



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

November 23, 1971

Memorandum

To: Secretary of the Interior Rogers C. B. Morton
Commissioner of Indian Affairs Louis R. Bruce and
John O. Crow, Deputy
Civil Service Commission

From: William H. Veeder

Subject: Reassignment to the Phoenix Area; Memorandum of grievance
September 9, 1971; October 4, 1971, Secretarial announce-
ment of rescission of reassignment

Secretary Morton, on October 4, 1971, announced that the order transferring me to Phoenix, Arizona, had been "rescinded." On October 6, 1971, I directed a memorandum to Secretary Morton and the others set forth on the accompanying copy of my October 6 memorandum. In that memorandum I acknowledged the Secretary's announcement as being correct and have accordingly proceeded with my work.

Contrary to Secretary Morton's announcement that my transfer to Phoenix had been "rescinded", Assistant Secretary Loesch, in a letter dated November 16, 1971, to Raymond C. Simpson, stated that the order in question - rescinded as announced by Secretary Morton - had been "suspended" pending a review of a grievance filed by me on September 9, 1971. A copy of Mr. Loesch's November 16 letter is attached.

I request an immediate clarification

- (1) Was Secretary Morton in error when he announced on October 4, 1971, that the order of my transfer had been "rescinded"?
- (2) If Secretary Morton was in error and the order transferring me to Phoenix was not rescinded, why was I not advised of that fact in writing as I requested in my memorandum of October 6, 1971?
- (3) What is the actual status of my purported transfer to Phoenix in the light of the confusion which obviously exists.

Respectfully,

William H. Veeder
William H. Veeder

Enclosures

cc: Secretary Morton - a reply requested
Commissioner Bruce - a reply requested
Mr. John O. Crow - a reply requested
Civil Service Commission - a reply requested
Mr. Garnett - a reply requested
Mr. Loesch - a reply requested
Mr. Wm. Rogers - a reply requested
Mr. Gunter - a reply requested
cc: Mr. Bradley Patterson, Jr., The White House



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

October 6, 1971

Memorandum

To: Secretary of the Interior Rogers C. B. Morton
Commissioner of Indian Affairs Louis R. Bruce and
John O. Crow, Deputy
Civil Service Commission

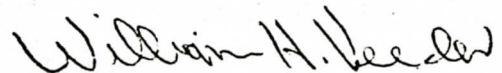
From: William H. Veeder

Subject: Reassignment to the Phoenix Area
Memorandum of grievance September 9, 1971
Mr. Garnett's letter September 17, 1971

Reference in regard to the subject set forth above, is made to Secretary Morton's press conference held Monday, October 4, 1971. From the transcript of that conference I observed the declaration of Secretary Morton that the order dated August 31, 1971, transferring me to, and directing me to report to Phoenix, Arizona, has been "rescinded."

Relying upon that Secretarial declaration, I will, unless otherwise advised in writing, proceed upon the basis that the order transferring me and direction to report to Phoenix, Arizona, have been cancelled. Further, I am proceeding on the basis that all matters, including the action on the "grievance" referred to in the letter of September 17, 1971, from Mr. Garnett to me, have been rendered moot.

Respectfully,


William H. Veeder

cc: Mr. Garnett
Mr. Loesch
Mr. Wm. Rogers
Mr. Gunter



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 16 1971

Dear Mr. Simpson:

We have received your letter of September 3, protesting the proposed reassignment of Mr. William H. Veeder, Water Conservation and Utilization Specialist.

The responsibility of the Bureau of Indian Affairs and this Department is to protect Indian land and water rights. These responsibilities are being aggressively pursued, and the steps taken to reassign Mr. Veeder were intended to more effectively carry out these efforts. The Bureau of Indian Affairs must have authority to reassign its staff to carry out the responsibilities of the organization.

The Bureau has determined that Mr. Veeder is urgently needed in the Southwest to help deal with the impact of the Central Arizona River development on Indian property rights. He will continue to have a vital role in representing the interests of Indian people. Commissioner Bruce has suspended the action to reassign Mr. Veeder until a review and decision can be made on the grievance which he filed.

Sincerely yours,

(sgd) Harrison Loesch

Assistant Secretary of the Interior

Mr. Raymond C. Simpson
Attorney at Law
Suite 406 Security Bank Building
Long Beach, California 90802

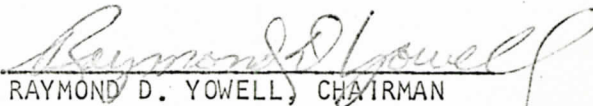
RESOLUTION
OF THE
INTER-TRIBAL COUNCIL OF NEVADA, INC.

BP
OPPOSITION TO BIA ADMINISTRATIVE APPOINTMENTS AND REASSIGNMENTS

WHEREAS, President Richard M. Nixon, in his historic message of July 8, 1970, stressed greater Indian involvement in their own destination; and,
WHEREAS, recent developments within the Bureau of Indian Affairs indicate complete disregard for the Presidents message; and,
WHEREAS, the appointments of John O. Crow and Wilma Victor were done without consulting the Indian people; and,
WHEREAS, Louis R. Bruce, Commissioner Indian Affairs, lost many of his administrative authority and members of "his team", Mr. Leon Cook, Ernest Stevens and others; and, were replaced by non-Indian directors.
WHEREAS, William Veeder was given an ultimatum of accepting reassignment to the Phoenix Area Office or be fired, has angered many Indian tribes concerned with their water rights.
NOW THEREFORE BE IT RESOLVED, the Inter-Tribal Council of Nevada desires Commissioner, Louis R. Bruce, to again have full authority of his position and Leon Cook and Ernest Stevens be reinstated in their previous positions; and,
BE IT FURTHER RESOLVED, Mr. John O. Crow and Wilma Victor be removed from their positions with the Bureau of Indian Affairs; and,
STILL FURTHER RESOLVED, Mr. William Veeder remain in Washington, D. C. to act as ombudsman for the Indian Water Rights.

CERTIFICATION

The foregoing resolution was adopted at a duly called meeting of the Executive Board of the Inter-Tribal Council of Nevada, held at Yerington, Nevada on the 18th day of September, 1971, by an affirmative vote of 12 for and 0 against.


RAYMOND D. YOWELL, CHAIRMAN
ITC, EXECUTIVE BOARD



INTER-TRIBAL COUNCIL OF NEVADA

1995 EAST SECOND STREET

RENO, NEVADA 89502



President Nixon

White House

Washington, D. C. 20500





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

September 9, 1971

Memorandum

To: Secretary of the Interior Rogers C. B. Morton
Commissioner of Indian Affairs Louis R. Bruce and
John O. Crow, Deputy

Civil Service Commission

From: William H. Veeder

Subject: Rejection of "reassignment" commencing September 19, 1971,
to the Phoenix Area Office, Bureau of Indian Affairs,
in the form of a grievance statement

Request for full hearing: I request a full hearing to offer into the
record facts and reasons in support of this rejection of "reassignment"
to the Phoenix Area Office, Bureau of Indian Affairs:

Statement

(a) Good conscience dictates that I reject the Phoenix "reassignment"
on moral and legal grounds for that "reassignment" commencing September 19, involves my participation in and being a party to the seizure of the rights of the Colorado River Indian Tribes, the Fort Mojave Tribe, Fort Yuma Tribe, the Chemehuevi Tribe, and Cocopah Tribe of Indians to the use of water in the Colorado River and, in the words of John O. Crow, Deputy Commissioner, my assistance in the "apportionment" of the waters to which those Indian Tribes and others are legally entitled, for the benefit of the Central Arizona Federal Reclamation Project, the construction of which is soon to be initiated by the Interior Department.

(b) A National scandal exists in the area in which you propose my

"reassignment", by reason of the grave loss of Indian lands bordering upon, and rights to the use of water in, the Colorado River, stemming from the failure of the Bureau of Indian Affairs to preserve, utilize, and protect those Indian lands and rights to the use of water. That failure of the Bureau of Indian Affairs properly to administer and protect those Indian properties, based upon many years of legal endeavor regarding Indian lands along, and rights to the use of water in, the Colorado River, is now and has been for many years past in furtherance of the Central Arizona Federal Reclamation Project and similar Federal reclamation projects constructed and administered by the Interior Department, to the irreparable damage of the Indian people.

(c) Destruction of Pyramid Lake and the attendant disaster to the Pyramid Lake Tribe of Indians in furtherance of the Newlands Federal Reclamation Project, the now abuilding Washoe Federal Reclamation Project, Fish and Wild Life projects, and other Interior Department activities, is entailed as part of the endeavors which I would be required to undertake in the "reassignment" to Phoenix, and which I, in good conscience, reject.

(d) Suppression of facts and law to which the Colorado River Indians and other Indians in the Phoenix Area are legally entitled, is necessarily entailed in my "reassignment" to Phoenix. I have been threatened with "disciplinary" action and have been repeatedly precluded from making available to Western Indians, including but not

limited to the Pyramid Lake Tribe of Indians, facts and law which they must have and to which they are entitled. Part of the threatened "disciplinary" action in furtherance of the suppression by the Bureau of Indian Affairs of facts and law to which the Indians are entitled and must have if they are to survive, has been threatened "reassignment" to Phoenix which I now reject and concerning which this grievance is directed.

(e) Denial of my legal assistance and my endeavors to correct innumerable wrongs imposed by the Interior Department upon Western Indians in the Columbia, Rio Grande, Missouri, Colorado, Lahontan (Pyramid Lake) Basins, and elsewhere, is a prime objective of my "reassignment" to the staff of the Phoenix Area Office. Indeed, the Area Director, I am reliably advised, has informed the Indian people I would be "controlled". It is unworthy of a Department of the Federal Government; an evidence of total disrespect to members of the Senate, to assert, as has been done, that I would be permitted to perform services for the Indian people of Western United States if I were to accept the proposed "reassignment."

(f) Efforts at the suppression of legal advice and analysis; denial of means to provide pertinent factual data requisite for the protection of rights of the Indian people in the Colorado River Basin and elsewhere in the Western United States by the Interior and Justice Departments will be accomplished by my "reassignment" to the Phoenix Area Office.

(g) Official reprisals, and threats of official reprisals for activities on behalf of Indian people foreshadowed the punitive "reassignment" to Phoenix or alternatively being "fired", all in accordance with the ultimatum served upon me by John O. Crow, Deputy Commissioner, who advised that the ultimatum of Phoenix or "firing" was the "parameter" of his newly acquired position of Deputy Commissioner. That parameter of "Phoenix" or "firing" was established by Harrison Loesch, Assistant Secretary, Public Land Management.

(h) Harrison Loesch has repeated erroneous statements; made declarations that he would or should fire me because of my efforts on behalf of Indian people; his lack of restraint in making contumacious attacks against me to the press, are unfitting from the standpoint of this Nation's dignity and the dignity of the Indian people whose rights and interests he has failed properly and adequately to protect.

Conclusion: Death of the Western Indians must ensue from the conduct of the Interior Department, and its agencies, including but not limited to the Bureau of Indian Affairs, if its conduct is not drastically and immediately corrected.

Recommendations: 1. The Interior and Justice Departments should immediately undertake to fulfill - cease and desist the present violations of - this Nation's Trust obligation to the American Indians in keeping with the President's declaration to Congress that:

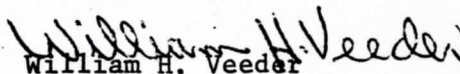
"The United States Government acts as a legal trustee
for the land and water rights of American Indians. * * *

"Every trustee has a legal obligation to advance the
interests of the [Indian] beneficiaries of the trust without
reservation and with the highest degree of diligence and skill."

2. I be joined in fulfilling the Presidential direction, rather
than subjected to personal reprisals and "reassignment" by the Com-
missioner of Indian Affairs, his staff, Harrison Loesch and his staff,
to the end that the program now in progress against the Western Indian
people be reversed and their survival as viable communities be assured.

3. Immediate cancellation of the "reassignment" to Phoenix
which I reject and against which this "grievance" is directed.

Respectfully,


William H. Veeder

HEARING - S171

WASHINGTON, D.C.--(AIPA)--The transfer of William H. Veeder, water resources specialist for the Indian Bureau, has been delayed indefinitely pending a currently unscheduled grievance hearing requested by Veeder.

The holding action initiated under Indian Commissioner Louis R. Bruce came on Sept. 17, only two days before Veeder was to have reported to the BIA's Phoenix Area Office to assist in the billion-dollar Central Arizona water allocation project.

Veeder was in Colorado when the decision was handed down, and Deputy Commissioner John O. Crow, who was publicly responsible for Veeder's transfer, was on a speaking engagement in the north Midwest. Neither could be reached immediately for comment.

