

SUNDAY, SEPTEMBER 23, 1951

Nevada Indians Send Strong Protest to Washington Over Right to Employ Attorneys

Aroused by a Department of Interior ruling which restricts their right to hire attorneys, Indians of the Pyramid Lake Paiute tribal council have dispatched a strongly worded protest to Secretary of Interior Oscar Chapman.

The tribal council has also voted to send a delegation to Washington to discuss the matter with government officials, and if necessary, to appeal directly to President Truman.

A recent department ruling gives the commissioner of Indian affairs sole right to dismiss attorneys hired by tribal councils.

In the letter to Secretary Chapman, Avery Winnemucca, chairman of the tribal council, said that Commissioner Dillon Myer "wants the power to hire and fire our attorneys so that he can control their actions."

"We believe that Mr. Myer is working in cooperation with Sen. McCarran and against the interests of the tribe," the letter added.

Work Praised

Mr. Winnemucca praised the work of the tribe's attorneys, E. P. Carville and James E. Currie, saying they have helped the Paiutes regain ownership of land that was "stolen" from them. He said these lands have been occupied since then by "squatters" and their successors, "with silent approval of the government."

"During this time," the letter continued, "we have succeeded in

blocking attempts by Senator McCarran to legalize the 'squatters' possession of our lands. His bill for that purpose passed the Senate during the 80th Congress but was stopped in the 81st, through the efforts of the Indians, with the aid and advice of their attorneys."

It is claimed in the letter that when the Indians took back their lands, "the squatters retaliated by blocking the use of certain ditches."

Next Step

The Indians indicated the next step should be government purchase of the disputed lands, with an equitable settlement for the occupants.

Continuing, the tribal council said:

"The need for legal advice independent of domination of the commissioner will be understood when we look at the record of Mr. Myer and Mr. McCarran up to this date. We retook possession of the lands

occupied by the squatters with the cooperation of our former superintendent, E. Reeseman Fryer. At Senator McCarran's request, Commissioner Myer removed him. The President overruled this action, but the same result was obtained later by 'kicking Fryer upstairs' into a much better job.

"The present superintendent has thus far taken an entirely inactive role. The government promised to prosecute a lawsuit to restore to us the use of the ditches, but it has not even been filed.

"There is some talk of negotiation with the squatters, and buying them out, but no actual steps have been taken so far as we know. Mr. Fryer had commenced studies for the purpose of bringing water from the Truckee River to some of our other lands, but these were called off by Mr. Myer at Senator McCarran's request.

"Mr. McCarran says that he will 'oppose with his whole being' any attempt to get water for us from the Truckee River. Meanwhile, Mr. McCarran has obtained passage of a rider on the appropriation bill which forbids the Indian tribes of Nevada to buy any lands, even with their own money."

Mr. Winnemucca said "the white people have been doing all the squatting—on our lands. Now, we Indians plan to do some squatting. We intend to squat in Secretary Chapman's front office and in the halls of Congress and in front of the White House, until we get some action."

October 10, 1951

RENO EVENING GAZETTE-

Indians Seek Right to Hire Own Attorneys

Tribal Council To Send Group To Washington

Leaders of the Pyramid Lake Tribal council charged today that the bureau of Indian affairs is making new attempts to block them in their efforts to win the right to hire their own attorneys.

The latest charge is part of a long-standing dispute which has been raging for more than a year.

SEEK DELEGATION

The tribal council, on Sept. 20, passed a resolution authorizing a delegation of six or less to go to Washington to seek approval of their attorney contract and discuss "and other matters."

But the council, which wanted to use funds appropriated in the tribal budget to pay the delegates' expenses, had to seek the approval of the commissioner of Indian affairs of the expenditure.

Request for the approval was forwarded to Washington Sept. 22 by Burton A. Ladd, superintendent of the Carson Indian agency.

The request was answered on Sept. 26 by Dillon S. Myer, the commissioner, who said, "the only question of importance concerning the attorney contract which remains at issue, to my knowledge, is the question of terms—in other words, whether the contract should be for two years or ten. This, of course, is a matter in which the tribe's attorney is vitally interested."

