political powers that people have, come from that supreme power. Sovereignty cannot be separated from the people who gave birth to that nation.

Mike Myers, a Seneca, defines sovereignty as the right of the Indian people to "freely define the ways in which to use land, resources and manpower for their common good." "Above all," he says, "sovereignty is the right of people to exist without external exploitation or interference."

KIRKE HOLDS UP CROWN OC

Lets take a look at the crown again. It's just a symbol of the power I've been talking about. We don't use crowns or headdresses every day. But we use sovereign power all the time. And that power is as strong as it ever was. Its like the wind. It can't be seen or touched, but when its blowing hard, you sure can feel it. And like the wind, it has power to make things move. YOU have that power. And you have to use it. That's what its all about.

Now, What does sovereignty mean to you in every day terms? It means:

You have the power to make your own laws and

You have the power to make people obey them.

You have the power to use your land the way you want to.

You have the power to determine membership in your nation.

You have the power to regulate buying and selling within your borders among your own people and between your people and other groups. And there's much, much more.

CHIPPEWAS
BRYAN VS. ITASCA

Now in case you think that Indians are the only people that recognize your power, you're wrong. For example, when the state of Minnesota tried to tax the Chippewa Nation living on their own land, the Supreme Court said NO. It said, "Indian tribes are distinct, independent, political communities possessing and exercising powers of self-government derived solely from their original sovereignty." That's pretty strong stuff, isn't it? And it does relate to you.

Q'NALTS, BEACHES,
HIGHWAYS, LOGGING

KIRKE O.C.

For example, in 1969, the Q'nalts Tribe in Washington began to regulate tribal land use by closing 28 miles of their tribal beaches. They are taking action to control logging and state highway construction on their territory. So, Indian Nations are using their sovereign powers to stand up for their rights and to win. So can you.

KIRKE O.C.

In fact, you've got to do it if you want to live better and to survive as a people. But first you must know that your real sovereign power comes from being together as a people.¹ Second, you've got to learn about the powers you have. And finally, you've got to use them.

INDIAN TREATIES

VIDEO

OREN LYONS IN ARCHIVES
PULLS OUT TREATY. ZOOM
ON "SIGNATURE"

AUDIO

These scratches don't look like much, but they are the marks of Iroquois Chiefs and leaders in an agreement with the United States.

These scratches made many years ago are just as good as a signature, and because of them the members of the Iroquois Confederacy today are claiming thousands of acres of ancestral hunting and fishing lands that have always belonged to them.

PULL BACK TO REVEAL OREN
AND ROOM

I'm in the treaty room of the National Archives in Washington, D.C. And in these cabinets are all the treaties the United States ever made with any nation in the world. You can see that the United States takes treaties pretty seriously.

CUT TO TREATIES

Here's the Treaty of Ghent ending the War of 1812 signed by King George the Third of England. And this is the Treaty of ~~which~~ ~~which~~. And along this wall are hundreds of treaties signed between Indian nations and the United States. So if you think that our treaties are nothing more than old pieces of paper with funny scratches on them, you're wrong.

OREN LYONS ON CAMERA

And just what are treaties? Well, treaties are: legal, binding agreements between two or more sovereign nations -- and Indian Nations are sovereign. Treaties are the supreme law of the land and the foundation of Indian Law. They are International Law, and every country of the world must recognize their importance and must obey them... whether or not they want to.

Most treaties deal with peace, friendship, boundaries and trade. And as I said before, they are agreements that must be obeyed. Now I'm sure many of you don't believe this "obeyed" bit, but first let me tell you something about how Indian treaties with the United States came about.

EARLY UNITED STATES MAPS
EARLY INDIAN NATIONS

When the United States was founded 200 years ago, it was a weak little nation occupied by the English, French, Spanish and us. Indians were the strongest people in America. We had big armies, we had organized tribal systems and we were economically strong. The United States needed us as allies against the European powers.

OREN ON CAMERA

Now you probably think our treaties were the result of our weakness. No! We negotiated from strength. It was the United States that was young and weak and needed assurances of peace and support from the Indian Nations.

So the United States entered into treaties with the Indian Nations. Both sides gave up certain rights and in return, got certain rights. As in any agreement, there was an exchange.

But over the years as the United States got stronger, some of our treaties got weaker. So a lot of bad things for us came out of the treaties. Though there are some good things too. We retained land for our own use, and that's important. For you see, no matter how far back these treaties were made, they are still legal, binding agreements; still the law of the land, and we can make them work for us NOW. But we have to know what we got and what we didn't get. For example, the Boldt Decision, based on a treaty made in 1885, still keeps hunting and fishing rights for many Indian tribes of the Pacific Northwest. The Western Shoshones are seeking 20 million acres of land in Nevada under the Treaty of Ruby Valley.

INDIAN FISHING

WESTERN SHOSHONES

PASSAMAQUODDY AND PENOBSCOTT INDIANS

And the claims of the Passamaquoddy and Penobscott are already legendary.

There are many more examples of treaties that protect our rights. So it's important for us to know what those treaties are all about.

OREN LYONS ON CAMERA

Since treaties are the foundation of Indian Law, and because there are so many disputes going on about them, the courts have made some rules about interpreting them. Whenever there is doubt about the meaning of some part of the treaty, the courts are supposed to rule in our favor. Because when the treaties were made, our ancestors didn't read or understand English.

But what is important to remember is that treaties granted certain rights to non-Indians, AND reserved for Indians -- lands and rights. Treaties with the United States didn't give us land. Nobody gave us anything. It was ours to begin with. And much of it still is.

So our treaties were simply the granting of certain rights from us to them.

"Interpretation" of the treaties then, is very important to us and we've got to know more about them. This can be real power for us: the knowledge of what we still have and what we can do about it.

Treaties can be the basis for strong negotiation. This is going on right now.

WAMPANOAGS,
NARRAGANSETT NATION,
PUYALLUP TRIBE

Pursiing their treaty rights are: the Wampanoags,
the Narrangansetts, the Puyallups, the Catawbass,
my own Iroquois confederacy and many others.

OREN HOLDS UP TREATY

One final point. Take another look at this treaty.
It's stored here in the National Archives and what
it stands for is alive.

Treaties stand for your powers and your rights,
your nation and your land. They affect you, your
children and your children's children. What you
have now and what you'll have in the future.

INDIANS AND THE UNITED STATES GOVERNMENT

VIDEO

ERNIE STEVENS
IN FRONT OF CAPITOL

AUDIO

I'm Ernie Stevens. I've served as staff director of the American Indian Policy Review Commission and the Senate Select Committee on Indian Affairs. I've worked in Washington for eight years in the executive branch and in the legislative branch. I know Washington as well as anyone, which means that if I don't know something, I know where to find out about it. Over the years many Indian people have come to me for advice ~~from all over the country.~~

They've come looking for help to build their schools, for health services for their people, for aid to their communities. They've come to improve their lives, to find ways to educate their children, to protect their land and to insure their rights. I've tried to help them as much as I can, and if I can't help them, I try to find out who can. Washington is a big confusing town. People who come looking for help from the government of the United States better know where to find it.

And you know, there are places to find help. Quite a few, in fact. To begin with, there are three branches of the United States government and hundreds of agencies and departments that spring from these branches.

POINTS TO WHITE HOUSE
C.S. WHITE HOUSE
CAPITOL BUILDING

Over there's the White House. That represents the Executive Branch or the presidency. And that's Congress, the law making branch of the government. This is the Supreme Court, the symbol of the judicial branch - the one that interprets and enforces those laws and acts.

FAST CUT STILLS OF
BUILDINGS AND AGENCIES

And here are the agencies and departments set up by these branches. They house the enormous power of the three branches. These agencies can provide assistance to you.

ERNIE STEVENS O.C.

Okay. You probably want to know what all this has to do with you. A lot. Because Indians more than any other group within the United States are affected and dominated by executive orders, laws, regulations and decisions made by these three branches and carried out by these agencies. In fact, over 4,000 laws and statutes directly affecting Indians have already been enacted by Congress. So you have to know more about this government that affects your lives so deeply, and often so destructively.

CONTEMPORARY TRIBAL COUNCIL
COURTS
FISHING INDUSTRIES

You need to know because Indian governments have a special relationship with the United States based on treaties and on those special laws. And because the three branches of the United States government have weakened the power of Indian governments.

NEW INDIAN SCHOOLS
HEALTH CARE FACILITIES, ETC.

You need to know because the United States provides Indian people and governments with financial assistance. And finally, you need to know the workings

of the United States government, its branches and agencies so you can prevent their destructive interference in your lives.

ERNIE STEVENS O.C.

In a way it's like having a watchdog around to protect you. He does protect but you better never forget that he's big and he can bite!

Let me give you examples of how knowing the United States government works out.

HAVASUPAIS AND LAND

The Havasupais were fighting for the return of their grazing lands at the rim of the Grand Canyon. Land that the Sierra Club didn't want them to have. While the Sierra Club was having lunch, the Havasupais sped the bill through Congress. They regained their land by knowing how to make Washington work for them.