Veeder on Sept. 9 had requested Interior Secretary Rogers C.B. Morton to grant him a "full hearing to offer into the record facts and reasons in support of (his) rejection of 'reassignment' to the Phoenix Area Office."

Veeder's memorandum to Morton listed eight factors supporting his request for the grievance hearing. Foremost among them were dictates of "good conscience" that he not take part in the "seizure" of the water rights of Southwest tribes, and an allegation that a "national scandal" of "irreparable damage to Southwest Indians was occurring in land and water losses through the instrumentality of the Interior Department and the Indian Bureau.

Veeder concluded that "death of the Western Indians must ensue from the conduct of the Interior Department and its agencies, including but not limited to the Bureau of Indian Affairs, if its conduct is not drastically and immediately corrected."

According to Bureau sources, the delay in the Veeder transfer was interpreted as a strong signal that Bruce now intended to retain his "new team" in Washington intact.

A Bureau spokesman stated that the hearing could not be scheduled earlier than three weeks from Sept. 17. The hearing will be conducted by a hearing examiner to be designated by the Interior Secretary from the Office of Hearings and Appeals which is directly under his jurisdiction. The spokesman said the hearing would not be open to the public or the press.

It was unclear Sept. 17 whether the mechanisms of administrative redress would include further steps beyond the findings of the hearing examiner and his pending decision.

PRESERVATION COPY

JOINT RESOLUTION AFFILIATED TRIBES OF NORTHWEST INDIANS AND PORTLAND AREA
REGION OF NATIONAL CONGRESS OF AMERICAN INDIANS

WHEREAS, the Affiliated Tribes of Northwest Indians and Portland Area representatives of the National Congress of American Indians held an emergency meeting in Spokane, Washington on September 8, 1971 to discuss and review the implications of the reassignment of William Veeder from the Commissioner's Office to the Phoenix Area Office and the reassignment and downgrading of other key personnel in the section of the Indian Bureau primarily concerned about Indian Water Rights, and

WHEREAS the transfer of William Veeder and the downgrading of his section of the Bureau of Indian Affairs appears to be part of a callous, cynical plan to reduce the effectiveness of the Indian Bureau in the exercise of its basic trust responsibilities, particularly in the protection of Indian Water Rights, and

WHEREAS the Administration has publicly promised to the Indian people self-determination in their destiny and the aggressive preservation and protection of their rights including particularly the protection of water resources, and

WHEREAS the promises of consultation with the Indian people are being ignored and without consultation or concern for the wishes of the Indians key advocates for Indian causes are being transferred, reassigned or demoted so that they will be less effective in their work for Indians, Now Therefore

BE IT RESOLVED:

That we hereby strongly condemn the action by the Commissioner of the Bureau of Indian Affairs in transferring William Veeder and demand that the transfer and reassignment be rescinded and we hereby adopt the following.

JOINT STATEMENT OF THE AFFILIATED TRIBES OF THE NORTHWEST AND THE NCAI
OPPOSING THE TRANSFER AND REASSIGNMENT OF WILLIAM VEEDER

Despite the overwhelming and unanimous protests of the Northwest Tribes, Deputy Commissioner John O. Crow, by his memorandum to William H. Veeder, reinstated Mr. Veeder's so-called "Reassignment to Phoenix Area."

We find totally transparent and lacking in sincerity and candor Mr. Crow's expressed concern for Indian water rights and his pretense that the transfer of Mr. Veeder to Phoenix is to protect those rights in the Southwest and elsewhere. The reasons for the reassignment are as outlined in Mr. Veeder's reply to Crow dated August 30, 1971. They are to cut down, throttle and muzzle Mr. Veeder as a champion and advocate for Indian water rights. He is in effect being asked to participate in the departmental policy to divert water from the Pyramid Lake Tribes and to divert what are really Indian waters for the Central Arizona Project. Another reason for his transfer and reassignment is to subject Veeder to the will of the Commissioner and the Secretary and to so enmesh him in the trivia of a desk in the Phoenix Area Office that he will in effect disappear from the scene as an active water rights legal specialist fighting for Indian water rights wherever they are under threat. He will then be isolated from access by other tribes in the rest of the nation.

We commend Senator Henry Jackson for his fine statement of August 11, 1971 to Assistant Secretary Loesch which seemed for a time to forestall or nullify the threatened transfer of Mr. Veeder. We call on Senator Jackson to proceed forthwith in the public hearings by the Senate Interior Committee and call before the committee the Commissioner and Deputy Commissioner of the Bureau of Indian Affairs (Louise Bruce and John Crow), Assistant Secretary Harrison Loesch and others of the Department of the Interior, the Indian Bureau and the Presidential Executive Offices to explain and reveal the entire story and reasons behind the reassignment of William Veeder, that Indian leaders and spokesmen have adequate opportunity to also appear and testify at these hearings.

We express our deep appreciation to Senators Alan Cranston, George McGovern, Birch Bayh, John V. Tunney, Fred R. Harris, Edward M. Kennedy, William Proxmire and Edmund S. Muskie for their communication to the Secretary of the Interior of August 12 pointing out the unhappy significance to Indians and the Nation of the various transfers and shakeups in the Bureau of Indian Affairs and especially the transfer of William Veeder.

We urgently request Senators Kennedy and Tunney to initiate within the Subcommittee on Administrative Procedures and Practices of the Senate Judiciary Committee an investigation of the events leading up to and the reasons for the reassignment of William Veeder and others who have been active in fighting for Indian water rights. And that the fact and date of said hearing be confirmed forthwith to Earl Old Person, President of the Affiliated Tribes of Northwest Indians and of the NCAI. What should be considered, among other things, is the apparent violation by the Bureau of Indian Affairs and the Department of the Interior officials of their basic trust responsibilities to protect Indian tribal property and resources.

Of deep concern should be the manner in which they control and silence individuals within the Department and the Bureau who, like Mr. Veeder, devote themselves to fulfilling those basic trust responsibilities, especially in the field of Indian water rights. The decimation, the silencing of the voices of any true advocate for Indian rights, as William Veeder has been, amounts to more than negligence, indeed it is deliberate malfeasance in the exercise by the Federal Guardian of its duties towards its Indian wards.

We feel strongly that this issue is the test of the Administration's commitment to the protection of the remaining resources of the American Indians. Further, we

believe this may be the watershed in the relationship between the Administration and the American Indian People. We therefore feel it is imperative that there be a face to face meeting with our President - Richard Nixon. We respectfully request, Mr. President, that a meeting be promptly arranged between a representative delegation of American Tribes and yourself.

If as a result of this resolution and the public hearings by the Senate Committees the transfer of William Veeder is not rescinded, the total Indian Community represented at this meeting, hereby declares its intent and preparedness to initiate forthwith appropriate legal action against the United States Government for the incalculable damage sustained by the tribes as a result of this breach of trust and fair dealing demonstrated in the ill advised reassignment of William Veeder and others of his key Special Projects Section of the Bureau of Indian Affairs.

Our constituent tribes dedicate their funds and honor to effectuate a direct appeal to the conscience of the American people for justice and equity in the preservation of the Indian social and economic community as a part of America demonstrating the inviolability of our several treaties and agreements.

We call upon all Indian organizations to join together in a national effort to make the Federal Government accountable for its actions as Trustee of Indian property and property rights, and to make the full use of the talents of Mr. William Veeder, his voice and his conscience the first step in this campaign.

We certify the foregoing resolution was adopted by the Affiliated Tribes of Northwest Indians and by the Portland Area Representatives of the NCAI at Spokane on September 8, 1971.

EARL OLD PERSON

President, Affiliated Tribes of N.W. Indians
President, National Congress of American Indians

Attest: LUCY COVINGTON

Secretary, Affiliated Tribes of N.W. Indians

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BP

The White House
Washington

1971 SEP 1 AM 10 39

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THE PRESIDENT

WHITEHOUSE WASHDC

DEAR MR PRESIDENT, IN RECENT WEEKS, YOU HAVE RECEIVED SOME
LETTERS CONCERNING THE CHIEF WATER SPECIALIST OF THE BIA,WHO
HAS BEEN ORDERED TO MOVE TO THE PHOENIX AREA OFFICE. THIS ISSUE
IS NO LONGER THE WATER SPECIALIST BUT THE APPARENT DISREGARD
FOR THE PROTEST BEING MADE BY THE INDIAN TRIBES REGARDING THIS
MATTER. THE PRINCIPAL WATER DECISIONS ARE MADE IN WASHINGTON,
3 THEREFORE, IT IS VITALLY IMPORTANT THAT THE BEST LEGAL TALENTBE
IN THERE TO PROVIDE COUNCIL ASSISTANCE TO INDIAN TRIBES FOR
THIS REGION, THERE IS A COMMUNITY AMONG OUR INDIAN PEOPLE
IN PROTESTING THIS MOVE TO DEPRIVE THE INDIAN TRIBES OF THE
2 LEGAL KNOWLEDGE AND ASSISTANCE TO PROTECT THEIR WATER RIGHTS.
I ASK FOR YOUR INTERVENTION IN THIS MATTER IS WATER IS THE

LIFE BLOOD OF OUR LAND, TO SEE INDIAN WATER STOLEN FROM THEM
IS TO SEE THE DEMISE OF THE INDIAN TRIBES. THIS POSSIBLE TRAGEDY
SHOULD NOT BE ALLOWED TO OCCUR AND ONLY THE HIGH OFFICE YOU
OCCUPY CAN STOP THIS SAD MOOD. VERY TRULY YOURS
WENDELL CHINO PRESIDENT MESCALERO APACE TRIBE.



United States Department of the Interior

OFFICE OF THE SECRETARY

PACIFIC NORTHWEST REGION

P.O. Box 3621, Portland, Oregon 97208

PRESERVATION COPY

September 1, 1971

To: All Tribal Councils
Tribal Attorneys
Agency Superintendents, Portland Area

Subject: Task Force for Indian Water Problems

I am announcing the creation of a Departmental Task Force on Indian Water Problems in the Pacific Northwest. This Task Force will bring to bear the concerted effort of related Interior agencies to provide an aggressive force to protect Indian water rights. I will act as Chairman of the Task Force, which includes representatives from BIA, U.S.G.S., BSF&W, and the Regional Solicitor's Office. The Task Force will also work closely with the Northwest Indian Water Resource Committee and the Indian Water Resource Committee of Idaho, as well as tribal representatives.

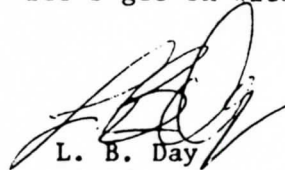
We have already moved to protect the groundwater on the Lummi Indian Reservation. A request will be submitted this week to the Department of Justice that a suit be commenced in the U. S. District Court to enjoin the Bel Bay Community and Water Association from pumping water on the Lummi Reservation. We are also asking that the State of Washington be joined as a defendant and for judgment against the state, declaring that it does not have jurisdiction over the Lummi Reservation and may not issue permits for the use of "surplus" water on fee lands within an Indian reservation.

The Lummi case is a landmark case for we are urging Justice to assert the position that all waters on an Indian reservation are reserved and subject to the exclusive jurisdiction of the United States to administer, whether such water is used on trust or non-trust land. If we are successful in establishing this principle, an important precedent will have been established to help bring some order out of the existing chaos over the regulation of water usage on Indian reservations.

Teamwork will be required if we are to be successful. The success we have had to date in the protection of fishing rights has been

largely due to many people working together in a task force approach. We hope to have the same kind of success with water rights. Secretary Morton expressed his feelings on this subject very clearly when he recently said "We've got to win some Indian water rights cases."

We are going to win some cases, and I ask for your help. It is important that we choose the right cases before commencing litigation. Coordination between the Task Force, Indian Tribes, tribal attorneys, and agency staffs is essential if we are to be united in our stand. There is no need for further speechmaking. Nor should we be divided over personalities. There is much work to be done. It is time we were about the job--let's get on with it.



L. B. Day
Field Representative

cc:

Mr. Rogers C. B. Morton
Mr. Harrison Loesch
Mr. Robert J. Hitt
Mr. Royston C. Hughes
Mr. Mitchell Melich

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

AUG 31 1971

Memorandum

To: William H. Veeder
From: Deputy Commissioner of Indian Affairs
Subject: Reassignment to Phoenix Area

Your memorandum of August 30 shocks me by its distortion of the issues involved in your reassignment.

I will expect you to report in Phoenix by September 19.