Mr. Myer's letter continues that he seriously questions whether the interest of the Pyramid Lake tribal members are sufficiently involved to justify the expenditure of such a large amount of tribal funds to send a delegation to Washington to discuss the matter.

PLANS VISIT

Mr. Myer added that he was planning to visit the Pyramid Lake reservation in the near future and would be glad to hold such discus-

sions as are necessary.

"I sincerely believe that it would be preferable to deal with the problems in this way rather than having the tribe going to the expense of sending a delegation to Washington."

The commissioner concluded that if the tribe feels, after discussions with him, a delegation is necessary, he is prepared to authorize sending a delegation of not more than two tribe members to Washington.

Saving of tribal funds is an important consideration in his decision, the commissioner explained.

Tribal leaders said that the issue is whether the Pyramid Lake Indians have the right to hire their own attorney. They explained that they felt if the Indian service retains the right to hire and fire legal counsel for the Pyramid reservation, then the Indians still are at the mercy of the Indian service.

The Pyramid Lake Tribal council planned to send a delegation of three, headed by Avery Winnemucca, council chairman, to carry their grievances to Mr. Myer, or to Oscar Chapman, secretary of the interior, and President Truman, if necessary.

MAKE CHARGES

James Curry, Washington, D. C.,

who has represented the Pyramid Lake tribes in land battles with the government and has been a leader in the fight of the local Indians in the current dispute with the government, also has made a new set of charges in the controversy.

In a communication to Mr. Ladd, the attorney charged that the Carson agent had attained a meeting of the Pyramid council Oct. 5 for the purpose of dissuading the Indians from sending a delegation to Washington and attempting to limit the size of the delegation.

He charged that Mr. Ladd had told them the bureau of Indian affairs was prepared to "tie up" council funds for at least ten days, in addition to the two-week delay already caused by the bureau.

Mr. Curry charged that Mr. Ladd thus was implicating himself in a "conspiracy to deprive these Indians of their constitutional rights (a) to legal counsel and (b) to petition for redress of grievances."

The Washington attorney insisted "that you release the funds of this tribe immediately and remove all obstructions to the visit of the tribal delegation to Washington."

THE NEW YORK TIMES, MONDAY, OCTOBER 15, 1951.

A BACKWARD STEP

The attempt of the Bureau of Indian Affairs to exercise detailed control over the terms of contracts between Indian tribes and their lawyers is a retrogressive step in the treatment of the American Indian and one that ought to be stopped. There is still time for Secretary Chapman to reverse the announced policy, which such disinterested organizations for the protection of Indian rights as the Association on American Indian Affairs have denounced as illegal and reminiscent of "bureaucratic paternalism at its worst."

The fight over the new regulations governing the approval of contracts between Indian tribes and their attorneys has been going on now for about

a year. Its historical background is long and complicated—as is practically everything else relating to the complex subject of Indian rights.—but essentially it boils down to this: Do Indians have the right within broad limits to make their own terms with their attorneys or should the Federal Government, a directly interested party, step in to supervise every detail? The matter is of great practical importance because the proposed rules apparently give to the Commissioner of Indian Affairs a virtual power of veto over the choice of a lawyer by any given tribe. In addition to the fact that it makes for unnecessary and unwarranted interference in tribal matters, this power in effect ties the hands of the Indians because so many of their legal problems involve disputes directly

with the Government itself.

The force of the new policy (which is already in practical effect) is illustrated by the case of the Pyramid Lake Paiutes, in Nevada. This tribe, in the midst of negotiations that may eventually result in the ejection of squatters who for years have been encroaching on tribal territory, has been prevented from renewing a contract with its attorney because of objections from the Indian Bureau based on the new interpretation of statutes that date back to 1872.

At best our treatment of the Indians is a dark page in American history. This is no time to start chipping away some of the rights and freedoms which the Indian has long since proved himself capable of exercising.