MENOMINEES

Another example. When the United States terminated the Menominee Tribe in 1960, their survival as Indian people was at stake. By lobbying, pressuring Congress and by using their knowledge of the United States government, they reversed the termination decision. It took a lot of work, but they did it!

TAOS PUEBLO AND
SACRED BLUE LAKE

And the Taos Pueblo and their sacred Blue Lake. For over 61 years they fought for its return -- and got it.

NAVAJO COLLEGE

And the Navajos. They wanted funds for a Navajo College -- and they got them.

C.S. MANY DIFFERENT
INDIAN FACES

These separate nations had some things in common to get what they needed.

First, they had the need. They needed things for their people's health or welfare that required action from the United States. Then they had the will to see it through. And that isn't easy because this United States bureaucracy, this maze of departments is tough even for us. Washington Redskins.

ERNIE STEVENS O.C.

But there's one more thing they had in common -- and that's information. Information. The Havasupais, the Menominees, the Taos Pueblos, the Navajoes and many other nations have learned about the government they are dealing with. They and their lawyers studied the system and made it work for them. And that's what you're going to have to do.

Something else. Many of you probably think that the only agency you can deal with is the Bureau of Indian Affairs. But today seven executive departments offer programs to you. They include the Department of Interior, The Department of Health, Education and Welfare, the Departments of Justice, Commerce, Labor, Housing and Urban Development and Agriculture. Many agencies spring from those departments like: the Office of Economic Development, The Office of Education, The Indian Health Service and many, many others. In fact, this film is being sponsored by a grant from the Administration for Native Americans.

These agencies are set up to deal with your need for health services, for teachers, for schools, special programs and for land preservation. But you have to know the right ones.

What I'm saying is that the United States government is big and has lots of agencies to help you and is obligated to work for you and your betterment.

You can learn about the United States government to make the things that you want happen, and to prevent the things that you don't want from happening.

Information is power.

UNITED STATES - INDIAN TRUST RELATIONSHIP

VIDEO

LANCE LUJAN O.C.

DISS TO TREES
BEING RIPPED UP

AUDIO

Its been told that once a treaty negotiator from the Great White Father met with a great chief to take over thousands of acres of Indian lands. The negotiator said to the chief, "sign this treaty. I know what's right for your people. I've been around a long time. The winds of 55 years have silvered my hair." The chief replied, "I too have been around for a long time. The winds of 55 winters have also silvered my hair but they haven't blown my brains away."

That's one story about trust relationships. Here's another. These sacred Pinyon trees are on Shoshone Treaty land. The Shoshones say that the United States government has a trust responsibility to protect that land. But a government agency is tearing the trees down to benefit cattle ranchers.

LANCE LUJAN O.C.

So what does the trust relationship mean? It's a confusing term which keeps changing with each new court decision. It has never been defined, but, basically it means that, legally and morally, the United States is supposed to protect Indian Nations, their property and their people. It also means that the United States government holds our land for us for our benefit, manages our property and provides funds and services.

JUDGE MARSHALL

Some say this "trust relationship" began in 1831 when in a Supreme Court case between the Cherokees and the State of Georgia, Chief Justice Marshall decided that the Indians were "domestic, dependent Nations," and needed protection. He said that the weakness of the Indians came from their bad deals with the United States in the past. Thus, the United States was obliged to protect the Indians.

LANCE LUJAN O.C.

Even though such a relationship - between a stronger and weaker party - is not an equal one and makes us more dependent, it isn't all bad....or is it? Well, that depends upon how trustworthy the United States has been. In most cases, not very, because the United States has been looking out for their interest ~~and~~ not ~~for~~ ours.

YAKIMA NATION
AHTANUM CREEK

Case in point: The Yakima Nation in Washington has always had water rights to the Ahtanum Creek. But in 1908, under pressure from the United States Bureau of Reclamation and non-Indian interest, the Secretary of the Interior decided to give 75% of the water to non-Indians. It took 54 years before the Yakimas got back their full water rights.

1887 INDIANS

Another failure in the "trust relationship": the United States government is supposed to insure the self government of Indian Nations, but instead it interfered with it. In 1887 Congress passed the General Allotment Act which gave tribal land to Individual members, ^{land which} ~~as~~ should have been maintained in trust for the whole tribe. So this tactic not only destroyed the land base but also tribal unity. "Trust" was used to divide and conquer.

LANCE LUJAN O.C.

So that's how the trust relationship has often worked out for us. In return for some funds and services we have often lost control over our own lives. But must it always be this way? The answer is NO. If we are going to change things for the better, we must understand and participate in the "trust relationship". The United States is supposed to support our culture and institutions and we must make them do it.

Although some have compared this to a parent-child relationship, that's ridiculous. We have never been "childish"!

EARLY IROQUOIS, ETC.

We are a strong sovereign people with rights and powers that go back a long, long time. We had government long before the white man came. Our traditions are older than theirs!

LANCE LUJAN O.C.

So we must make it clear to the United States that we want a trust that we can trust. And we must protect what belongs to us and use our sovereign powers to help ourselves. Now, how can we do this? We can demand that the Federal Government:

1. Make direct grants to the Indian governments;
2. Provides technicians such as lawyers and conservationists to ^{assist} ~~help~~ Indian governments;
3. Recognize the rights and powers of the Indian governments;
4. Stop wasting tax dollars on an inefficient bureaucracy;
5. Stop playing off one Indian group against another.

In addition, let's look into other forms of "trust relationships" that exist in the world, like

"commonwealth" and "Protectorate" status, *for we can learn from other examples.*

SAN MARINO AND
ITALY

Take San Marino, one of the world's smallest countries, a protectorate of Italy. Italy handles San Marino's international affairs and provides financial assistance to the tiny country. A relationship like this might give us greater control over our domestic affairs.

LANCE LUJAN O.C.

But regardless of which road we take, the important thing that must be remembered is this: our trust relationship with the United States can be improved and can be changed. Let's use our powers and our rights to make it work for us.

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW
Indian Legal Curriculum & Training Program

CHEYENNE AND ARAPAHO WORKSHOP

Indians and the U.S. Government

TRAINERS' AGENDA

Concho, Oklahoma

October 11, 1977

Tuesday, Oct. 11

9:00-10:00 AM

INTRODUCTION AND PROGRAM EXPLANATION:

- Introduction
- Program explanation
- Expectation exercise
- Review of Agenda
- Purpose of Evaluation
- Pass out text, review
(Idil reps., Hart, Chibitty)

10:00-10:30 AM

THE STRUCTURE OF THE U.S. GOVERNMENT

Filmstrip 15 minutes

- Why study the U.S. Government - frames 1-12
- U.S. Constitution - frames 13-15
- Three branches of the U.S. Gov. - frames 16-27

Review and discussion 15 minutes
(Lawrence Hart)

10:30-10:45 AM

BREAK

10:45-11:45 AM

THE LEGISLATIVE BRANCH

Filmstrip 20 minutes

- The legislative process - frames 1-19
- The committee system - frames 20-36
- The appropriation process - frames 37-38

Review and discussion 30 minutes
(Doug Basinger)

11:45-1:00 PM

LUNCH

1:00-2:15 PM

INDIAN LEGISLATORS EXERCISE

(Doug Basinger)

2:15-3:15 PM

THE EXECUTIVE BRANCH

Filmstrip 25 minutes

- Administrative agencies - frames 9-15
- Historical background and services to
Indians - frames 15-31
- Health, Education, and Welfare - frame 32-
- Indian Education Health Service Bill
- The B.I.A. - frames 42-51

(Over)

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Indian Legal Curriculum & Training Program

SALT RIVER INDIAN COMMUNITY

INDIANS AND THE U.S. GOVERNMENT

Participants' Agenda

Salt River Community

October 20 & 21, 1977

Thursday, October 20

8:30-10:00 AM

Introduction:

- Program Explanation
- Group Expectations

10:00-10:30 AM

Structure of the U.S. Government
--Filmstrip

10:30-10:45 AM

--BREAK--

10:45-11:45 AM

The Legislative Branch
--Filmstrip and Discussion

11:45-1:00 PM

--LUNCH--

1:00-2:30 PM

Indian Legislators
--Group Exercise

2:30-2:45 PM

--BREAK--

2:45-3:45 PM

The Executive Branch
--Filmstrip and Discussion

3:45-4:00 PM

Review and Discussion

Friday, October 21

8:30-9:00 AM

Review

9:00-10:30 AM

Guide to Proposal Writing
--Lecture and Discussion

10:30-10:45 AM

--BREAK--

10:45-12:00 Noon

Proposal Exercise

10:00-1:00 PM

--LUNCH--

1:00-2:00 PM

The Judicial Branch
--Filmstrip and Discussion

2:00-3:00 PM

Review and Evaluation

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Workshop on Cheyenne and Arapaho Treaty Rights