Deputy Commissioner



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

August 30, 1971



Memorandum

To: Mr. John O. Crow, Deputy Commissioner of Indian Affairs

From: William H. Veeder

Subject: Rejection of "Reassignment to Phoenix Area"

This is in response to your memorandum dated August 26, 1971, the subject of which is set forth above in quotes. In keeping with your previous practices, it was available to me late Friday afternoon August 27, 1971, in Bill Freeman's office.

I reject your reassignment of me to Phoenix. I reject in particular your direction that I participate in the destruction of the Colorado River, the Fort Mojave, Fort Yuma, Chemehuevi, and Cocopah Indian Reservations on the main stream of the Lower Colorado River, with the attendant destruction of the Indian Tribes occupying those Reservations. It is shocking that you would speak of the "protection of Indian water rights" when in truth and fact you are directing me to:

Join you and others in seizing, in clear violation of the law and common morality, decreed rights to the use of water to which American Indians above mentioned are entitled and to assist, in your terms, in "the apportionment / of that Indian water / * * * under the Central Arizona Project."

I sincerely hope that neither you nor anyone else attempts to mislead the American Indians by a further travesty that in some manner the Central Arizona Federal Reclamation Project will benefit the Indians. That attempt will be refuted.

You who have at least some Indian ancestry, should seek to prevent, not join in, this atrocity against the American Indians on the Lower Colorado River. Atrocity is an appropriate term for those Indians will literally be driven from their homes by the seizure of the waters the rights to which they are legally and morally entitled. In the words of the Supreme Court respecting those Indians "* * * Colorado River * * * water / is / * * * essential to the life of the Indian people * * *." A suggestion in passing: You brought to my attention - a fact generally known - that you were being forced into retirement.

PRESERVATION COPY

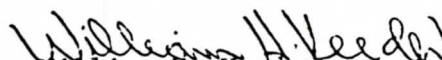
An honorable retirement - albeit imposed - is far better than participating in the destruction of American Indians in the Lower Basin of the Colorado River and elsewhere.

Attached is an analysis dated August 24, 1971, entitled: "Central Arizona Federal Reclamation Project - Final catastrophe for American Indians and their Reservations in the Colorado River Basin." There is set forth in that memorandum the unconscionable task in which you direct me to participate - and which I reject.

On August 23, you directed that I prepare a memorandum expressing my current thoughts and recommendations respecting the "Salt River Agreement" which is inextricably interrelated to the crime against the Indian people which is contemplated by the Central Arizona Federal Reclamation Project. A copy of that memorandum dated August 27, 1971, and entitled "Rejection recommended for proposed 'Salt River Agreement' as it relates to Fort Apache, San Carlos, Camp Verde and Yavapai Indians" is likewise attached. Chronicled there is another outrage against Arizona's Indians which cannot be tolerated.

I ask you to consider the content of this and the attached memoranda and advise me in writing the course you intend to pursue in the light of them.

Respectfully,


William H. Veeder

Enclosures

PRESERVATION COPY

SHIFT OF EXPERT OPPOSED

Trouble in Indian Bureau

By JAMES DOYLE
Star Staff Writer

A simmering dispute over the Nixon administration's treatment of Indians boiled to the surface yesterday with the announcement that a champion of Indian water rights had been told to accept a transfer out of Washington or face discharge.

The man is William H. Veeder, an attorney with the Bureau of Indian Affairs who is a specialist on Indian water rights.

An earlier announcement of his impending transfer to Phoenix, Ariz., where his knowledge would be applicable only to one tribe and one river, had prompted a number of protests from Congress and requests that the action be held up.

Eight Democratic senators wrote to Interior Secretary Rogers C. B. Morton complaining that Veeder was "the only man in the bureau who is

capable of effectively representing Indian water rights within the department."

They charged that Veeder was just one of a group of reform-minded employees of the bureau being forced to transfer or be fired in a power struggle within the agency.

It was learned that Veeder's transfer order was signed Thursday by John O. Crow, assistant director of the bureau, at a time after all the major American Indian tribes had written to President Nixon asking for a meeting with him. The tribes wanted to discuss the Veeder case and a recent "upgrading" of the BIA ordered by Morton.

The Indians, who have been politically inactive in the past, are said to be conducting widespread voter registration drives because of their opposition to moves by the Interior Department under Nixon.

Veeder's case apparently symbolizes a general view

among young Indian reformers that recent progress they feel they have made toward gaining a larger role in managing Indian affairs is being undercut directly by the White House.

Veeder, a 60-year-old career employee of the BIA, has been the Interior Department's specialist on the subject of precious water rights in the parched Southwest. He has been an advocate of more water for the Indians, whose water rights have never been fully apportioned, although they are clear under the law.

"What they are trying to do," Veeder said yesterday of his opponents, "is take the water rights of the Indians so

See VEEDER, Page A-6

PRESERVATION COPY

VEEDER

Trouble in Indian Bureau

Continued From Page A-1
of money building communities with Indian water."

He said in a telephone interview that the conflict is between the Bureau of Indian Affairs and the Bureau of Reclamation, which is in charge of building water storage projects for such western cities as Denver, Phoenix and Los Angeles.

"Reclamation is a misnomer today," Veeder said. "There is no more water in the West to be reclaimed except water that belongs to the Indians."

"The American Indians are being planned out of existence. They are being destroyed."

Rivers Over-Appportioned

The rivers of the southwest reportedly are far over-appportioned, and the Indians have fared poorly. One bone of contention at present is an attempt to confine the Pueblo tribe to its present level of



WILLIAM VEEDER

water use, even though the rights to more water for the Pueblo seem incontestable.

Veeder's transfer would place him in charge of overseeing the water rights for the

Central Arizona Project, which affects only the Colorado River Indian tribe.

The Colorado River Tribal Council has passed a resolution calling on the BIA to keep Veeder's transfer would he could be a more general advocate for Indian water.

Veeder said he did not know why his transfer order was not signed by the Commissioner of Indian Affairs, Louis R. Bruce, who has been in a power struggle with old-line career bureaucrats within his agency.

Ascending Figure

The man who signed the order, Crow, is a career employee who ostensibly works under Bruce, but who has been the ascending figure in a bureau power struggle since Morton took over the Interior Department.

Two weeks ago it was disclosed that Morton had signed an order reducing the powers of Bruce, a Mohawk-Sioux from New York, and creating a "deputy commissioner" with apparently more power than Bruce. Crow, who is one-quarter Cherokee, was named the deputy.

The day after the New York Times revealed the power shakeup, Morton amended his order. Bruce and Crow held a news conference to stress that the agency was not being returned to old-line bureaucrats and that the move toward more Indian autonomy would continue.

Veeder's transfer order cast new doubts on both the powers of Bruce and the influence of the young Indians within the bureau.

Veeder intends to force the issue. He said yesterday he would not accept the transfer.

"I've told them if they want to hang me it's got to be from a higher gibbet than Phoenix," he said.

"I guess it's his choice if he wants to work or not," Crow told the Associated Press yesterday.

PRESERVATION COPY



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:
Personnel Mgmt.

AUG 26 1971

Memorandum

To: Mr. William H. Veeder
From: Commissioner of Indian Affairs
Subject: Reassignment to Phoenix Area

The seriousness of our situation with regard to the protection of Indian water rights was recently brought to my attention most forcefully. I attended a briefing on the preliminary recommendations which the Arizona Water Commission proposes to make to the Secretary as a result of their half million dollar study on the apportionment of the imported water under the Central Arizona Project. It was evident during this briefing that little input from either the Bureau or the affected tribes had received much consideration. Subsequent discussions with the Area Director and staff of the Phoenix Area Office not only confirms this, but leaves me with a disturbing sense of the Bureau's unpreparedness in this area.

While the imminence of decisions on the Central Arizona Project is an impelling single issue, it by no means lessens our concern with other issues, both present and prospective, in the general area of water rights and land use.

Earlier this month I discussed these matters with you and at that time indicated that we were seriously considering reassigning you to Phoenix. I am aware of your reaction to this proposal but, since no feasible alternative has been found, I feel I must return to the earlier premise.

Therefore, after full consideration of all factors, I have decided to reassign you, at your present grade and salary, to the Phoenix Area Office. Your primary duties will be those associated with water and land problems in the Phoenix Area. In addition, your services will be needed periodically on other water and land issues elsewhere in the country. These latter assignments can be coordinated with your primary duties, so as to avoid undue interruption of your efforts.

2.

I would like you to report to Phoenix not later than September 19, and have so prepared your transfer. I would like for you to begin immediately to concentrate your attention on this area in anticipation of assuming your new responsibilities.

(Sgd) John. O. Crow
Deputy Commissioner

JCrow:fdj 8/26/71

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United States Department of the Interior

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WASHINGTON, D.C. 20242

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United States Department of the Interior

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John A. Crow
Deputy Commissioner



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 26 1971

Dear Senator Jackson:

Thank you for your thoughtful letter of August 11 concerning the proposed transfer of Mr. William Veeder to the Phoenix Area Office.

I am enclosing a copy of the Bureau's memorandum to Mr. Veeder which sets out the need for this action. I am in full sympathy with the Bureau's need to utilize to the fullest possible extent its limited personnel who are knowledgeable in the area of water rights.

I do not regard this action as inconsistent with the Administration's recent policy statements. The Department continues to support the proposed legislation to establish an Indian Trust Counsel Authority. Indeed, although not a determining factor in the decision to reassign Mr. Veeder, his voluntary role as an informal "ombudsman" has only served to reinforce the need for a legislative solution, and should have some influence on its consideration by the Congress. You also inquire as to the steps now being taken to insure that Indian property rights are being protected.

In February 1970 the Commissioner announced the establishment of an office in Albuquerque to conduct water resource inventories on the 18 Pueblos within the Rio Grande Basin. This work is on schedule and will be completed this fall. During this time the Bureau staff has assisted the Department of Justice in precedent-setting litigation. A similar inventory has been started for the Ute Mountain and Southern Ute Tribes.

The Bureau has virtually completed an analysis, requested by Senator Cannon, of the California-Nevada Compact. In this connection, both Departmental and Bureau personnel are continuing work on the problems pertaining to Pyramid Lake.

Special funding was sought by the Oklahoma Tribes and their Congressional Delegation to enable us to resolve the complicated and difficult boundary and title questions that have arisen as a result of construction of dams, locks, reservoirs, and channelization of the Arkansas River and its major tributaries in Oklahoma. Indian lands - both surface and sub-surface rights - affected

are those of the Kaw, Tonkawa, Ponca, Otoe, Pawnee, Osage Tribes and the Cherokee, Creek, Choctaw, Chickasaw and Seminole Nations.

Efforts to obtain special funding have not been successful.

Sincerely yours,

(Sgd.) Harrison Loesch

Secretary of the Interior

Honorable Henry M. Jackson
United States Senate
Washington, D. C. 20510

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 24, 1971

Memorandum

To: Leon F. Cook, Deputy Director, Economic Development
Bureau of Indian Affairs, Department of the Interior

From: William H. Veeder

Subject: Central Arizona Federal Reclamation Project - Final catastrophe for American Indians and their Reservations in the Colorado River Basin

SUMMARY

As directed by you, I have prepared an analysis of the consequences of the construction of the Central Arizona Federal Reclamation Project upon the American Indian people in the Colorado River Basin. Particular reference is made to the catastrophe which that Project will bring to the Indians on the Colorado River Indian Reservation, Fort Mojave Indian Reservation, Chemehuevi Indian Reservation, Fort Yuma Indian Reservation and Cocopah Indian Reservation.

Under these headings the matter is succinctly reviewed:

An elemental irrefutable fact: Life cannot be sustained on American Indian Reservations in the Colorado River Basin without water from the Colorado River or its tributaries.

Pollution of the Colorado River a present and immediate disaster for the American Indian Reservations in the Lower Basin

Catastrophe confronts all American Indians and their Reservations in the Colorado River Drainage

American Indian rights to the use of water must be asserted against the entire Colorado River System

Intolerable, inherent conflicts of interest within the Interior and Justice Departments are destructive of American Indians and their Reservations and give rise to the Central Arizona Project

William H. Veeder
William H. Veeder

AMERICAN INDIAN PRESS ASSOCIATION

NEWS SERVICE

Room 306, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036

BRUCE - AU244

DIRECTOR: Charles E. Trimble
(202) 293-9054

BY TOM RICHARDS JR.
American Indian Press Association

WASHINGTON, D.C.--(AIPA)--Indian Commissioner Louis R. Bruce reaffirmed his authority over the Indian Bureau and Deputy Commissioner John O. Crow denied he had threatened to fire Indian water rights expert William H. Veeder here during a comprehensive press briefing here.

