

INDIANS REGISTER PROTEST AGAINST FEDERAL BUREAUCRACY

Members of the Paiute Tribal Council, through their chairman, Avery Winnemucca, this week took affirmative action aimed at forcing the department of interior to allow them the right to hire their own attorneys.

Rankling at the high-handed treatment they have received at the hands of the Indian Bureau and Senator Pat McCarran, the council, in a letter addressed to Secretary of Interior and signed by Mr. Winnemucca, listed their grievances as follows:

"You have recently made a decision against the Paiute Indians of the Pyramid Lake Reservation, concerning their right to hire attorneys. If it is not reversed, this decision will be an ugly blot on your reputation as a friend of minorities and on the record of the Interior Department, which is supposed to be the protector of Indians.

"The decision sustains Indian Commissioner Myer's action nullifying a contract between us and our attorney. It was endorsed by you without even granting a public hearing before you personally, to which the appellant is entitled by law. We demand that you grant such a hearing immediately. When you have heard the facts we are confident that you will overrule Mr. White's and Indian Commissioner Dillon Myer's attempts to prevent us from using our own money to hire our own lawyer to defend our rights.

"Commissioner Myer has indicated that he will approve another contract, written by him, under which he would have the right to dismiss the attorneys, with or without cause, at any time. Under the contract that we agreed upon, the Indians had this right, but Mr. Myer insists that it should belong to him. Mr. 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 Senator Pat McCarran and against the interests of the tribe. We want to have control of our attorneys so that we will be sure they will work for us, and not for our opponents. Our attorneys also feel that they should not accept employment on the terms suggested by Mr. Myer.

"Mr. Myer also insists on certain other changes in our contract which to us appear very trivial. They amount only to a re-assertion by him of his policy of not permitting Indian tribes to hire lawyers on their own terms. We believe that the contract as originally written between us and our lawyers was an entirely reasonable one. It should be approved exactly as written.

"The old law of 1870 that permits interference by your department with the right of Indians to hire and control their own attorneys was intended to provide protection to our uneducated ancestors against unscrupulous men. It was never intended to protect them,

and its schemes, from the opposition of the Indians. Yet, in his opinion, approved by you, Mr. White frankly states that the provision is being used to protect "important interests of the government."

"Mr. White's opinion also says that, in passing on this contract, you should give consideration to the policy of Indian self-government that was established when you first went to the department. But he contends that you should give greater weight to the need for maintaining "stability of the administrative process." We disagree very much with Mr. White. "Stability of the administrative process" is just another word for Indian Service bureaucracy. If you are a friend of the Indians, you will decide all doubtful issues in favor of Indian democracy and against Indian Service bureaucracy.

"We have important matters to be handled by our attorneys and we should have our contract approved immediately. Mr. James E. Curry and Mr. E. P. Carville have been representing us now for two years. During that time, they have worked hard to protect our rights and we have made good progress.

"During the time that these men have been our attorneys, we have been restored to the possession of the lands that were stolen from us many years ago and occupied since then by the so-called "squatters" and their successors, with the silent approval of the government. During that time, we have also succeeded in blocking the attempts of 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.

"When the Indians took back the lands that squatters were occupying, the squatters retaliated by blocking the use of certain ditches that are necessary for the operation of the land. We need help from our attorneys to obtain the use of these ditches. The attorneys are ready to act but cannot do so because you are tying up our funds and preventing us from using them for the necessary fees and expenses.

"The squatters also occupy certain additional lands that are so interspersed with the lands retaken by the Indians as to prevent operation of either the "repossessed lands" or the "interspersed lands" as an economic unit. They hold these lands under patents granted to them by the government. They probably cannot be evicted from them, but we should negotiate with them for the purchase of this land. We need our attorneys' help in conducting the negotiations and in obtaining the necessary funds.

"The lands now under cultivation, even with the addition of

those recovered from the squatters, are not enough to provide our members with a decent living. For that we need water from the Truckee river, to which we have a legal right, and also the necessary irrigation facilities. Because of the depredations of white people, our wonderful Pyramid Lake, that was once a fisherman's paradise, has been destroyed. We must also obtain access to sufficient water to restore the water level of the lake, so that it will again be a source of income to our people, and a source of pride to our state of Nevada. For those purposes we also need legal advice from attorneys who are responsible to us.

"The need for legal advice independent of domination by 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 of 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. McCarran has also come out publicly against permitting the tribes to use their own attorneys. He insists that our rights will be properly protected by government lawyers. We don't agree with him. We have a right to retain our own attorneys, the same as white people, and we insist that you grant us that right.

"We demand a public hearing on this subject personally before you. We are sending a delegation to Washington to obtain that hearing, and to take part in it. If you refuse it, we will insist on a hearing before the President. But we are confident that you will grant the hearing, that you will be convinced of the rightness of our cause, that you will reverse the ruling depriving us of legal counsel, and that you will then cooperate with the tribe and its attorneys in restoring to us the ditches that are being withheld from us, in restoring to us the so-called "interspersed lands" by helping to obtain for us the water and irrigation facilities that we need to develop the rest of our land and in restoring to our people the rights of which they have been deprived down through the years."