AGENDA

Weatherford, Oklahoma

October 26-28, 1977

Wednesday, October 26, 1977

7:00 - 7:30 PM

INTRODUCTION

- Program Explanation
- Staff Introductions
- Group Expectations
- Review Agenda
- Explain Purpose of Evaluation
- Pre-Test
- Pass out Treaty Texts
- Pass out Practice Quiz Sheets
(Charles Chibitty)

7:30 - 8:00 PM

TREATIES: "Who, What and Why"

- Slideshow (11 min, 45 sec.)
- Discussion
(Charles Chibitty)

8:00 - 8:30 PM

HISTORICAL BACKGROUND of Cheyenne & Arapaho

- Lecture
(Lawrence Hart)

8:30 - 8:45 PM

---BREAK---

8:45 - 9:15 PM

Continue HISTORICAL BACKGROUND
(Lawrence Hart)

9:15 - 9:45 PM

Pass out Booklet on Early Treaties
EARLY TREATIES OF THE SOUTHERN CHEYENNE
AND ARAPAHO

- Lecture
(Ray DeMallie)

9:45 - 10:00 PM

Review with Transparencies
Pass out Post-Test
Collect Post-Test
Discussion

Thursday, October 27, 1977

7:00 - 7:30 PM

Brief Review of Agenda

- Pass out Pre-Tests
- Collect Pre-Tests
- Pass out Practice Quiz Sheets
(Charles Chibitty)

-----OVER-----

7:30 - 8:15 PM

TREATIES: "Behind the Scenes"
- Slideshow (14 min., 30 sec.)
- Discussion
(Lawrence Hart)

8:15 - 8:30 PM

---BREAK---

8:30 - 9:15 PM

TREATY AT MEDICINE LODGE
- Treaty Interpretation Exercise
(Ray DeMallie)

9:15 - 9:45 PM

Pass out Booklet on Treaties of the 1860s.
TREATIES OF THE 1860s WITH THE SOUTHERN
CHEYENNE AND ARAPAHO
- Lecture
(Ray DeMallie)

9:45 - 10:00 PM

Review with Transparencies
- Pass out Post Tests
- Collect Post Tests
- Discussion

Friday, October 28, 1977

7:00 - 7:30 PM

Brief Review of Agenda
- Pass out Pre-Tests
- Pass out Practice Quiz Sheets
- Collect Pre-Tests
(Charles Chibitty)

7:30 - 8:15 PM

TREATIES: "Treaty Changes and What
Treaties Mean Today"
- Slideshow (14 min., 45 sec.)
- Discussion
(Charles Chibitty)

8:15 - 8:30 PM

---BREAK---

8:30 - 9:30 PM

- Pass out Booklet on Jerome Agreement
THE JEROME AGREEMENT
- Lecture
- Discussion
(Ray DeMallie)

9:30 - 10:00 PM

Review with Transparencies
- Pass out Post-Test
- Collect Post-Test
- Discuss Briefly

10:00 PM Adjourn



RECEIVED OCT 14 1977

SMALL TRIBES ORGANIZATION of WESTERN WASHINGTON

P. O. Box 578/Sumner, Washington 98390/(206) 593-2894

October 11, 1977

Mr. Kirke Kickingbird
Institute for the Development of Indian Law
927 15th St. N.W., Suite 200
Washington, D.C. 20005

Dear Kirke:

In January, 1977 you and I first began talking about the prospects of a joint program effort involving the Institute, the American Friends Service Committee and STOWW. It was the view then and I believe it is the view now, that such a working relationship between two or more organizations which have similar goals can maximize the delivery of programs of benefit to tribal governments and people they represent. Since May we have had a formalized working relationship centering on the implementation of a four month project aimed at delivering tribal government workshops to as many as 23 Indian tribes in the Northwest (principally west of the Cascade mountains).

I think, as we come to the close of this project, that the working relationship has produced the finest example of a joint program. The Institute, by way of this joint arrangement, has been able to maximize the impact of its grant dollars by supporting on-site tribal government workshops through the joint arrangement. STOWW has been able to increase its capacities to assist and serve tribal governments in the Western Washington area and the AFSC has been able to contribute talent and expertise to a project which has direct positive effects at the tribal level. Each organizational entity has contributed funds, staff and facilities aimed at providing the workshops. The letters we have received from those tribal governments which have participated in the workshops reflect a near unanimous support for the continuation of this project.

We have received comments from Tribal Chairmen and Councilmen which suggest that Indian schools in the area should be the focus of continuing work. Agencies of the Federal Government (BIA and HEW) have begun indicating their interest in perhaps contracting for a series of workshops to be aimed at their professional staff. Their suggestion is that workshops be tailored to the particular agency and serve as in-service training for the staff on a continuing basis. Some officials of the State Government have indicated an interest in the workshops and many non-Indian voluntary organizations have indicated an interest in the workshops being presented for them. Clearly, the past four months have had a broad impact on a variety of peoples. It is furthermore clear that more work must be done on a sustained basis for the tribal governments as well as Federal and State agencies and non-Indian voluntary organizations.

As I stated several times during the early part of this year and I would re-state now, this program is of such importance and has such great potential that it cannot merely be set aside because funds have run out for the project year. Plans must be started now so that the program can be continued and expanded so that the various requests might be filled in the course of the next year or two years. I believe the relationship has been fruitful and I believe that the tribes have been the major benefactors of what has been a creative arrangement to maximize talents, skills and funds.

Thank you for your cooperation. I look forward to a growing relationship with the Institute which will allow us all to have a greater positive impact on the quality of information now possessed by many people in the Western Washington area.

Sincerely,



Rudolph C. Ryser
Executive Director

RCR/ss

c.c. George Clark, ANA
Eric Tieger, ANA
Asia Bennett, AFSC
Ken Hansen, Project Coordinator
Sherwin Broadhead
Doug Pennoyer, OPP&D
Kathleen L. Bishop, Board Chairman

3927 Priest Point Drive
Marysville, WA 98270
October 21, 1977

Kirke Kickingbird, Director
Institute for the Development of Indian Law
95 15th St. N.W., Suite 200
Washington, DC 20005

Dear Mr. Kickingbird and Staff:

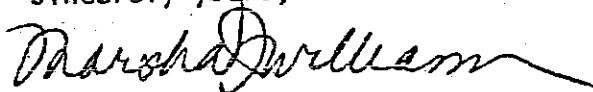
On October 8, 1977, I attended an IDIL Indian sovereignty workshop in Tacoma, Washington. The presentation was made to members of the Cowlitz Indian Tribe by Sherwin Broadhead and Ken Hansen.

All of us there were very much impressed by these men's knowledge of the law and the subject matter. Because the material is so voluminous, they could scarcely scratch its surface in one day. However, they had an answer or could refer us to help on every question. The film strips we saw--which I understand are not yet in final form--were also very good and concise for giving us background information. Finally, I was most pleased to receive the several booklets your office has prepared on sovereignty, treaty rights, jurisdiction. I have barely gotten into them, but find them to be very much to the point. I think they will help all of us who, whether we want this job or not, are called on to educate non-Indians to our position under the law.

I would encourage the continuance of this approach of workshop presentations to tribal and other groups. Being employed in education, I would especially enjoy seeing the workshops given in series for college credit. This would get public school teachers exposed to this important information.

Thanks a lot.

Sincerely yours,



MARSHA J. WILLIAMS
Cowlitz Tribal Councilperson

October 26, 1977

Mr. Ken Hansen
I.D.I.L. Prog. Coord.
S.T.O.W.W.
Sumner, WA 98390

Dear Mr. Hansen:

Many of the staff from the Upper Skagit Tribal Office had the pleasure of attending the I.D.I.L. Workshop at the Swinomish Reservation on September 27-29, 1977.

The informational content and presentation of that information was well planned and provided a truly solid background concerning the legal position of Indian Tribes.

We all benefited as such concise information is rarely available in this area. Our outlook on many issues has been changed enabling us to have a much clearer and more positive attitude about tribal affairs.

The Upper Skagit Tribal Council members were unable to attend the conference due to weekday obligations such as fulltime employment. We would appreciate a future workshop schedule set up on a weekend to allow the Council members to participate.

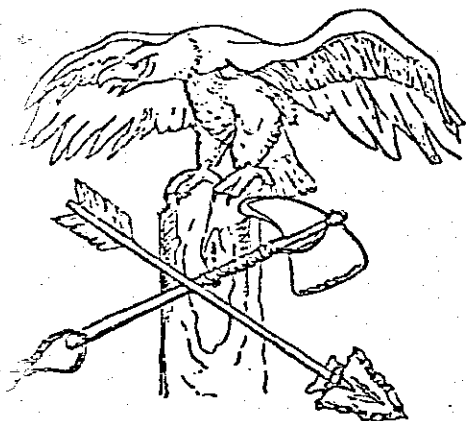
The main criticism we had of the workshop was that the organization and presentation of material suffered towards the end of the program. Perhaps the sovereignty section received more attention in the planning process because it was first.

We thought the multi-media presentation (film, oral and written) of the subject matter was an excellent method as people absorb and retain ideas by different means.