Discussing the Crow appointment, Bruce stated: "Some have concluded that this indicates that I am no longer the Commissioner. None of my authorities have been assumed by the Deputy Commissioner.

"The only reason a Deputy Commissioner was appointed," continued Bruce, "was to supervise administrative decisions in the Bureau. Because of Mr. Crow's appointment, I can spend more time carrying out the administration's policies, the President's policies, and spending more time working for Indian people."

The new deputy commissioner denied that one of his first actions in his new post was the issuing of an "ultimatum" to BIA water law attorney William H. Veeder, who had charged that Crow threatened to fire him if he refused to accept a transfer from Washington, D.C. to Phoenix, Ariz.

"There was no ultimatum. ...If he won't accept reassignment, I'll have to talk with him some more." Veeder would not be fired, said Crow.

Responding to the accusation of Sen. John V. Tunney, D-Calif., that Veeder was being shipped away from the Washington scene, Crow said: "I don't agree that this is what we are trying to accomplish at all."

Veeder had come under fire for discussing publicly what he termed "the absolute obligation of the Bureau of Indian Affairs to protect Indian rights and its failure to do so." Crow told newsmen that Veeder had not yet communicated to him a decision to resign rather than accept transfer.

Veeder later disclosed the text of a memorandum to Crow, dated four days before the press briefing, in which he stated his decision to reject the pending transfer.

"On Friday, August 6, 1971, you had called me to your office," the memo read.

"Our conversation can be summed up in this ultimatum you gave me: You are transferred to Phoenix to work on the Central Arizona Project; your papers are being cut; you are not to be allowed to work in Washington within the parameter I have been given in this job; you accept this transfer or be fired.

"I reject your ultimatum. Having thoroughly checked this matter, I know the 'parameter' of your ultimatum to me--the precise word 'ultimatum' was used in your firing threat--was prescribed by Assistant Secretary of the Interior Loesch.

"Your firing ultimatum has implicit in it that in some manner I am guilty of wrongdoing. Proof of that wrongdoing in a full hearing is your burden."

MORE

The Veeder incident prompted strong opposition and demands for Crow's resignation from a number of Indian leaders.

In other matters:

--Crow said he wanted to "beef up the resource end of the Bureau" to protect Indian water rights and other resources.

"It hasn't been funded and has been forced to compete with more glamorous programs such as education," said Crow. "The resource end of the Bureau has gotten the short end of the stick. We will ask for more money."

Bruce expressed his desire that the BIA be allowed to develop its own legal arm. "We definitely could protect Indian water rights better with our own legal arm," stated Bruce.

--Crow opposed the separation of the BIA from the Interior Department.

"Indians have always related to Interior," said Crow. "Although there are built-in conflicts, splitting up isn't the solution." Of the removal of Indian health care from the Bureau, Crow said, "I think it would have been better if it had not been split, but practicalities dictated it."

Crow noted that he is unaware of any proposal to make the Indian Commissioner a separate cabinet officer.

"I don't think we have the support for that," Bruce stated. "How about making the Commissioner an elected official?"

--BIA Education Director James Hawkins, called into the briefing to handle questions related to education, was questioned whether he favored pending legislation to increase appropriations for Indian education and to remove administrative responsibility from the Bureau.

Hawkins indicated opposition to the proposed legislation, stating that Indian education should remain subordinate to the BIA. Executive order would have the same desired effects of the bills, he added, although that action would not increase appropriations.

"I have recommended the executive order route to the Commissioner," said Hawkins.

--Crow denied that the Office of Management and Budget and the Government Accounting Office had decided to review tribal contracts because of opposition to BIA contracting policies from members of Congress.

"They are concerned that there are deficiencies in some contracts, and, if there are significant deficiencies, that they be corrected. It is not really because of opposition," said Crow. Crow called contracting "a good indication of Indian involvement in Indian affairs."

The biggest problem with contracting is that of financing Indian tribes, he stated. Federal procurement regulations prohibit the Bureau from providing advance funding for tribal contracts.

MORE

(In effect, this means that a tribe cannot contract to provide services unless it has enough money to initiate services and to continue to support these services until the federal government makes payment.)

--Bruce stated that the Bureau is "ready and willing" to provide services to urban Indians, but does not yet have the authority to do so.

"We have made no recommendation to the Secretary of the Interior, but if Congress appropriates the money and gives us the authority, we are ready to handle it," said Bruce.

Both Bruce and Crow indicated that the Bureau intends to provide financial assistance to Navajo Community College and other institutions of higher learning. Again, they cited funding limitations as the problem in this area.

--Bruce said he was not completely satisfied with the Alaska Native land claims bill which was reported out of the House Indian Affairs Subcommittee on August 3. The bill would provide a settlement of 40 million acres of land and \$925 million to Alaska Natives.

Bruce cited his strong feeling for land as an Indian as the reason for his opposition to the land figure in the House bill.

"Forty million acres of land is not enough," said Bruce. He added that Alaska Natives should get more, but that he wasn't certain exactly how much more.

Crow also discussed the pending land claims settlement, saying that he believed a settlement would come this year.

Asked whether the Bureau would provide technical assistance to Alaska Natives in order to aid in planning and management of settlement proceeds, the new deputy commissioner said the Bureau would almost certainly seek a supplemental appropriation for that purpose if the bill passes this year.

Crow said further appropriations would be necessary because there is no money in the current budget available for that type of assistance.

Observers of Indian affairs here viewed the press briefing last week as a significant development in what is apparently a power struggle between the Commissioner, including the new blood which he brought into top Bureau administrative positions, and the old-line Interior bureaucracy.

Bruce dispelled, at least for the time being, notions that he would soon be leaving the Bureau--and that the administration's self-determination policies were soon to follow.



CONGRESS
OF
AMERICAN
INDIANS

1345 CONNECTICUT AVENUE N.W.
SUITE 312

August 23, 1971

WASHINGTON, D. C. 20033

(Headquarters)

202-223-4155

Honorable Rogers C. B. Morton
Secretary of the Interior
Department of the Interior
Washington, D. C.

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Dear Mr. Secretary:

On August 11, 1971, the National Congress of American Indians sent you a telegram protesting most vigorously the ultimatum given Mr. William H. Veeder, Water Conservation and Utilization Specialist with the Bureau of Indian Affairs, that he accept a transfer to Phoenix or face dismissal. Identical telegrams were sent to the President, Vice-President and to Senator Henry M. Jackson, Chairman of the Senate Interior and Insular Affairs Committee.

On the same day, Chairman Jackson addressed a letter (copy enclosed) to Assistant Secretary Loesch referring to our telegram and requesting that further action on the Veeder ultimatum be deferred until a report could be made to Chairman Jackson. The letter was referred to and answered by a minor official in the Bureau.

On August 16, 1971 the New York Times printed an article on recent developments in the BIA including the Veeder controversy. The following quote is taken from the article:

"Speaking of the directed transfer of Mr. Veeder, who was sent to Phoenix (sic) to help Indians in connection with a major water project in Arizona, Mr. Morton said: 'We've got to win some Indian water rights cases. If Veeder is as good as he claims he is, he's going to have a chance to really prove it. We're going to go to bat in a good many of these water rights cases.'"

On August 17, 1971, the Times printed another article relative to BIA administrative decisions. In the article, Mr. John Crow advised that Veeder would not be fired because of refusal to transfer. The quote, nevertheless, sounds ominous:

"There is no intention of dismissing William H. Veeder a 60 year-old Indian water rights expert, because he refused a transfer to Arizona, Mr. Crow said.

"We'll have to talk to him some more," he said in reply to questions about having engineered this transfer in an effort to silence Mr. Veeder's charge that the Indians

Honorable Rogers C. B. Morton

August 23, 1971

Page 2

were being destroyed through failure of the Government to protect Indian land and water rights."

Crow's denial of intention to dismiss Veeder upon refusal to accept the transfer is refuted by a memorandum from Veeder which Crow found waiting for him upon his return from a trip to the west. We enclose a copy of that memorandum.

There are three persons in the Bureau of Indian Affairs who have worked to honestly protect Indian water rights and who have genuine credentials to do so. They are Mr. Lee Cook, former Acting Director of Economic Development; Mr. Phil Corke, Chief of the Branch of Natural Resources; and Mr. William H. Veeder.

We have been advised that Mr. Cook, the Indian who was demoted from his former position to that of Deputy Director and replaced by Mr. William Freeman, is being sent upon insignificant trips around the country in order to dissipate his energy and prevent him for helping Indians. We have been advised that Mr. Phil Corke is being transferred to Denver as an 'observer' to the Western United States Water Plan Study, which is considered by many to be a thinly disguised 'grab' for Indian water rights. We have been advised that Mr. Veeder, after successfully weathering with Indian support the 'transfer or be fired' storm, is now going to be administratively isolated to prevent his effective involvement in water problems. We have been further advised that responsibility within the BIA for protecting water rights and making policy decisions in this area is being transferred to persons of wholly unsympathetic attitudes and very little expertise in the area of water rights.

Mr. Secretary, there is no doubt that Mr. Veeder has many friends among Indians. We at NCAI are his most vigorous supporters and friends. But he, and what happens to him, is not the issue, Mr. Veeder has said time and time again that he regrets that he, personally becomes the local point of controversy in the area of Indian water rights. We are beginning to believe that this is intentionally done by water interest in order to draw attention away from the real issue, the stealing of Indian water rights.

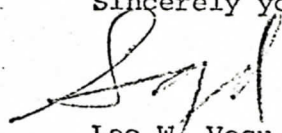
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Honorable Rogers C. B. Morton
August 23, 1971
Page 3

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We appreciate your consideration and await your response.

Sincerely yours,



Leo W. Vocu
Executive Director

LWV/lb

Enclosure

CC: Leonard Garment
Honorable Henry M. Jackson
Honorable Wayne N. Aspinall
Honorable Harrison Loesch
Honorable Louis R. Bruce



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August 23, 1971

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Department of the Interior
Washington, D. C.

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White Mountain Apache

PORTLAND AREA
Lucy Covington
Colville

SACRAMENTO AREA
Erin Forrest
Pitt River

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Executive Director

LWV/lb

Enclosure

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Honorable Henry M. Jackson
Honorable Wayne N. Aspinall
Honorable Harrison Loesch
Honorable Louis R. Bruce



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 13, 1971

Memorandum

To: Mr. John O. Crow, Deputy Commissioner of Indian Affairs

From: William H. Veeder

Subject: Firing ultimatum

On Friday, August 6, 1971, you had me called to your office. Our conversation can be summed up in this ultimatum you gave me:

You are transferred to Phoenix to work on the Central Arizona Project; your papers are being cut; You are not to be allowed to work in Washington within the parameter I have been given in this job; You accept this transfer or be fired.

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William H. Veeder

cc: Mr. Harrison Loesch
Mr. William L. Rogers
Mr. Louis R. Bruce

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ALAN BIBLE, NEV.
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LEE METCALF, MONT.
MIKE GRAVEL, ALASKA

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PAUL J. FANNIN, ARIZ.
CLIFFORD P. HANSEN, WYO.
MARK O. HATFIELD, OREG.
TED STEVENS, ALASKA
HENRY BELLMON, OKLA.

JERRY T. VERKLER, STAFF DIRECTOR

United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
WASHINGTON, D.C. 20510

August 11, 1971

Honorable Harrison Loesch
Assistant Secretary for Public Land
Management
Department of the Interior
Washington, D.C. 20240

Dear Mr. Loesch:

The National Congress of American Indians recently expressed to me its concern and opposition to the Bureau of Indian Affairs' proposal to transfer their Water Conservation and Utilization Specialist, Mr. William Veeder, to the Phoenix, Arizona area office.

This contemplated action appears to me to be inconsistent with the recent stated policy pronouncements of the Administration in the field of Indian affairs. President Nixon, in his July 8, 1970 message to Congress on the American Indian, underscored the need for establishment of an Indian Trust Counsel Authority to reinforce the United States Government's role as legal trustee and as an advocate for protecting the land and water rights of Indians. In his message, the President pointed out the inherent conflict of interest that exists in this area between the Department of the Interior and the Department of Justice. Legislation providing for the establishment of the Trust Counsel Authority was transmitted by the Administration to Congress during the last session (S.4165) and again during the current session (S.2035).

Mr. Veeder has fulfilled the role of an "ombudsman" or Trust Counsel in an informal fashion in recent years and on a limited basis. He has been a vigorous and enthusiastic advocate and, many believe, an authoritative spokesman on the need for protecting the natural resources and water rights of Indian people. In my view, it is important that this protection be maintained if the nation's Indian people are to have confidence in the Department's fulfillment of its Trust responsibilities and if Indian people are to be secure in and to realize the full economic benefits of their lands and their water rights.