We hope such workshops will be continued and expanded because it can only strengthen all of us.

Sincerely,

Maureen
Maureen Fisher
Business Manager



SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-4797

October 18, 1977

Mr. Kenneth C. Hansen
Program Coordinator
Institute for the Development
of Indian Law
P.O. Box 578
Sumner, WA 98390

Dear Ken:

The Shoalwater Bay Tribal Council would like to take this opportunity to thank your organization for the outstanding workshop you put on for us.

As a small Tribe, it is impossible for us to send the Tribal Council, Tribal Members and staff to meetings which will give them the training in these vital areas of Indian Law. This workshop enabled many of us to acquire knowledge that would not otherwise be available.

It is our hope that more workshops of this type will be offered in the future. Knowledge is, by far, the most powerful weapon we have.

Thank you again.

Warm regards,

Rachel Whitish
Chairwomen

RW:lj



September 30, 1977

Social Development Corporation
Suite 330
100 2nd Ave. S.
Edmonds, WA 98020

Ken Hansen
P.O. Box 578
Sumner, WA 98350

Dear Ken,

Just a note to thank you and IDIL for the excellent workshop you presented at Swinomish. The work that IDIL has done will go far to promote greater understanding of Indian Rights for all Indians. It also provides much needed information to tribal groups to use educating the ignorant general public.

Thank you for the fine workshop and the wealth of information.

Yours truly,

A handwritten signature in cursive script that reads "Raymond Mitchell". The signature is written in dark ink and is positioned above the typed name.

Raymond Mitchell
SDC Project Director

Indian Action Team

ROUTE 1. BOX 24A
AUSTIN, NEVADA 89310
PHONE: 702-954-2463

October 21, 1977

K. Kirke Kickingbird, Director
Indian Legal Curriculum & Training Program
Institute for the Development of Indian Law
927 15th Street, N.W. - Suite 200
Washington, D.C. 20005

Dear Mr. Kickingbird:

The Yomba Reservation is located in extremely rural isolated Central Nevada, surrounded by picturesque brush and tree covered mountaines; access into the Yomba area is through poorly maintained gravel dirt road from three directions.

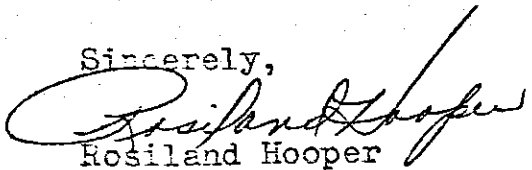
The weather conditions fluxuates constantly and at times becomes very extreme to where traveling becomes a challenge. To receive services available to the suburban population one must travel approximately 112 miles west to Fallon, and 175 miles west of the Reservation to Reno.

Educational opportunities have been lacking and are still scarce in the immediate and surrounding areas. For a person to receive a higher education, technical education, and special education, an individual must compete for financial assistance then; if chosen; be forced to sustain a required grade average. Most persons must relocate to other states, because of Nevada's limited opportunities.

Our Tribe is very interested in learning more about the Indian Legal Curriculum and Training Program; presented by the Institute for the Development of Indian Law.

I am very affirmative that this program would fulfill many needs of our tribe; the needs are many and the desires are great, we would appreciate your deepest consideration in this matter, thank you.

Sincerely,



Rosiland Hooper
Deputy Director

RE/vas
cc: files



CENTRAL COUNCIL
Tlingit and Haida Indians of Alaska
One Sealaska Plaza - Suite 200
Juneau, Alaska 99801
(907) 586-1432 or 586-2204

October 19, 1977

K. Kirke Kickingbird, Director
Indian Legal Curriculum and Training Program
Institute for Development of Indian Law
927 15th Street, N.W. Suite 200
Washington, D.C. 20005

Dear Mr. Kickingbird:

We received your announcement regarding on-site legal training for Native communities.

As was suggested on your announcement, we would be interested in obtaining additional information. For example, at what level will the institute be able to provide training and technical assistance (by region, by state, or by tribe?). Or is this a one year program for a specific number of participants or six separate training sessions throughout the year? These are some of the types of questions which were raised.

May I also comment, that I enjoyed your presentation at the United Indian Planners Association meeting. I felt your comments were timely to Native American concerns.

I look forward to hearing from you.

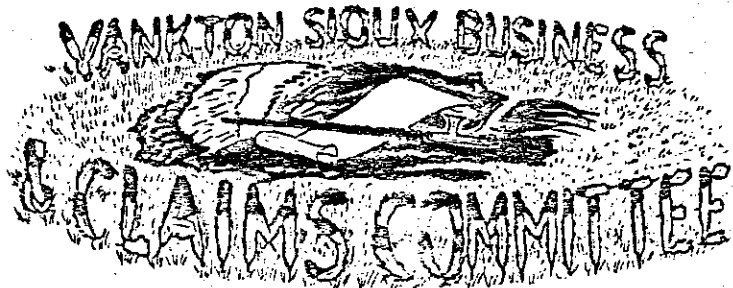
Sincerely,

CENTRAL COUNCIL OF THE TLINGIT
AND HAIDA INDIANS OF ALASKA

Chrystal R. Brand/c.o.

Chrystal R. Brand
Field Operations Manager
DIVISION OF ECONOMIC
AND SOCIAL DEVELOPMENT

CRB: ca



ROUTE 3 · WAGNER, S. DAK. 57380 · PHONE 384-3641

October 19, 1977

Ms. K. Kirke Kickingbird
Director
Indian Legal Curriculum & Training Program
Institute for the Development of Indian Law
927 15th St., N.W. - Suite 200
Washington, D.C. 20005

Dear Ms. Kickingbird:

I am writing concerning the "Indian Legal Curriculum and Training Program," that you are sponsoring. We are interested very much in knowing more about this training program. We trust that it is not too late to inquire on how we may participate in one of these workshops on our Yankton Sioux Reservation. Thank you.

Sincerely,

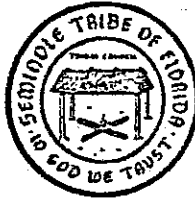
Barbara Drapeau
Secretary for Tribal Chairman

RECEIVED OCT 17 1977

SEMINOLE TRIBE OF FLORIDA

HOWARD E. TOMMIE
Chairman

BILL OSCEOLA
Vice Chairman



DOROTHY S. OSCEOLA
Secretary-Treasurer

6073 STIRLING ROAD
HOLLYWOOD, FLORIDA 33024
583-7112

October 10, 1977

K. Kirke Kickingbird, Director
Indian Legal Curriculum & Training Program
Institute for the Development of Indian Law
927 15th Street, Northwest Suite 200
Washington, D.C. 20005

Dear Mr. Kickingbird:

The Seminole Tribe of Florida would like to apply for your ONAP-funded training program. In addition to Tribal leaders and emerging leaders and administrators, we hope your program will provide the Indian law portion of the formal training of six Tribal para-legals.

I look forward to hearing from you at your earliest convenience.

Very truly yours,

Howard E. Tommie
Chairman

HET/jp
cc



RECEIVED OCT 3 1977

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT TOTTEN AGENCY
FORT TOTTEN, NORTH DAKOTA 58335

IN REPLY REFER TO:
Administration

SEP 26 1977

Mr. Karl Kickingbird
Institute of Development of Indian Law
927 15th St., N. W.
Washington, D. C. 20005

Dear Mr. Kickingbird:

Attached is Devils Lake Sioux Tribal Resolution No. A05-77-106
pertaining to the Institute for the Development of Indian Law.

Sherwin Broadhead and I have discussed your various workshops,
particularly on sovereignty and treaty rights.

The Tribal Chairman, Carl McKay, shares our enthusiasm and has
requested that you be contacted in an attempt to have the workshop
conducted for the Devils Lake Sioux Tribe.

On September 21, 1977, I discussed the request with Ms. Cornelius
of your office. The resolution was passed as a result of our
conversation.

We will appreciate a reply as will the Tribal Council at your
earliest convenience.

The Tribal Chairman, Carl McKay, the Tribal Attorney and I plan to
be in Washington, D. C. on the 12th of October and would be pleased
to visit with you then.

Sincerely yours,

John D. Carson
Superintendent

Attachment.

gc

DEVILS LAKE SIOUX TRIBE
Resolution No. A05-77-106

- WHEREAS, the Devils Lake Sioux Tribe acting under a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and as subsequently amended June 17, 1969, and,
- WHEREAS, the Devils Lake Sioux Tribal Council (hereinafter the Tribal Council) recognizes the need for the governing body and its members to critically review the entire scope of trust resources, trust rights, and the protection thereof; and
- WHEREAS, there are Agencies other than the Bureau of Indian Affairs which may provide technical expertise and assistance to the Tribe in the area of trust resources and rights; and
- WHEREAS, Sherwin Broadhead with the office of Institute for the Development of Indian Law could provide the necessary technical expertise and assistance to the Tribe in the above mentioned area;
- NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby requests that Gordon Cannon, Agency Superintendent, make every effort to contact and conduct a workshop on trust rights and responsibilities with appropriate consultants (i.e. office of Institute for the Development of Indian Law).

C E R T I F I C A T I O N

I, the undersigned, as Secretary-Treasurer of the Devils Lake Sioux Tribal Council hereby certifies that the Tribal Council is composed of six (6) members of whom four (4) were present, constituting a quorum for a meeting which was duly called and convened this 28th day of September, 1977, and approved this resolution by an affirmative vote of two (2) members in favor, none (0) opposing, two (2) absent. (The Secretary-Treasurer has no voting privileges. Chairman votes in case of ties.)

Lillian Mudgett
Lillian Mudgett/Sec. Treasurer
Devils Lake Sioux Tribe

Carl McKay
Carl McKay/Tribal Chairman
Devils Lake Sioux Tribe

SEP 1

September 28, 1977

Mr. Kirke Kickingbird
Director, Indian Legal
Curriculum & Training Program
Institute for the Development
of Indian Law
Washington, D.C. 20006

Dear Mr. Kickingbird:

During the Water Rights Workshop held in Albuquerque, September 27-28, 1977, I had the privilege of visiting with Rosemarie Cornelius about the Indian Legal Curriculum and Training Program.

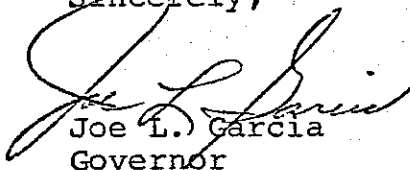
Ms. Cornelius informed me that the training is conducted at the invitation of the Tribe. As the Chairman of the Eight Northern Indian Pueblos Council, I am formally requesting that workshops be conducted for the ENIPC as soon as possible.

It is my understanding that your year ends in mid-November. If your workshop schedule is not filled for this year, we would appreciate the opportunity to host at least one workshop this year. Specifically, we are requesting a workshop on "Tribal Sovereignty." We would also want to be considered for a full series next year.

The workshop would be held at San Juan Pueblo, where all facilities are readily available. The contact person(s) would be the undersigned, or Mr. Bernie Teba, Assistant to the Executive Director of ENIPC. I may be reached at (505) 455-7826, or you may call Mr. Teba at (505) 852-4265.

Thank you in advance for your favorable consideration to our request.

Sincerely,


Joe L. Garcia
Governor



Nebraska Indian

RECEIVED SEP 20 1977

Inter-Tribal Development Corporation

PHONE 402 878 2242

WINNEBAGO, NEBRASKA 68071

September 23, 1977

Mr. K. Kirke Kickingbird, Director
Indian Legal Curriculum & Training Program
Institute for the Development of Indian Law
927 15th Street, N.W. - Suite 200
Washington, D.C. 20005

Dear Mr. Kickingbird:

We would appreciate more information on the "Indian Legal Curriculum and Training Program", and the possibility of holding the Program on one or more of the three Reservations in Nebraska.

Sincerely,

Arthur T. May
Executive Director

ATM/mrt

RECEIVED AUG 29 1977

Flandreau Santee Sioux Tribe

Box 232

Flandreau, South Dakota 57028

August 26th, 1977

K. Kire Kickingbird
Director
Indian Legal Curriculum & Training Program
Institute for the Development of Indian Law
927 15th Street, N.W. - Suite 200
Washington, D.C. 20005

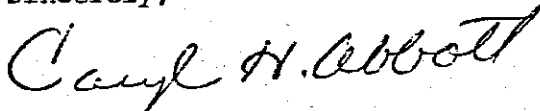
Dear Mr. Kickingbird:

We recently received your flier concerning ' Indian Legal Curriculum and Training Program of the Institute for the Development of Indian Law' and are very interested in the same.

Please send us more information concerning the proposed workshops and how to participate in them.

Thank you.

Sincerely,



Caryl H. Abbott
Attorney for the Tribe



Tribal
Planner

WHITE MOUNTAIN APACHE TRIBE

RECEIVED AUG 19 1977

August 16, 1977

Mr. K. Kirke Kickingbird, Director
Indian Legal Curriculum & Training Program
Institute for Development of Indian Law
927 15th Street, N.W.
Suite 200
Washington, D.C.

Dear Sir:

Please forward additional information about your workshop training program as outlined in your recent brochure entitled "Indian Legal Curriculum and Training Program of the Institute for the Development of Indian Law".

Please send to the address below, attention: Tribal Planner.

Thank you.

Sincerely,

WHITE MOUNTAIN APACHE TRIBE

Ronald R. Booker
Donald R. Booker
Tribal Planner

DRB:fje

May 25, 1977

Mr. Kirke Kickingbird, Director
Tribal Service Program
Institute for the Development of
Indian Law
927 15th Street N.W.
Washington, D.C. 20005

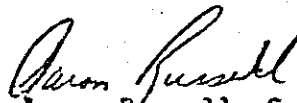
Dear Mr. Kickingbird,

At the National Urban Indian Council Meeting in Syracuse, New York, I had the opportunity to talk to Mr. Mike Meyers after he gave his presentation. We talked about various topics and then he told me about your project, doing research for Indian Tribes, concerning past treaties and historical documents.

I am very much interested in this type of a research for my Tribe, The Yavapai-Apache of Camp Verde, Arizona.

Please send me information on how my Tribe can formally request such a service from your organization. Thank you.

Sincerely,



Aaron Russell, Council Member
Yavapai-Apache Tribe

JURISDICTION :

- I. What is Jurisdiction? If sovereignty is the "right of self government" then jurisdiction is the remedy for self government.
 - a. Power to enforce self-government
 - b. Power to carry out self-government
 - c. In simplest terms the power to protect and regulate the activities of those under jurisdiction.
 1. Power to set procedures for marriage
 2. Power to enforce laws
 3. Power to regulate property ownership
- II. Totality of Jurisdiction in tribes before U.S.
 1. Effect of treaties
- III. What determines boundaries of jurisdiction for Indian Tribes?
 - a. Territorial or extra territorial jurisdiction
 1. Effects of jurisdiction by land base
 2. Effects on jurisdiction by land cession
 - (a). Reservation disestablishment cases
 3. Effect on jurisdiction by allotment of land
 - (a). Sale of allotment
 - b. Jurisdictional Encroachment (subject matter)
 1. General Crimes Act 1817 *except if violate treaties or Ind. Act.*
 2. Assimilated Crimes Act 1825
 3. Seven Major Crimes Act 1885
 4. 1968 Civil Rights Act
 5. P.L. 83-280 and Statutes delegation state jurisdiction
- IV. What authority for Encroachment by U.S.
 - a. Plenary Power Doctrine (Cherokee Cases)
 1. Johnson vs McIntosh (aboriginal land)
 2. Lone wolf vs Hitchcock *US can abrogate treaties all or in part.*
 3. Ex Parte Crowdog 1883 *Williams v. Lee. Fed tax allowed on Ind res.*
- V. Concurrent Jurisdiction and Sovereignty
 - a. Jurisdiction over Non Indians
 - b. Jurisdiction over major crimes
 - c. Jurisdiction when there is a state delegation as 93-280 *Oliphant v. Schlie - Morton v. Belgrade*
- VI. Administrative limitations on jurisdiction
 - a. Mis-use of "trust Responsibility"
 - b. Abuse of Administrative power
 - c. Temporary measures (Pupillage Doctrine)
- VII. Loss of jurisdiction through dis-use (temporary)
 - a. State assumption
- VIII. Creeping jurisdiction
 - a. Accomplished by Federal Programs Admin. by State
 1. Strings attached to funding programs

- b. General Legislation applied to tribes
 - 1. E.P.A. (not disyned for tribes but extended by jurisdiction)
 - 2. Gives states leverage throught Admin. Process

IX. Restore Jurisdiction.

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

STEP BY STEP WORKSHOP CHECKLIST

STEP 1 Preworkshop Planning

- a. Check with Institute staff to confirm workshop dates and site and make travel arrangements and to identify other trainers.
- b. Contact other trainers to discuss agenda and preliminary division of work.
- c. Prepare special materials (if appropriate), and send them to Institute staff for typing and duplication at least 10 days before workshop.
- d. Read the following:
 1. Trainer's Notebook, including text
 2. Supplementary suggested readings.

STEP 2 Arrival at Workshop Site

- a. Arrive at least 24 hours before workshop.
- b. Contact local coordinator and ask about the following:
 1. The location (building) of workshop
 2. Review seating arrangements (see recommended arrangement on page)
 3. Check on audio-visual arrangements
 4. Refreshments and meals.

STEP 3 Preworkshop Planning Session

Get together with other consultants and do the following:

- a. Review agenda sent by Institute.
 1. Refer to form agenda on page
 2. Make final personnel assignments

2. Those needed for specific days
 - (a) Tests
 - (b) Transparencies
 - (c) Texts
 - (d) Exercises
 - (e) Slide shows
3. Place the materials in piles in the order they will be used.
- f. Identify questions to ask the participants to stimulate discussion.

STEP 4 Final Preparation.