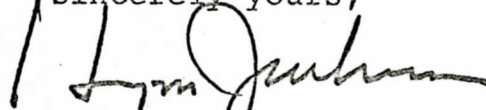
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raising many of the crucial public issues in this realm of Indian affairs that require resolution. There is, of course, no question that Indian people generally consider him an outstanding spokesman and advocate of their rights in this area.

From the number of calls and inquiries that have reached my office from concerned Indians and their organizations, I can only conclude that there is widespread opposition to his contemplated transfer. It appears to me that a unilateral administrative decision of this nature will further erode the Department's--and therefore the government's--credibility with the American Indian community. You will recall that several of the Administration's proposals for personnel changes in the Indian field have created considerable concern and apprehension among Indian leaders and others. Specifically, the proposed reorganization of the Bureau and reassignment of certain personnel which was announced publicly during the latter part of the 1970 calendar year was resisted by the Indians and resulted in an informational hearing before the Subcommittee on Indian Affairs on December 16, 1970. The Indians apparently felt they were not properly consulted on this matter and what otherwise was apparently viewed by the Department to be a valid management decision was deferred indefinitely.

While I appreciate the need for government agencies to reassess their personnel needs and requirements and to make appropriate changes based on valid priorities, I must request that you defer further action on the proposal to transfer Mr. Veeder to your Phoenix office until such time as you have provided me with a full report outlining in detail the reasons for the proposed reassignment and what, if any, steps are being taken to insure that Indian property rights are being adequately protected.

Sincerely yours,



Henry M. Jackson
Chairman

HMJ:vnd

OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.

August 20, 1971

TO: Brad Patterson

FROM: C. D. Ward

FYI

August 17, 1971

Telephone conversation between Robert Robertson and Virgil Harrington, Muskogee Area Director, Muskogee, Oklahoma

TULSA DAILY WORLD - Tuesday, August 17, 1971

INDIAN SUPPORTERS GET ABUSE SAYS NIXON AID

Washington, UPI - A White House official has conceded that any Interior Department official who stands up for Indian land and water rights will end up battered and frustrated. Leonard Garment, a special consultant to President Nixon said as much in a letter commenting on a threat by department officials to fire William H. Veeder of the Bureau of Indian Affairs. Veeder who has frequently and publicly criticized the department for failing in its responsibility to guard Indian water rights was recently ordered to transfer to the BIA office in Phoenix, Arizona or face dismissal.

Veeder has drawn support in Congress from several key members including Senators Henry Jackson, (D.-Wash.); Edmund Muskie, (D.-^{Maine}~~Mass.~~); George McGovern, (D.-So. Dak.); Birch Bayh, (D.-Ind.), Edward Kennedy, (D.-Mass.) and Fred R. Harris (D.-Okla.). All announced are potential democratic presidential candidates.

Veeder rejected what he said was an ultimatum by Deputy Indian Commissioner John O. Crow and demanded a full hearing if he is to be fired after nearly 30 years of government service.

Garment's letter acknowledged that a defender of Indian rights would get into hot water. The letter was in response to a protest by the Pacific Northwest Indians against the threat to fire Veeder. Anyone in Interior, if Veeder or anyone else standing up strong and single minded for Indian land and water rights would end up battered and frustrated Garment said in the letter written on White House stationery. He added however such troubles would be due to institutional clashes rather personal disagreements. The problem was an institutional deficiency rather than anything wrong with Veeder, Crow, Interior Secretary Morton or Assistant Secretary Loesch. Garment the answer to guarding Indian water and land rights would be creation of an independent Indian trust counsel. However many Indian leaders have expressed fear such would prove ineffective.

Robert B. Dellwo, Spokane, Washington lawyer, representing the Coeur de Alene-Spokane and Kalisville Indian tribes said in a letter to Garment, "the Indians consider Veeder their trust counsel right now. If he can be fired because he refuses to be manipulated or controlled than there is no hope that a trust counsel authority can do any better."

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 19, 1971

MEMORANDUM FOR:

LEN GARMENT

FROM:

FRED MALEK 

SUBJECT:

Bureau of Indian Affairs

Attached are two telegrams protesting the alleged forced resignation of William Veeder. I understand you are handling this issue and would be in a position to respond to these.

Attachments

~~Parker~~
THE WHITE HOUSE
WASHINGTON

Date: August 12, 1971

MEMO FOR: FRED MALEK

FROM: DAVID PARKER

RE: William Veeder

The attached is for your appropriate handling.

Thank you.

8/12



The White House
Washington

WHA153 A CT PR REA333 BA NL PDC 16 EXTRA

RENO NEV 11

1971 AUG 12 9 12 AM 5 40

RICHARD M NIXON PRESIDENT OF THE UNITED STATES

THE WHITE HOUSE WASHDC

REQUEST IMMEDIATE MEETING WITH YOU PERSONALLY AND FOREMOST
INDIAN LEADERS TO DETERMINE HOW DECISION TO FORCE RESIGNATION
OF WILLIAM VEEDER IS CONSISTENT WITH YOUR PROMISES CONTAINED
IN JULY 8 1970 MESSAGE. INDIANS ARE RAPIDLY ASSUMING THEIR
SHARE OF YOUR SELF DETERMNATION PROPOSITION. WISH FOR YOU TO
RECIPROCATATE BY PROVIDING AT LEAST MINIMAL PROTECTION OF RESOURCES
NOT ACTION THAT DESTROYS ONLY THREAD OF HOPE IN SEVERE CONFLICT
OF INTEREST. PROMISED CONSULTATION NOT PRESENT IN JOHN CROW
APPOINTMENT. RESON NOW OBVIOUS. MEETING URGENT TO RESOLVE WHAT
WE HOPE ARE MISUNDERSTANDINGS.

EARL OLD PERSON PRESIDENT JOHN C RAINER VICE PRESIDENT LUCY
F COVINGTON AREA VICE PRESIDENT LEO VOCUS EXECUTIVE DIRECTOR

NATIONAL CONGRESS OF AMERICAN INDIANS.

3

2

The White House
Washington

WHA152 (37)CTA091

PRA383 PR REA332 BA NL PDC 1 EXTRA 1971 AUG 12 10 11 AM 1971 AUG 12 AM 5 37

RICHARD M NIXON PRESIDENT OF THE UNITED STATES

WHITE HOUSE WASHDC

AFFILIATED TRIBES OF NORTHWEST INDIANS SHOCKED AND SADDENED
BY NEWS THAT WILLIAM

VEEDER IS BEING FORCED OUT OF BUREAU OF INDIAN AFFAIRS
THAT ACTION CONTINUES THE SAME DISHONORABLE TREATMENT OF INDIAN
PEOPLE THAT WE ASSUMED WAS ENDED BY YOUR

JULY 8 1970 MESSAGE. MR. VEEDER IS OUR MOST TRUSTED ADVOCATE
AND LAST REMAINING HOPE IF WE ARE TO RETAIN OUR RIGHTS TO THE
USE OF WATER WHICH IS ESSENTIAL TO OUR CONTINUED EXISTENCE.

WE URGE YOU TO CONSIDER THE PROMISES MADE IN YOUR MESSAGE ABOUT
THE CONFLICT OF INTEREST THAT EXISTS WITHIN THE EXECUTIVE BRANCH
AND YOUR INTENTION TO DO SOMETHING ABOUT THEM. PLEASE DO NOT
REVERSE YOURSELF AND ALLOW DESTRUCTION OF ONLY HONEST ADVOCATE

IN THIS TERRIBLE CONFLICTING SITUATION. REQUEST EARLY MEETING
WITH TRIBES AND NATIONAL AND REGIONAL INTERTRIBAL ORGANIZATIONS.

LUCY F COVINGTON SECRETARY AFFILIATED TRIBES OF NORTHWEST
INDIANS

LAW OFFICES
DELLWO, RUDOLF & GRANT

ROBERT D. DELLWO
KERMIT M. RUDOLF
WILLIAM J. GRANT
RICHARD J. SCHROEDER
JOSEPH A. ESPOSITO

1016 OLD NATIONAL BANK BUILDING
SPOKANE, WASHINGTON 99201
MADISON 4-4291

August 17, 1971

Mr. Leonard Garment
Executive Offices
The White House
Washington, D. C. 20500

Attention: Bradley Patterson

Dear Mr. Garment:

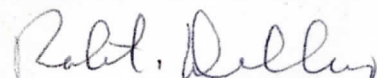
I appreciate your letter of August 13 concerning William Veeder. My letter did not purport to be an expression of my views but rather an objective analysis of how our Indian clients felt.

By this time you will have received copies of Senator Jackson's letter of August 11, 1971 to Secretary Loesch. Senator Jackson said the same things and expressed the same apprehension that I did in my letter to you. Among other things, he speaks of the "credibility" of the Department with the Indian people. I thought his letter of remonstrance was much stronger than mine.

While the explanations you give in your August 13 letter seem plausible, they nevertheless highlight the fact that Bill Veeder is being transferred and "reduced in profile" because he speaks up against the actual cases of conflict of interest that exist within the Department. You intimate that the only solution is the creation of an "independent Indian Trust Counsel." The fact is that with the establishment of the Trust Counsel, the Department will still retain its trust responsibility to the Indians which it should be able to exercise without this claimed conflict of interest operating to the Indians' detriment. For it to do so, it must include in its ranks true advocates of Indian rights and causes like Bill Veeder.

Sincerely yours,

DELLWO, RUDOLF & GRANT



By: Robert D. Dellwo

Attorneys for Spokane, Coeur
d'Alene and Kalispel Tribes

RDD:fb

AMERICAN INDIAN PRESS ASSOCIATION

NEWS SERVICE

Room 306, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036

VEEDER - AU141

DIRECTOR: Charles E. Trimble
(202) 293-9054

POLITICS & INDIAN WATER

THE VEEDER INCIDENT

"Making promises that can't be kept--raising hopes that can't be realized--are the cruelest hoaxes that can be perpetrated on a minority group that has suffered from such tactics for a hundred years."

RICHARD M. NIXON, 1964

BY RICHARD LA COURSE
American Indian Press Association

WASHINGTON, D.C.--(AIPA)--A massive public outcry from tribes, tribal attorneys and congressmen has followed the projected dismantling and demotion of the BIA's present economic development team here.

From the Colorado River to Capitol Hill, letters and telegrams of protest have asked the Nixon administration to reverse the transfers of water rights authority William H. Veeder and hydrologist Phillip Corke.

Further, the flood of communiques charges the administration with failure to consult Indian wishes concerning administrators over them and failure to implement the highly touted Nixon Doctrine of self-determination for the tribes.

The impact of the transfers in Indian country was that of a severe blow with a delayed reaction.

In the eye of the storm stands William H. Veeder, 60, a noted and experienced lawyer who enjoys a unique constituency of loyalty throughout Indian country for his long-standing defense of Indian water rights nationwide. For years a lone and infrequently heard voice within the labyrinth of Interior, Veeder together with Leon Cook and hydrologist Phillip Corke shifted into high gear under Indian Commissioner Louis R. Bruce in alerting the tribes to the peril of their water rights and assisted in their defense.

It was Veeder who originated the concept of a "trust counsel authority" to eliminate the multiple-client conflicts of interest within the Interior Department over Indian resource rights, and the White House incorporated the concept into its innovative package of Indian legislation now before Congress.

But, says the White House, Veeder is now "too controversial," "a Ralph Nader-type," and the net effect is a brushoff of an Indian ally. The White House supports the concept but not the conceiver.

In public statements, Deputy Commissioner John O. Crow took the fire over Veeder's transfer (he alone now within the Bureau--not Bruce--has the power to redelegate authorities), but the order for transfer came from the office of Harrison Loesch, assistant Interior secretary of the Bureau of Land Management.

MORE

Loesch admitted to a White House aide that he was responsible for ordering the Veeder transfer. In a Minneapolis newspaper interview a few days previous, Loesch had stung Veeder by labelling him a "complete bigot," "unreasonable," "insubordinate," and stating that he ought to be fired. (Loesch on a Southwest trip a year ago had told friends of his desire to get rid of the controversial Veeder.)

Loesch's exceptionable language--peculiar at best coming from a lawyer and a high government official--provoked Veeder into public statements of defense in the press.

"I don't know what kind of vendetta he's running," said Veeder, "and I don't give a damn. I don't have to get into vendettas--I know my business."

(Sen. Henry M. Jackson, D-Wash., meanwhile, in a unique hand-carried message to Loesch, pressed Loesch to reconsider the order for transfer. Jackson holds the ace in the deck as chairman of the powerful Interior and Insular Affairs Subcommittee in the Senate.)