No later than one hour before the beginning of the workshop trainers should meet in the room where workshop will be held to:

- a. Set up A/V equipment and locate outlets.
- b. Organize training materials.
- c. Review trainer's agenda and test questions.
- d. Make sure seating arrangement is appropriate.

STEP 5 Conduct Workshop.

Follow the trainer's agenda.

STEP 6 End of Each Workshop Day

- a. Check with local coordinator to see if the arrangements will be the same for the next day.
- b. Get together with other trainers for a self-evaluation session. Discuss the following:
 1. Participants' reactions and comments
 2. Test scores
 3. Critique of teaching techniques

INDIAN LEGAL CURRICULUM AND TRAINING PROGRAM

I Pre-Workshop Planning Checklist

Confirm workshop dates
local coordinator
IDIL

Written follow-ups on tribal contacts
Tribal Council
Business Office
Any other contacts
personal friends
groups

Contact with trainers
agenda
work schedules

Prepare and special materials

II

Material Checklist

Texts

- Sovereignty
- Jurisdiction
- Indians & US Government
- Treaties
- Treaties of Puget Sound
- Treaty Background
- Chronologies
 - Treaty of Pt. Elliot
 - Treaty of Pt. No Point
 - Treaty of Medicine Creek
 - Treaty of Quinault
 - Treaty of Makah
 - Chehalis River Treaty
 - US V. Washington background

Slides and Tapes

- Sovereignty
 - I
 - II
 - III
- Treaties
 - I
 - II
 - III

Mini Treaties slideshow

Indians & US Government Film Strip

Carousel Projector & Recorder

Overhead

Screen

Filmstrip projector

supplies

pencils

stapler

blank legal pad

tape

scissors

ruler

⁴⁶⁵
INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

⁴⁵
Indian Legal Curriculum & Training Program

²⁶
Tribal Government Workshop

⁶
Agenda

²⁵
~~September 7, 8, 9, 1977~~

~~SAUK-SHATTAW TRIBE~~

SKOKOMISH TRIBE

²⁰
Participants' Agenda

DAY 1

~~Monday~~
Wednesday, September 7, 1977

Sovereignty

9:00 - 9:30

Introduction, Ken Hansen

9:30 - 10:15

Sovereignty: A General Definition
- Slide Show: What is Sovereignty
- Group Discussion

10:15 - 10:30

Break

10:30 - 11:15

The Exercise of Sovereign Powers
- Slide Show
- Group Discussion

11:15 - 12:00

Indians and the U.S. Government
- Slide Show PARTS 1, 2, 3, 4
- Group Discussion

12:00 - 1:00

Lunch

1:00 - ~~1:45~~ 3:00

Indian Sovereignty and the U.S. Government (PARTS 1, 2, 3, 4)
- Slide Show SLIDE SHOW
Group Discussion

~~1:45 - 3:00~~

~~The Legislative Branch
The Executive Branch
The Judicial Branch
- Lecture
Group Discussion~~

3:00 - 3:15

Break

3:15 - 3:45

Group Exercise on Sovereignty

3:45 - 4:15

Present Group Answers
- Discussion

~~4:15 - 4:30~~

~~Post Test on Sovereignty~~

~~4:30 - 5:00~~

~~Review, Evaluation, Discussion~~

~~Friday~~
~~Thursday, September 8~~

9:00 - 9:30

9:30 - 10:00

10:00 - 10:30

10:30 - 10:45

10:45 - 11:15

11:15 - 12:00

12:00 - 1:00

1:00 - 2:00

2:00 - 2:15

2:15 - 4:15

4:15 - 4:30

Treaty Rights

Ken Hansen-SASLA Harmon
Introduction, ~~Sherwin Broadhead~~
- Pre-Test

Indian Treaties (Who, What and Why)
- Slide Show
- Discussion

Indian Treaties (Behind the Scenes)
- Film Strip
- Slide Show
- Discussion

Break

Indian Treaties (What Treaties Mean Today)
- Slide Show
- Discussion

Treaty Background

Lunch

PT. NO POINT
Treaty of ~~Pt. Elliott~~

Break

- What is the IRA
- How Does it Affect Your Tribe
- How Can it Work for You
- What About Taking Land in Trust

Wind Up

~~SATURDAY~~

~~Friday, September 9/7~~

9:00 - 9:30

Introduction

- ~~Elizabeth Purse~~
Sasha Harlowe - Ken Hansen

9:30 - 10:30

Governmental Jurisdiction: Tribal, State, and Federal

1. What is Jurisdiction
2. Historical Background
3. Sources, Extent and Limitations of Jurisdiction
4. Recent Court Cases

10:30 - 10:45

Break

10:45 - 11:15

Public Law 83-280

- Background
- Discussion of Social Service *DELIVERY*

11:15 - 12:00

What is Your Tribes' Jurisdiction?

- Group Exercise
- Group Discussion
- Post-Test

12:00 - 1:00

Lunch

1:00 - 2:15

What is a Constitution?

- Lecture
- Discussion

2:15 - 4:30

~~2:15 - 2:30~~

Break

open

~~2:15 - 3:00~~

~~The *Coos Bay* Constitution~~

- What does it mean?
- How do you change it?
- Lecture & Group Discussion

~~3:00~~

Wind Up

Evaluations

Needs assessment

April 27, 1977

Mr. Rudy Ryser
Executive Director
Small Tribes Organization of Western Washington
P. O. Box 578
Sumner, Washington 98390

Dear Rudy:

It was good talking to you this week. I have a much better idea of what you have in mind in preparation for the workshop up there. Kirke and I are planning to meet with you May 11 and 12.

In review of our discussion of Wednesday, I understand that you are dividing the workshop sessions into three parts: 1) historical, 2) contemporary issues (decision-making), and 3) a look at the organic instruments and their effectiveness. The historical section will cover such things as treaties, jurisdiction, function of tribal government and Indian-U.S. relationship. The contemporary issues section will dwell on tribal governmental powers and relationships of the tribal government to its constituency. During this section you may also highlight the function of constitutions and the problems of taxation and boundaries that they are having in the Northwest. In the third section participants will be given the opportunity to study the organic instruments, including constitutions, and to evaluate their effectiveness. You generally stated that you wanted to be able to evaluate the workshops in a measurable way for a tangible result produced from the workshop by the participants.

When Kirke and I return from points west, I will be sending you copies of draft agendas which you can read. In the meantime, I hope that you can send us the program description that you and Sherwin worked up and a copy of the agenda.

Enclosed are copies, one each, of the three books that Barbara Lane developed for our Treaty Rights workshop for STOWN two years ago.

Look forward to hearing from you.

Sincerely,

Lynn Kickingbird
Curriculum Coordinator, Indian Legal
Curriculum and Training Program

Enclosures

The Indian Legal Curriculum & Training Program of the Institute for the Development of Indian Law is under contract with the Office of Native American Programs, DHEW, to provide intensive on-site training to ten Indian governments on the topics of treaty rights, sovereignty, jurisdiction, the federal-Indian trust relationship and decision-making. Since STOWW participated in the training during the two pilot years of the legal training program, the Institute wants to provide follow-up training and/or technical assistance to STOWW to maintain the momentum generated during the first two years. It is also the hope of the Institute that the program could be delivered to the members of STOWW and other Northwest tribes on a community basis, rather than to the organization at large. During the first two years, the board members of STOWW and one or two other community members of the STOWW tribes attended the workshop. It was found by the staff of the Institute that similar training sessions held with individual tribal governments (Kiowa, Papago and L'Anse Chippewa) were more successful than the STOWW workshops because of a lack of competing interests. The competing interests among STOWW members seriously impeded the learning processes and the development of decision-making skills on the part of the participants.

In short, the purpose of the meeting was to:

- A. Determine the goals of the workshops.
- B. Decide on a format and agenda.
- C. Decide on whether to evaluate or not, and if so, how.
- D. Draw up a budget.
- E. Develop a plan of coordination among the three organizations.

A. Goals of Workshops

The following long-range goals were established for the workshops:

1. To strengthen the individual tribal governments and enhance their exercise of sovereignty.
2. To increase confidence in the powers and functions of tribal governments among community members.
3. To improve attitudes among Indian community members towards their own government.
4. To aid Indian communities in becoming self-sufficient and able to solve their own problems.

The following short-range goals were also established:

1. To provide a basic informational base that can be discussed, internalized and left in the communities on the following subjects:
 - Indian Sovereignty
 - Indian Jurisdiction and PL 280
 - Indian Treaties
 - Tribal governments and their organic documents
2. To increase the participant's understanding and knowledge of sovereignty and jurisdiction.
3. To improve participant's skills in decision-making.

B. Format

Initially, the participants in the planning session thought that they would develop a workshop format based on mini-regional conferences for tribes who signed the same treaties. This meant that at least five workshops would have to be conducted with up to six tribes participating in each workshop. The participants, perhaps 5-6 from each tribe, would have to be brought to a centralized location such as

community to minimize travel and time requirements. All participants would receive a variety of written materials on the primary subject areas of Sovereignty, Treaty Rights and Jurisdiction. Special materials would be developed by AFSC to meet community needs. At least two trainers would be present at each workshop (preferably one attorney). Information would be imparted through texts, lectures, and filmstrips and videotapes.

C. Evaluation

Mr. Ryser felt that a formal evaluation process should be utilized. Lynn and Kirke Kickingbird offered to help develop testing instruments adapted from their own. The testing component, important to the trainers, the community members, the sponsoring organizations and to current and future funders, will tentatively consist of the following:

1. Needs assessment
2. Pre and Post tests on Sovereignty and Jurisdiction
3. Participant evaluations

D. Budget

The budget which is quite cost effective, comes to approximately \$45,000. It will provide training to an estimated 575 people for \$54 each. All three organizations will contribute. With the approval of the Office of Native American Programs, DHEW, however, the Institute for the Development of Indian Law will contribute the largest sum--approximately \$31,000. (See attached budget.) All three organizations would maintain fiscal responsibility for their portions of the

The following is the tentative division of labor in outline form:

STOWN

Coordination

- Scheduling workshops
- Communication with sponsoring agencies, consultants and participating communities
- Coordinating travel (to be submitted to IDIL)
- Adaptation of agendas
- Conduct and collection of evaluation data
- Finalizing training format and developing small task group problems
- Develop materials for tribal government unit of agenda (Day 3)
- Conducting the workshops

Provide office space and telephones

Provide duplication

IDIL

Financial

- Pay for two main staff and consultants
- Pay for travel
- Provide written materials on sovereignty, treaties and the federal government to each participants

Materials, etc.

Provide the following texts:

- Indian Sovereignty
- Indian Treaties
- Special treaty books for Northwest tribes
- Indian Jurisdiction
- Indians and the U.S. Government

Develop Pre and Post Tests for Sovereignty and Jurisdiction with the aid of STOWN and AFSC

Adapt Needs Assessment with the aid of STOWN and AFSC

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

HEW PROJECT PROPOSED BUDGET FOR 23 STOW WORKSHOPS 5/23/77

	<u>Total</u>	<u>IDIL Contribution</u>
I. <u>Staff</u>		
Coordinator/Trainer 80 days @ \$80/day	\$ 6,440	\$ 6,440
Trainer/Attorney 69 days @ \$56/day	3,864	3,864
Consultants (T.A. & Training) 92 days @ \$100/day	9,200	4,871
Research/Trainer 80 days @ \$75/day	6,000 ^{1/}	-
Research Assistant 23 days @ \$56/day	1,288 ^{1/}	-
Clerical 25 days @ \$40/day	1,000 ^{2/}	-
II. <u>Travel</u>		
Mileage 11,533 miles @ 15¢/mi.	1,730	1,790
Per Diem 190 days @ \$33/day	6,270	6,270
III. <u>Other Direct Costs</u>		
Materials 575 people @ \$12/ea.	6,900	6,900
Telephone	800	800
Duplication	2,300 ^{2/}	-
Postage	200 ^{2/}	-
TOTALS	<u>\$45,992</u>	<u>\$30,955</u>

1/ To be picked up by American Friends Service Committee

2/ To be picked up by STOWW.

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Indian Legal Curriculum & Training Program

Tribal Government Workshop

Agenda

August 9, 10, 11, 1977

QUINAULT

Participants' Agenda

Tuesday, August 9

9:00 - 9:30

Introduction, Ken Hansen

9:30 - 10:15

Sovereignty: A General Definition
- Slide Show: What is Sovereignty
- Group Discussion

10:15 - 10:30

Break

10:30 - 11:15

The Exercise of Sovereign Powers
- Slide Show
- Group Discussion

11:15 - 12:00

Indians and the U.S. Government
- Slide Show
- Group Discussion

12:00 - 1:00

Lunch

1:00 - 1:45

Indian Sovereignty and the U.S.
Government
- Slide Show
- Group Discussion

1:45 - 3:00

The Legislative Branch
The Executive Branch
The Judicial Branch
- Lecture
- Group Discussion

3:00 - 3:15

Break

3:15 - 3:45

Group Exercise on Sovereignty

3:45 - 4:15

Present Group Answers
- Discussion

4:15 - 4:30

Post Test on Sovereignty

4:30 - 5:00

Review, Evaluation, Discussion

Wednesday, August 10

9:00 - 10:00

Treaty Rights

Orientation, Ken Hansen
- Program Explanation
- Group Expectations

10:00 - 10:50

Background of Western Washington
Treaties
- Lecture
- Group Discussion

10:50 - 11:00

Break

11:00 - 12:00

Treaty Rights & Law
- Lecture
- Group Discussion

12:00 - 1:00

Lunch

1:00 - 2:45

Treaty Proceeding at Chehalis River
- Lecture
- Text Book
- Group Discussion

2:45 - 3:00

Break

3:00 - 5:00

Treaty of Quinault
- Lecture
- Workbook

Thursday, August 11

9:00 - 9:30

Introduction
- Elizabeth Furse
- Tom Morris

9:30 - 10:30

Governmental Jurisdiction: Tribal,
State, and Federal
1. What is Jurisdiction
2. Historical Background
3. Sources, Extent and Limit-
ations of Jurisdiction

10:30 - 10:45

Break

10:45 - 11:15

4. Recent Court Cases
5. Group Discussion

11:15 - 12:00

What is Your Tribes' Jurisdiction?
- Group Exercise
- Group Discussion

12:00 - 1:00

Lunch

1:00 - 2:00

Public Law 83-280
- Background
- Discussion of Social Services
Jurisdiction

2:00 - 2:15

Post Test

2:15 - 2:45

What is a Constitution?
- Lecture
- Discussion

2:45 - 3:00

Break

3:00 - 4:30

Open Session

Helpful-----Not Helpful
Interesting-----Not Interesting
Understandable-----Not Understandable

PLEASE WRITE OUT YOUR ANSWERS TO THE FOLLOWING:

7. What did you like best about the workshop?

8. What did you dislike (if anything)?

9. What would you suggest to improve the workshop?

THANK YOU FOR HELPING US IMPROVE THE WORKSHOP!

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Indian Legal Curriculum and Training Program

Tribal Government Workshop Evaluation

Place of Workshop: _____ Date: _____

DIRECTIONS: Please help us evaluate the workshop you have just completed so that we can make necessary improvements. After each item put a mark (X) between the words at a point which expresses how positive or negative you felt about the work shop activity mentioned. Be sure to make THREE marks for EACH item.

For example, if you felt the lecture was very helpful, fairly interesting, and very understandable, you should mark your item like this -

EXAMPLE: Lecture Helpful X - - - - - Not helpful
 Interesting - X - - - - - Uninteresting
 Understandable - X - - - - - Not Understandable

1. Tuesdays lecture & Film Strips on Indian Sovereignty by Ken Hansen	Helpful	_____	Not helpful	_____
	Interesting	_____	Uninteresting	_____
	Understandable	_____	Not Understandable	_____

2. Tuesday's Slide Shows on "Indians & the U.S. Government by Ken Hansen

Helpful	Not helpful
Interesting	Uninteresting
Understandable	Not Understandable

3. Wednesday's lecture Helpful _ _ _ _ _ Not helpful
 & slide show by
 Sherwin Broadhead Interesting _ _ _ _ _ Uninteresting
 on Treaty Back-
 ground, and Understandable _ _ _ _ _ Not Understandable
 Chronologies

4. Wednesday's discussion and exercise of
Quinault Treaty by Sherwin
Broadhead

Helpful	Not helpful
Interesting	Uninteresting
Understandable	Not Understandable

NAME _____

DATE _____

Sovereignty Workshop

(Pre-Test A) (Post-Test B)

READ THE FOLLOWING QUESTIONS CAREFULLY. THEN SELECT ONE RESPONSE WHICH YOU FEEL BEST ANSWERS THE QUESTION. PLACE THE LETTER IN FRONT OF THE ANSWER IN THE SPACE AT LEFT. THANK YOU.

_____ 1. Which of these is the best definition of sovereignty?

(a) self-government; (b) nationhood; (c) exercise of political powers; (d) the supreme power which forms a nation; (e) the constitution of a nation.

_____ 2. Where does an Indian nation get its powers of self-government?

(a) from Congress; (b) from members of the Indian nation; (c) from the Bureau of Indian Affairs; (d) from the United States; (e) from the President of the United States.

_____ 3. True or False. A nation's sovereignty is not dependent on how powerful it is.

_____ 4. True or False. For a nation to be sovereign, other nations of the world must recognize it as sovereign.

_____ 5. True or False. Government is the system through which a nation exercises its sovereignty.

NAME _____

DATE _____

Sovereignty Workshop

(Pre-Test A) (Post-Test B)

READ THE FOLLOWING QUESTIONS CAREFULLY. THEN SELECT ONE RESPONSE WHICH YOU FEEL BEST ANSWERS THE QUESTION. PLACE THE LETTER IN FRONT OF THE ANSWER IN THE SPACE AT LEFT. THANK YOU.