Loesch is a friend and long-time political associate of fellow Coloradoan William Freeman, who was recently named economic development director in the Bureau, thus becoming supervisor and overseer to Leon Cook, Veeder and Corke. Veeder and Corke have been in the embattled Bureau since the mid-1960s. Cook joined Bruce's "new team" in 1970.

Veeder has been a thorn in Interior's side since he arrived there over the issue of Indian water rights. Recently, Veeder called Interior's Westwide Plan--a 10-year water-use study for eleven Western states--a "planned catastrophe for Indian peoples." "It (Westwide) is the ultimate step in taking from Indians their own water in water-short areas," said Veeder.

"The non-Indian is planning the Indian community out of existence," he said. "Indian water is the only water left to allocate, and limitations on Indian use are necessary for the future development of non-Indian projects. ...The politically powerful overwhelm the politically impotent, and you see water and politics mix very explosively."

The transfer limits the leverage Veeder currently enjoys, because--given the enormous accessibility of data and intercommunication among federal agencies--his working ability would be impaired. Moreover, it would effectively eliminate his ability to assist tribes outside the Phoenix jurisdiction, where his pending transfer deposits him. The transfer is a condition unacceptable both to him and Indian friends in other parts of the nation who have relied on his assistance in crucial water struggles.

The Colorado River Tribes in the southwestern corner of Arizona, meanwhile, telegraphed both the White House and Veeder requesting the pending transfer be cancelled. Ironically, that tribal association would benefit most with the placement of Veeder in the Phoenix Area Office under whose jurisdiction they live.

Veeder uniquely enjoys the standing of "friend first, then advocate" throughout Indian country. That friendship exists despite over 200 years of very well-founded distrust on the part of Indians toward non-Indian federal officials.

MORE

"If anyone comes to Indian country to help the Indians," said a Bureau associate of Veeder, "sooner or later they cut him down. That's the way it is, and that's the way it's always been."

Veeder has practiced law since 1934 and has devoted himself almost exclusively to water law since 1937 when he was employed by the Colorado State Solicitor in the Department of Agriculture. In 1944 he was employed as an attorney in the Justice Department, and in 1949 was appointed special assistant to the U.S. Attorney General, again concentrating in the field of water law pertinent to Indian country. He came on board at the Bureau in 1965 and subsequently became widely known in the Indian world for defining crucial resource losses and providing astute legal counsel throughout many states. He has practiced before the Supreme Court and is a member of the Bar of the District of Columbia.

Veeder has devoted himself to the definition, determination, preservation and protection of Indians' natural resources, particularly Indian water. His most widely known writings are a lengthy brief prepared for the Supreme Court this past March entitled "Conflicts of Interest--A Preface to Disaster for the American Indian People," and a widely circulated essay "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development," both published by the government.

The only personal fault any of his associates have found with Veeder is that he is an extraordinarily lengthy writer. "I'm something of a racist myself," quipped one of the Indian new team members, "but he's the only white man I call Mister."

Leon Cook, meanwhile, is hanging on at the Bureau and the fact he has not resigned was a stunning surprise to several persons within Interior. Cook wears the humiliation of his diminished authority with noticeable grace and humor, aware that his continued presence in the Bureau is itself an annoyance in certain quarters.

Corke said he was offered no alternative to his impending transfer, and that he felt things "will be at a standstill" until a new administration comes in.

Whatever its checkered past, the Bureau in 1971 does not fully warrant its public image of a near-criminal monolith employed by whites to insure the death of Indians as a people. A fact habitually overlooked is that within the Bureau today are select individuals of enormous conscience and capacity.

William Veeder is one of those individuals.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 13, 1971

Memorandum

To: Mr. John O. Crow, Deputy Commissioner of Indian Affairs

From: William H. Veeder

Subject: Firing ultimatum

On Friday, August 6, 1971, you had me called to your office. Our conversation can be summed up in this ultimatum you gave me:

You are transferred to Phoenix to work on the Central Arizona Project; your papers are being cut; You are not to be allowed to work in Washington within the parameter I have been given in this job; You accept this transfer or be fired.

I reject your ultimatum. Having thoroughly checked this matter, I know the "parameter" of your ultimatum to me - the precise word "ultimatum" was used in your firing threat - was prescribed by Assistant Secretary of the Interior Loesch.

Your firing ultimatum has implicit in it that in some manner I am guilty of wrongdoing. Proof of that wrongdoing in a full hearing is your burden.

William H. Veeder
William H. Veeder

cc: Mr. Harrison Loesch
Mr. William L. Rogers
Mr. Louis R. Bruce

The White House
Washington

WHA115 (53)CTA089

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1971 AUG 13 AM 8 33

BRADLEY PATTERSON, EXECUTIVE OFFICE

INDIAN AFFAIRS WHITE HOUSE WASHDC

OF EVEN DATE THE SHOSHONE-BANNOCK TRIBE HAS BEEN ADVISED THAT THE DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, HAS TAKEN ACTION TO REMOVE WILLIAM VEEDER, ATTORNEY WITH THE BIA WASHINGTON OFFICE, AND PHILIP CORKE, ADMINISTRATIVE OFFICIAL D.C. OFFICE AND RELEGATE SAID PERSONNEL TO A LESSER FIELD POSITION SOMEWHAT REMOVED FROM THE PRESENT SCOPE AND NATURE OF THEIR WORK.

³ SUCH ACTION BY THE DEPARTMENT IS INDEED OFFENSIVE AND UNACCEPTABLE TO THE TOTAL INDIAN COMMUNITY IN THAT THE ABOVE PERSONNEL ARE ASSISTING AND STIMULATING THE VARIOUS INDIAN TRIBES IN THE DEVELOPMENT OF WATER RESOURCE STUDIES TO PRESERVE INDIAN WINTERS
² DOCTRINE WATER RIGHTS FROM APPROPRIATION BY THIRD PARTIES.

THE ABOVE ACTION ON THE PART OF THE DEPARTMENT OF INTERIOR

↑

CONSTITUTES A DIRECT AND FLAGRANT REPUDIATION OF THE PRESIDENT'S
DECLARED INDIAN POLICY AND IF ALLOWED TO STAND WILL REGRESS
THE INDIAN CAUSE VERY SUBSTANTIALLY, AND DESTROY TOTALLY THE
CREDIBILITY OF THIS ADMINISTRATION WITH THE MAJOR INDIAN TRIBES.

ACCORDINGLY, THIS TRIBE IN CONCERT WITH THE MAJOR TRIBES
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HOUSE CONFERENCE ON THIS MATTER, SAID CONFERENCE TO BE ESTABLISHED
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2 KESLEY EDMO, CHAIRMAN FORT HALL BUSINESS COUNCIL SHOSHONE-BANNOCK
TRIBES.

The White House
Washington

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INDIAN AFFAIRS WHITE HOUSE WASHDC

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HENRY M. JACKSON, WASH., CHAIRMAN
ANTON P. ANDERSON, N. MEX.
LAN DIBLE, NEV.
FRANK CHURCH, IDAHO
FRANK E. MURPHY, UTAH
JENNIFER N. BURDICK, N. DAK.
GEORGE MCDOVERN, S. DAK.
LEE METCALF, MONT.
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United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
WASHINGTON, D.C. 20510

August 11, 1971

JERRY T. VERKLER, STAFF DIRECTOR

#6402
S/Roesch 8/26

Honorable Harrison Loesch
Assistant Secretary for Public Land
Management
Department of the Interior
Washington, D.C. 20240

Dear Mr. Loesch:

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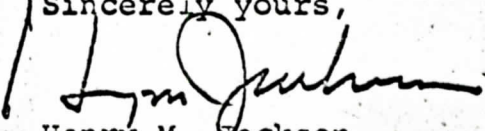
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Sincerely yours,


Henry M. Jackson
Chairman

HMJ:vnd

Navajo Tribe Will Fight For Water Rights

PRESERVATION COPY



"I COULD NOT, in good conscience, keep quiet any longer."

Bill Veeder, Water Utilization Specialist of the BIA, Washington, D. C. tells the Navajo Tribal Council that their water rights are in danger and that overbuilding of the Colorado River has resulted in pollution of the lower Colorado. (Photo by Cato Sells, Jr.)

(EDITORS NOTE: See related editorial on page 4 of this issue.)

Developments in the field of Navajo water rights came rapidly this past week as a top Bureau of Indian Affairs official, a long-time BIA water resources expert, Chairman Peter MacDonald, Navajo leaders and the General Counsel spoke out on the threat to water of the Colorado and San Juan rivers, in which Navajos claim prior rights.

Signaling his intention to fight for all water rights due the Navajo Nation, Chairman Peter MacDonald invited top experts to testify to the Council on the problem. MacDonald, also, in a press conference advised the cities of Albuquerque, Phoenix, and others to "think about a relocation program for their increasing populations instead of allowing unlimited growth without water and electricity to take care of increasing demands."

Leading off the officials warning about the need for the Navajo Nation to protect and preserve their legal rights to water was Leon Cook, Deputy Director, of the Economic Development Department in Washington D.C. of the BIA who told the Council that the proposed contract between the tribe and the government "looks to be not a very good contract" for the tribe.

Cook said he had recently stood at the mouth of the San Juan Chama tunnel and "I witnessed, personally, the diversion of water away from the Jicarilla Apache Reservation and from the Navajo

Reservation of water which I truly believe the Navajos are entitled to receive."

He added "That water is going to be used for the people of Albuquerque in the long run and you are going to be deprived of it unless you fight to maintain it."

Following Cook in reporting to the Council was Bill Veeder, veteran water legal expert of the BIA who said that he "could not, in good conscience, keep quiet any longer" of the danger to Navajo water rights.

Both Cook and Veeder had been asked to report the water problem by Chairman MacDonald after he had investigated water rights recently and became alarmed at moves by other interests to obtain water claimed by the Navajos.

Also, at the press conference, MacDonald said, "When we want to bring water to our homes we may find that someone else thinks they have a claim on it and we will have a big fight on our hands."

MacDonald said in reference to increasing electricity demands by cities and states "We don't want, and don't need 15 huge power plants surrounding our reservation for cities as far away as Los Angeles."

He added that a survey and inventory of Navajo water rights will be getting underway to determine the full rights of Navajos to water and the needs now and in the future.

Water expert Bill Veeder told the Council "the problem stems from overbuilding of the Colorado river

Continued on Page 2

TRIBE WILL FIGHT FOR WATER RIGHTS

Continued from Page 1

and water use far in excess of supplies." Also, referring to similar conditions on the San Juan river, Glen Canyon Dam and Navajo Dam water pools, Veeder warned that Albuquerque, Phoenix and surrounding states were now planning and making arrangements for their water needs in seventy-five and one hundred years.

"Your water is in danger by overbuilding these streams," he said. Calling the contracting of water out to others a "Humpty-Dumpty deal" Veeder flatly asserted that Indians have first and prior rights.

However, he added the Navajos should "make demands on the United States, your trustee, to protect your water rights, now, because time is an element." He said that the water needs of the Navajo Nation should be anticipated for the needs of the future for many years or "in my view, the homes guaranteed you will no longer be habitable."

Calling water the most "irreplaceable resource" Veeder said that "if Albuquerque receives your water, you will never get it back." He added that the Phoenix system when it is built will also be looking for water from the Colorado river complex.

Veeder assured the Council that while water was not specifically mentioned in the Treaty of 1868 it was his opinion, confirmed by Supreme Court decisions, that "nevertheless, water was reserved by the United States for Indians to meet present and future needs." He referred to the 1907 Supreme Court decision and the 1924 Supreme Court decision on this.

The 1907 decision is commonly called the "Winters Doctrine" and this called for first and prior rights of Indians to water that arises or flows through their land. "There is no question about your water rights under the 'Winters Doctrine,'" Veeder said.

Vice-Chairman Wilson C. Skeet told the Council that the Chairman had been meeting with other Indian tribes on the water problem in addition to determining the extent of the Navajo problem with water experts and that the Chairman had detailed the Resources Committee

to make a study of Navajo water rights and resources.

Skeet said the General Council was looking into this and there were plans to meet with all Indian tribes along the Colorado and San Juan Rivers to get together with their lawyers and water experts to protect their water.

General Council George Vlassis said that his firm's water expert Randall Bain had been asked in March to make a detailed study of Navajo water rights and described the water problem as "almost on par with the Hopi dispute."

Vlassis advised that the Navajo Nation should not consent to requests for water rights and should not take money for these valuable rights.

He stressed that his estimate of the value of Navajo water rights as "well in excess of \$100 million. Everyone wants part of it." He added that the water needs should be determined for many years in the future and should include, babies or human needs, industrial needs and all others in addition to agricultural needs.

Councilman Carl Todecheenie, Chairman of the Council Resources Committee told the Council "We have been hiding under the Winters Doctrine" but that a Supreme Court decision on March 24 of this year had stated that Indian water rights would be forthcoming from the state courts. Describing the need for the Navajos to insist on federal court jurisdiction because of the conflicting interests of the states Todecheenie said, "We want to establish we are not subject to state courts."

He also reported that a study by the Bureau of Reclamation was underway to be completed in 1975 on the water needs of the Western States and that neither the tribe or the BIA had been consulted or informed. "We have been ignored," he said.

Confirming this, Vice Chairman Skeet said that the upper and lower compact of states of the Colorado were under study by the Bureau of Reclamation but "no one is representing the Indians.

"They might put out a declaration that Indian water rights are not recognized anymore," he said.

THE OLD DINEH

Legend does not reveal when the first of the old Dineh came into the Southwest.

PRESERVATION COPY



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

*Based upon
our
consensus
Bill Veeder*

IN REPLY REFER TO:

October 9, 1970

Dear Senator Anderson:

Thank you for your letter dated September 25, 1970, and for the eight questions which it contained. Those questions were submitted by you as part of the hearing conducted on September 25, 1970, by the Senate Subcommittee on Indian Affairs at which I orally testified in support of S. 4165, "A Bill To provide for the creation of the Indian Trust Counsel Authority, and for other purposes."

Response to the questions will be upon the same basis as my oral testimony. 1/ Each question will be quoted verbatim prior to the answer. Where the ends of clarity will be served, questions have been combined.

Questions 1 and 3: Question 1: "You agree that on July 20, 1970, you appeared as counsel for the Santo Domingo and San Felipe Pueblos?"
Question 3: "By whose authority did you appear at the hearing and make a legal argument?"

Response to Questions 1 and 3: I agree that I appeared as co-counsel for the Santo Domingo and San Felipe Pueblos at a hearing held July 20, 1970. Commissioner Bruce authorized that appearance. That appearance by me was requested by Mr. Thomas O. Olson, Attorney for the Pueblos of San Felipe and Santo Domingo, and by specific Resolutions adopted by the Pueblos. Those requests were presented to Commissioner Bruce and he acted favorably upon them, all as set forth below.

1/ STATEMENT BY WILLIAM H. VEEDER BEFORE THE SENATE SUBCOMMITTEE ON INDIAN AFFAIRS, SEPTEMBER 25, 1970

My name is William Hubert Veeder. I am an employee of the Bureau of Indian Affairs in the Department of the Interior. My position is Water Conservation and Utilization Specialist.

I am appearing at the request of the Committee. I am not authorized nor am I presuming to speak for either the Department of the Interior or the Bureau of Indian Affairs. This Committee has heard from Secretary Hickel, Assistant Secretary Loesch and Commissioner Bruce on the pending bills S. 4115 and S. 4165.

If there is any factual information the Committee desires, I will be happy to answer any questions the Committee may feel it is appropriate to ask me.

(The foregoing statement in regard to my appearance was prepared by Assistant Secretary of the Interior Harrison Loesch and delivered to me at 11.45 a.m. September 18, 1970.)

My appearance was made in these multiple suits. 2/ They were initiated by the State of New Mexico and the United States, acting through the Department of Justice, has intervened in them as a plaintiff.

The proceedings of July 20, 1970, in which my appearance was made, is fully reported. Indeed, you quote from my argument of July 20, 1970, in your letter dated September 8, 1970, on the subject, to Honorable Walter J. Hickel, Secretary of the Interior. Assistant Secretary Loesch responded to your letter by a communication dated September 15, 1970.

"By whose authority" did I appear in the multiplicity of suits, is the thrust of your question numbered 3. As stated, I appeared pursuant to the authority granted to me by Commissioner of the Bureau of Indian Affairs Louis R. Bruce. Under appropriate headings the salient aspects of my appearance and Commissioner Bruce's authorization for that appearance will be chronicled.

a. Three attorneys-at-law, and George Crossland, all of whom possess the qualities of reliability, integrity and knowledge of the basic implications of my authorization by Commissioner Bruce to appear on July 20, 1970, obtained that authorization and reported it to me, all as stated in the paragraphs which succeed:

Tom Olson, Attorney for the Santo Domingo and San Felipe Pueblos, had, as stated, requested Commissioner Bruce to authorize me to appear with him in the multiple suits to which reference has been made. When that authorization was not forthcoming, this sequence of events transpired:

(1) Tom Olson, with whom you are personally acquainted, as Attorney for the Pueblos authorized and directed George Crossland to represent him at a conference held with Commissioner Bruce in Washington, D. C. on the morning of July 20, 1970. Objective of that conference was to secure Commissioner Bruce's authority for my appearance as co-counsel at the July 20, 1970, hearing.

2/ In the United States District Court for the District of New Mexico:
 State of New Mexico, United States of America v. Ramon Aragon,
 (Chama River) No. 7941;
 State of New Mexico, United States of America v. John Abbott,
 (Santa Cruz River) No. 7488;
 State of New Mexico, United States of America v. R. Lee Aamodt,
 (Pojoaque Creek) No. 6639;
 State of New Mexico v. Eduardo Abeyta (Rio de Taos) No. 7896;
 State of New Mexico v. Celso Arellano (Rio de Taos) No. 7939.

(2) At the request and at the direction of the National American Indian Law Student Association, the above named George Crossland was likewise empowered to represent the Association at the conference with Commissioner Bruce and to request on behalf of the Association that I be authorized to appear as co-counsel for the Pueblos at the hearing in question.

(3) George Crossland was thus an authorized representative of Tom Olson and the National American Indian Law Student Association in the meeting held with Commissioner Bruce and members of his staff. Sole question at the conference was whether I would be authorized to appear in the July 20, 1970, hearing, whether I could be authorized and the means available to obtain for me the necessary authorization.

(4) Time being of extreme importance, I was advised by Tom Olson, that he had arranged to call Mr. Sherwin Broadhead for a report as to the outcome of the meeting between Commissioner Bruce and Mr. Olson's authorized representative. Mr. Broadhead is an attorney-at-law whom I have known for many years. His integrity is beyond question. As a competent, knowledgeable and trustworthy lawyer Mr. Broadhead was in charge of the Bureau of Indian Affairs' Congressional Relations Office, whose function it is to oversee Congressional legislation with the attendant direct relationship with the Congress of the United States.

(5) Mr. Olson, Attorney for the Pueblos, had arranged to call Mr. Broadhead to obtain information as to the outcome of the meeting between Commissioner Bruce and Mr. Crossland. Mr. Olson had had previous contacts with Mr. Broadhead and knew him to be a responsible attorney whose office was directly across from Commissioner Bruce's office. Mr. Broadhead had ready access to the Commissioner's office.

(6) Attorney Tom Olson, in my presence, called Attorney Broadhead's office from the Judge's chambers in the Federal District Court in Santa Fe, New Mexico, between 11.30 and 12 o'clock noon, Washington time; 9.30 and 10.00 o'clock Santa Fe time. Mr. Broadhead advised Mr. Olson that Commissioner Bruce and George Crossland were still in conference.

(7) At approximately ten minutes to ten o'clock Santa Fe time - the proceeding in the multiple suits was to commence at 10 o'clock - this sequence of events transpired: (i) Mr. Olson in my presence again called Mr. Broadhead; (ii) Attorney-at-law Kirke Kickingbird joined Mr. Broadhead on the telephone; (iii) George Crossland who had just left the conference with Commissioner Bruce

joined Attorneys Broadhead and Kickingbird on the telephone;
(iv) Mr. Crossland advised Mr. Olson that Commissioner Bruce had authorized my appearance as co-counsel in the July 20, 1970, hearing which was almost immediately to be opened.

(8) Attorney Olson turned from the telephone and advised me that Commissioner Bruce had authorized my appearance as co-counsel in the proceedings in question.

(9) I asked to speak directly to Mr. Crossland. It was then that Mr. Crossland unequivocally stated that Commissioner Bruce had authorized my appearance as co-counsel. Mr. Broadhead and Mr. Kickingbird were on the telephone with Mr. Crossland and me and heard Mr. Crossland's statement to me that I was authorized to appear. Messrs. Broadhead, Kickingbird and Crossland discussed briefly with me the authorization granted me by Commissioner Bruce to appear at the proceedings then at the point of commencing in the courtroom to which the Judge's chambers were immediately adjacent. Mr. Crossland stated my authorization would be confirmed by telegram.

(10) Attorney Tom Olson advised me that Commissioner Bruce was assigning me to function as co-counsel under the immediate direction of the Governors of the Santo Domingo and San Felipe Pueblos.

(11) Attorney Olson in my presence advised the Governors of the San Felipe and Santo Domingo Pueblos that Commissioner Bruce had granted their request that I appear as co-counsel in the proceedings on their behalf and under their direction.

(12) With full knowledge that I had been authorized by Commissioner Bruce to appear in the July 20, 1970, hearing, I called expert witnesses, introduced expert testimony, documents and maps. That evidence proved, in my opinion, that the San Felipe and Santo Domingo Pueblos - indeed, all similarly situated Pueblos - are the owners of invaluable rights to the use of water in the tributary streams of the Rio Grande. It is in total disregard of those invaluable rights of the San Felipe and Santo Domingo Pueblos that the Department of Justice is undertaking to have adjudicated the rights to the use of water of the tributary streams and that the waters of those tributaries will be used within the tributary areas. In substance, the Department of Justice, in opposing the intervention and the position I have taken in regard to this matter, is effectively denying the Pueblos in question their day in court to their irreparable damage.

Briefly to summarize: Mr. Olson, Attorney for the Pueblos, acting with Mr. Broadhead, a lawyer employed by the Bureau of Indian Affairs in Congressional legislative matters, and Mr. Kirke Kickingbird, a lawyer likewise employed as a Congressional Legislative Specialist

for the Bureau of Indian Affairs, acting with George Crossland, advised me that Commissioner Bruce had authorized my appearance as co-counsel for the San Felipe and Santo Domingo Pueblos at the July 20, 1970, hearing. Mr. Crossland traveled from Albuquerque, New Mexico, to Washington, D. C., as Attorney Olson's representative to meet with Commissioner Bruce to obtain that authorization. He succeeded in that mission.

Mr. Olson advised me I had been authorized by Commissioner Bruce to appear with him as co-counsel, based upon his telephone conversation with his representative George Crossland who, as stated, likewise was representing the National American Indian Law Student Association in the meeting with the Commissioner. That authorization was confirmed to me personally by George Crossland on a conference call with Attorneys Broadhead and Kickingbird.

With all respect I desire to present a basic and indisputable fact; questions flowing from it: I was fully authorized to appear and that authorization was verified by three lawyers upon whom I relied implicitly. Questions presented: Is George Crossland a man of integrity and veracity upon whom reliance could be placed by Tom Olson, Attorney for the Santo Domingo and San Felipe Pueblos? Would George Crossland deliberately lie in the presence of witnesses to Mr. Olson and to me respecting the Commissioner's authorization to me, knowing as he most assuredly did the grave consequences flowing from a lie under all circumstances of which he was aware?

Basically those are questions which must be asked. I accepted Tom Olson's judgment in his selection of Mr. Crossland to represent him in the conference with the Commissioner. I accept Mr. Olson's report to me from his representative. I accepted the integrity and veracity of Mr. Olson and Mr. Crossland, Mr. Broadhead and Mr. Kickingbird; I acted upon their integrity and veracity.

b. Commissioner Bruce established my relationship with George Crossland; 3/ I believe Mr. Crossland to be a man of integrity; I reject all efforts to challenge the authority vested in me by Commissioner Bruce to appear as co-counsel on behalf of the Pueblos of Santo Domingo and San Felipe at the July 20, 1970, hearing for a different course would be tantamount to declaring Mr. Crossland is without integrity and veracity:

Commissioner Bruce wrote as follows to George Crossland:

"It has come to my attention that there is a possibility that you may receive assistance from the Ford Foundation

3/ Letter from Commissioner Bruce to Mr. George Crossland, May 12, 1970; Memorandum dated April 30, 1970, to Commissioner Bruce from Mr. Veeder.

during the forthcoming summer months. * * *

"Mr. William H. Veeder has expressed a willingness to sponsor, cooperate in and supervise the project which you have proposed. I am advised the proposal has been discussed with Commissioner Vance of the Indian Claims Commission, a long-time friend of yours. He endorses, I am also advised, your proposal.