- _____ 1. True or False. A nation can choose to limit the exercise of some of its governmental powers without giving up its sovereignty.
- _____ 2. Indian nations are sovereign because:
- (a) other nations recognized that they are sovereign; (b) they have exercised sovereign powers; (c) they feel they are sovereign; (d) all of the above; (e) none of the above.
- _____ 3. Which of the following have been said by U.S. Courts about Indian governments?
- (a) Indian tribes are "independent, political, communities"; (b) Indian tribes are "... domestic, dependent nations ..."; (c) Indian tribes have a status higher than that of states in the U.S.; (d) all of the above; (e) none of the above.
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- (a) a new leader takes over; (b) it changes its form of government; (c) it loses the right of self-government (d) it accepts the protection of a stronger nation; (e) it becomes economically dependent upon another nation.

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INDIAN SOVEREIGNTY
Filmstrip Response Sheet

Name _____

Date _____

Chapter 1. What is sovereignty? (Circle the letter of the best answer)

1. A.

B.

C.

D.

E.

5. TRUE FALSE

6. TRUE FALSE

7. TRUE FALSE

8. TRUE FALSE

9. TRUE FALSE

2. TRUE FALSE

3. A.

B.

C.

D.

E.

4. TRUE FALSE

No. correct _____

NAME _____

DATE _____

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAM

Indians and the U.S. Government Workshop
(Pre-Test)

READ THE FOLLOWING QUESTIONS CAREFULLY. CHOOSE ONE RESPONSE
WHICH BEST BEST ANSWERS THE QUESTION. PLACE THE LETTER OF FRONT
OF THE ANSWER IN THE SPACE AT LEFT. THERE ARE QUESTIONS ON BOTH
SIDES OF THIS PAGE. THANK YOU.

1. The branch of the U. S. Government that makes laws is (choose one):
(a) Judiciary; (b) the Executive; (c) the Legislative Branch; (d) the
Senate; (e) all of the above.
2. What is the function of the Office of Management and Budget (choose
one): (a) coordinate the president's staff; (b) serve as a watchdog
for federal spending and management; (c) influence legislation; (d) all
of the above; (e) none of the above.
3. The three branches of the U.S. Government receive their authority
from (choose one): (a) The Congress; (b) the Declaration of
Independence; (c) The Supreme Court; (d) the President; (e) the
Constitution.
4. What is the most critical step in the legislative process? (choose
one): (a) Introduction of a bill by Senator or Congressperson; (b) con-
sideration of a bill by a congressional committee; (c) Passage of a
bill by the House of Representatives; (d) Passage of a bill by the
Senate; (e) Signing of a bill by the President.
5. It is important for Indian governments to understand the workings of
the U. S. Government because of one of the following reasons:
(a) Indian governments have a unique legal relationship to the U. S.
(b) The U. S. Government attempts to limit the powers of Indian governments
(c) It may prevent further interference by the U. S. in Indian affairs
(d) All of the above.
(e) None of the Above.
6. Generally speaking, Indian desks within a federal agency are (choose
one): (a) advocates for Indians within the agency; (b) leading counsel;
(c) management experts; (d) proposal writers; (e) advisors to the
department secretary.
7. Congress holds. Staffs of Congresspersons play a larger role in the House
of Representatives than they do in the Senate.
8. Under the Constitution, who ratifies treaties? (choose one):
(a) The Senate; (b) both the House and Senate; (c) The President;
(d) The Supreme Court; (e) The State Department.

PLEASE TURN THE PAGE OVER AND CONTINUE --

INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

Indian Legal Curriculum and Training Program

Tribal Government Workshop Evaluation

Place of Workshop: _____ Date _____

DIRECTIONS: Please help us evaluate the workshop you have just completed so that we can make necessary improvements. After each item put a mark (X) between the words at a point which expresses how positive or negative you felt about the workshop activity mentioned. Be sure to make THREE marks for EACH item.

For example, if you felt the lecture was very helpful, fairly interesting, and very understandable, you should mark your item like this-

EXAMPLE:

Lecture	Helpful	_ _ _ _ _	Not Helpful
	Interesting	_ _ _ _ _	Uninteresting
	Understandable	_ _ _ _ _	Not Understandable

1. Thursday's lec- ture & Slide shows on Indian Sover- eignty by Ken Hansen	Helpful_ _ _ _ _ Interesting_ _ _ _ _ Understandable	Not helpful Uninteresting Not Understandable
---	--	--

2. Thursday's Slide Helpful_ _ _ _ _ Not helpful
Shows on "Indians Interesting_ _ _ _ _ Uninteresting
& the U.S. Government" by Understandable_ _ _ _ _ Not Understandable
Ken Hansen & Russ Busch

3. Friday's Lecture Helpful_ _ _ _ _ Not helpful
 & slide show by
 Sherwin Broad- Interesting_ _ _ _ _ Uninteresting
 head on Treaty
 Background, Understandable_ _ _ _ _ Not Understandable
 and Chronologies

4. Friday's discussion Helpful_ _ _ _ _ Not helpful
 ion and exercise of Interesting_ _ _ _ _ Uninteresting
 the Pt-No-Point Treaty by Sasha
 Harmon Understandable Not Understandable

504 Terminal Sales Building
1932 1st Ave. Seattle, Wa. 98101
(206) 625-9783

Confederated Tribes of the Siletz

Tribal Government Workshop

SEPTEMBER 16-17, 1978

BIA purchase order # 8P00-0101245

Developed and Presented by

COSAMCO LTD.

3046 Alki Ave. S.W. No. 3, Seattle, Wa. 98116 (206) 932-8415



NAME _____

DATE _____

Sovereignty Workshop

(Pre-Test A) (Post-Test B)

READ THE FOLLOWING QUESTIONS CAREFULLY. THEN SELECT ONE RESPONSE WHICH YOU FEEL BEST ANSWERS THE QUESTION. PLACE THE LETTER IN FRONT OF THE ANSWER IN THE SPACE AT LEFT. THANK YOU.

D

1. Which of these is the best definition of sovereignty?

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F

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Faculty
CONFEDERATED TRIBES OF THE SILETZ
Tribal Government Workshop
Albany, Oregon September 16-17, 1978

Agenda

Saturday, September 16

10:00 - 10:00

10:00 - 10:00

10:15 - 10:55

10:55 --11:15

11:15 - 11:30

11:30 - 12:00

12:00 - 1:00

1:00 - 1:30

1:30 - 2:15

2:15 - 2:30

2:30 - 2:40

2:40 - 3:40

3:40 - 4:05

4:05 - 4:30

TRIBALISM AND SOVEREIGNTY

Introduction

Review of the Agenda

Tribal Nationalism: Tribes and Tribal--
ism.

Rudy Ryser

Discussion

Sovereignty Pre-Tests

Sovereignty:
The Right of Self-Government
Ken Hansen

Break for Lunch

Discussion on Sovereignty Film Strip

Inherent Powers:
The roots of Government
Ken Hansen

Discussion of Inherent Powers

Break

Sovereignty Games

Group Review

Post-Test

Sovereignty Workshop

(Pre-Test A) (Post-Test B)

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T

1. True or False. Many tribal constitutions allow the federal government to interfere in the internal affairs of the tribe.

A

2. Which of the following statements about Congress and Indian sovereignty is true?

(a) Congress has restricted the ability of Indian governments to exercise their sovereign powers; (b) Congress has taken away sovereignty from Indian governments; (c) Congress has ignored the question of Indian sovereignty; (d) All of the above (e) None of the above.

C

3. What is the main reason that federal agencies have been able to restrict Indian sovereignty?

(a) The tribes want it; (b) The Constitution permits it; (c) Vague legislation passed by Congress; (d) The Indian Reorganization Act; (e) The courts support it.

F

4. True or False. Indian governments, today, are exercising all of the sovereign powers that they can under U.S. law.

B

5. Which branch of the U.S. government has most consistently recognized Indian sovereignty?

(a) Congress; (b) Supreme Court; (c) the President; (d) all of the above; (e) none of the above.

NAME _____

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Sovereignty Workshop

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CONFEDERATED TRIBES OF THE SILETZ
Tribal Government Workshop
Albany, Oregon September 16-17, 1978

Saturday, Sept. 16th

10:00

Tribalism and Sovereignty

Introduction: Ken Hansen

Tribal Nationalism: Tribes and Tribalism
Rudy Ryser

Sovereignty: The Right of Self-Government
Ken Hansen

12:00 - 1:00

Break for Lunch

1:00

Inherent Powers: The roots of Government
Ken Hansen

Sovereignty Games

4:30

Adjourn

Sunday, Sept. 17th

9:00

Tribalism and Government

Tribalism and Sovereignty Review
Ken Hansen

Constitutions: The Social Contract
Rudy Ryser

12:00 - 1:00

Break for Lunch

1:00

The People and their Government
Rudy Ryser

Follow-up Planning Simulation

Deeds Assessment

4:00

Adjourn

Sovereignty Workshop

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