"I approve Mr. Veeder's participation in the project as outlined and extend to you my best wishes for success in the endeavor. Enclosed is a copy of Mr. Veeder's memorandum to me regarding your proposal."

Commissioner Bruce thus established the relationship between George Crossland and me pursuant to which Mr. Crossland assisted me last summer under a Ford Foundation grant. While working with me in Washington, D. C., and Albuquerque, New Mexico, Mr. Crossland became acquainted with the disaster being visited upon the Pueblo Indians in the valley of the Rio Grande. Mr. Crossland likewise investigated the grave problems facing the Crow Indians of Montana who, like the Pueblos, are confronted with the loss of invaluable rights to the use of water due to the conflicts of interest within the Interior and Justice Departments.

It is important to emphasize at this juncture that: Mr. Crossland was acting for Mr. Tom Olson and the National American Indian Law Student Association which, I understand, paid Mr. Crossland's travel costs to Washington, D. C., for the sole and explicit purpose of a conference with Commissioner Bruce to obtain my authorization to appear as co-counsel for the San Felipe and Santo Domingo Pueblos. Ford Foundation funds were not used nor were Mr. Crossland's activities respecting the July 20, 1970, hearing in any way connected with the Ford Foundation.

Based upon my summer-long contact with Mr. Crossland I came to know him as a man of fine intellect, a first-rate scholar and with infinite capacity for performing work of a legal nature although he had only finished his second year at the University of Chicago School of Law.

Mr. Crossland's credentials are impressive. Among other things: He is an Osage Indian; 35 years of age; father of three children; a graduate from the University of Oklahoma; a Woodrow Wilson scholar; a candidate for his doctorate in literature; and, as stated, a fine student of the law now in his final year at the University of Chicago.

You will also observe from Commissioner Bruce's letter of May 12, 1970, offering Mr. Crossland the opportunity to work with the Bureau of Indian Affairs, that Mr. Crossland has been a close associate of Commissioner Vance of the Indian Claims Commission. Mr. Crossland likewise worked, I am advised, with Congressman Arnold Olsen from Montana.

Predicated upon the preceding facts I felt and now feel that when Mr. Crossland advised me I had been authorized by Commissioner Bruce to act as co-counsel in the July 20, 1970, hearing, I could fully rely upon his word. I know George Crossland told the truth to both Attorney Olson and me when he reported the grant of authorization from Commissioner Bruce to me to appear in the July 20, 1970, hearing.

On the background of my authorization from Commissioner Bruce to appear as co-counsel for the San Felipe and Santo Domingo Pueblos on July 20, 1970, response is made to your closely related questions 2 and 4. Because the questions and the responses which they elicit are inter-related, I have consolidated them for purpose of reply.

Questions 2 and 4: Question 2: "And that you sought by the appearance in the July 20, 1970, hearing to support the position of the Pueblos, as opposed to the position of the Justice Department?" Question 4: "The Justice Department and the Interior Department oppose the Motion to Intervene by San Felipe and Santo Domingo. Why did you take a contrary position?"

Let this fact be respectfully emphasized: You have presented the above quoted inquiries in regard to a classic example of the conflict of interest within the Department of Justice which has brought disaster to the American Indians throughout Western United States. In the Presidential Message dated July 8, 1970, to the Congress this condemnation of the conflict of interest within the Justice Department was set forth: "No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; * * *." I have chronicled in detail the outrageous conflict of interest within the Justice Department in a paper entitled "Federal Encroachment On Indian Water Rights And The Impairment Of Reservation Development." That paper published by the Joint Economic Committee of the Congress in January 1970, was supplemented in further detail by my written statement and oral testimony presented to the Senate Subcommittee at the hearing of September 25, 1970, which gave rise to your questions to which this letter is directed.

Response in detail under appropriate headings will be made to your question No. 4 to me, "Why did" I "take a contrary position" and "opposed" to the Department of Justice?

a. Destruction of the oldest continuous culture on the North American Continent - that of the Pueblo Indians - stemming from the conflict of interest within the Justice Department - a conflict of interest which in the words the President gave us "No self-respecting" law firm would participate in - is

Why I support the San Felipe and Santo Domingo Pueblos against the Justice Department;

Why I "take a contrary position" to the Justice Department:

- (i) An episode in the destruction of the Pueblo Indians, America's oldest continuous culture:

Pueblo Indians, as you are well aware, occupying a large section of the Rio Grande Valley, had achieved a high degree of cultural refinement at a time when the inhabitants of Europe were in a state of degraded savagery. Some years after the Europeans commenced their invasion of the North American Continent at the end of the fifteenth century, they encountered the ancient Pueblo civilization. Since that encounter of those two vastly different cultures the Pueblos have truly been an endangered species. Destruction of the Pueblo culture with roots in antiquity is near at hand. You have presented questions in regard to one aspect of perhaps the final episode that will terminate the Pueblo culture. This Nation will be grievously deprived by the passing of that ancient civilization.

I have not despaired for the Pueblo people, their homes and culture. Rather, for five years, acting with other like-minded people, I have endeavored to assist them in their courageous fight to survive. An important aspect of that struggle in connection with the Pueblos is this fact: During a period of four (4) years I was prohibited by the Department of the Interior from going to Albuquerque, New Mexico, to investigate their rights, or in any manner to assist them. In May of 1966 Governor Domingo Montoya of the Sandia Pueblo, President of the All-Pueblo Council, wrote Secretary Udall asking for my assistance. It was denied. That was but one of many efforts by the Pueblos to protect themselves and their rights to the use of water in the Rio Grande. Those efforts of the Pueblos have been frustrated by the incredible conduct of the Interior and Justice Departments purported Trustees of the Pueblos.

- (ii) Pueblo Indian Winters Doctrine rights in the Rio Grande and its tributaries - a guarantee for viable Pueblo communities in perpetuity:

On repeated occasions the Supreme Court of the United States, and numerous other courts, have declared that the American Indians

occupying Indian Reservation lands are legally entitled to prior and paramount rights in the water sources which arise upon, border, or traverse those Reservation lands. A key proposition to that principle of law, enunciated by the Highest Court, in regard to Indian Winters Doctrine rights to the use of water, declares that those rights entitle the Indians to sufficient water " * * * to satisfy the future as well as the present needs of the Indian Reservations * * * ." These basic principles of law have been reviewed and documented in detail in the paper alluded to above and entitled: "Federal Encroachment On Indian Water Rights And The Impairment Of Reservation Development." 4/

Pueblo Indian communities, predicated upon their titles to land and rights to the use of water in the Rio Grande dating back to antiquity, are guaranteed under the law, viability in perpetuity. It is the violation of the Pueblo titles to rights to the use of water "Why" I oppose the Justice Department.

1. San Felipe and Santo Domingo Pueblo immemorial rights in the Rio Grande and in its tributaries are being seized in furtherance of components of the San Juan-Chama Federal Reclamation Project - a classic example of the conflict of interest:

Santo Domingo and San Felipe Pueblo Indians are the owners of invaluable prior and paramount rights to the use of water in each of the tributary streams which the Justice Department has involved in litigation, in furtherance of the San Juan-Chama Federal Reclamation Project. A more classic example of the unconscionable conflict of interest which pervades that Department respecting the rights to the use of water of the American Indians is difficult to perceive.

Congress has in specific terms and for many years, recognized the "prior and paramount rights" to the use of water of the San Felipe and Santo Domingo Pueblos in the main stream of the Rio Grande. 5/ That Congressional recognition of the rights of the Santo Domingo and San Felipe Pueblos' "prior and paramount rights" - albeit but a portion of those rights - is of utmost importance. It is an unequivocal application of the principles of the Pueblo Indian Winters Doctrine rights in the mainstream of the Rio Grande.

4/ 91st Congress, 1st Session, Joint Committee Print, Toward Economic Development for Native American Communities, Vol. 2, pages 469 et seq.

5/ See Agreement dated December 14, 1928, By and between the United States of America, acting by the Secretary of the Interior, and the Middle Rio Grande Conservancy District, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico; and the Congressional Act quoted in that agreement.

Nature of those Congressionally recognized "prior and paramount" rights of the San Felipe and Santo Domingo Pueblos is of transcendent importance. An elemental principle of law in regard to those rights is that they extend throughout all of the tributaries of the Rio Grande to the very well-springs of them. A different principle would render vacuous the "prior and paramount" rights of the San Felipe and Santo Domingo Pueblos. That principle of law and the reasons for it have been stated in these terms:

"The entire watershed to its uttermost confines, covering thousands of square miles, out to the crest of the divides which separate it from adjacent watersheds, is the generating source from which the water of a river comes or accumulates in its channel. * * * Any appropriator of water from the central channel is entitled to rely and depend upon all the sources which feed the main stream above his own diversion point, clear back to the farthest limits of the watershed." 6/

Quite recently New Mexico's highest court has reiterated and reaffirmed that basic but all-important precept of the law. 7/

As a consequence the Santo Domingo and San Felipe Pueblos must rely upon the waters of the tributary streams to "satisfy" not only the "present needs" but their "future" needs as well. On that background of basic law reference is made to the unchallenged proof - indeed, proof that is not subject to successful challenge - of the interest of the Santo Domingo and San Felipe Pueblos in the tributaries of the Rio Grande subjected by the Justice Department to a multiplicity of suits.

2. Positive proof of the "prior and paramount rights" to the use of water of the San Felipe and Santo Domingo Pueblos in the tributary streams involved in the multiple suits initiated by the Justice Department:

Positive proof of the "prior and paramount" rights to the use of water of the San Felipe and Santo Domingo Pueblos in the tributary streams subjected by the Justice Department to a multiplicity of suits is now a matter of record in those suits. No longer will those Pueblos or other Pueblos for that matter, be plagued as they have been with vagaries, contradictions and obfuscation.

6/ Richlands Irrigation Co. v. Westview Irrigation Co., 96 Utah 403; 80 P.2d 458, 465 (1938).

7/ Templeton v. Pecos Valley Artesian Conservancy District, 65 N.M. 59; 332 P.2d 465, 470 (1958).

Evidence was introduced at the July 20, 1970, hearing proving that:

The San Felipe and Santo Domingo Pueblos own approximately 30,000 acres of highly valuable irrigable land;

Those lands are intersected by the mainstream of the Rio Grande;

A reasonable water requirement for those lands would be approximately 150,000 acre-feet of water annually from the Rio Grande.

Evidence was introduced at the July 20, 1970, hearing proving that:

Thirty percent (30%) of the natural flow of the Rio Grande enters that stream from the Chama River, a principal tributary;

Ground water from the Chama River likewise contributes to the surface flow of the Rio Grande;

Substantial but unmeasured quantities of surface water and ground water of the Pojoaque River drainage enters the Rio Grande; that is also true of the Santa Cruz drainage;

Substantial but unmeasured quantities of surface and ground water enter the Rio Grande from the Rio de Taos and its tributaries.

All of the above mentioned sub-drainage systems of the Rio Grande are located upstream on that river from the San Felipe and Santo Domingo Pueblos;

All of those water sources contribute large quantities of water to the mainstream of the Rio Grande, flow to and are part of the waters of the Rio Grande to which the San Felipe and Santo Domingo Pueblos hold immemorial legal entitlements to "satisfy the future as well as the present" water needs of those Pueblos.

Based upon the preceding principles of law respecting the Pueblo immemorial rights in the Rio Grande and its tributaries, it is manifest that positive proof of the San Felipe and Santo Domingo Pueblo rights in the tributary streams of the Rio Grande subject to the Justice Department's multiple suits, is now a matter of judicial record. Ultimate disposition of those basic facts and principles of law will determine whether the ancient civilization of the San Felipe and Santo Domingo Pueblos will be harshly destroyed or remain viable in perpetuity. Their survival is truly in balance.

3. Invasion of the immemorial rights of the San Felipe and Santo Domingo Pueblos in the tributaries of the Rio Grande in furtherance of the components of the San Juan-Chama Federal Reclamation Project is the immediate result of the Justice Department multiple suits:

Prior and paramount rights of the San Felipe and Santo Domingo Pueblos to satisfy their present and future water requirements in the Rio Grande are not subject to successful challenge factually or legally. Under no circumstances can those rights be measured by present water uses. Any attempt thus to measure those immemorial and invaluable rights is violative not only of the trust responsibility owing by the Nation to the Pueblos, but is violative of the guarantees under the Constitution of the private rights of the Pueblos held in trust for them under that Constitution.

In total disregard of those rights to water to meet present and future needs the Pojoaque component of the Federal Reclamation Project has been planned on this basis:

"Water Rights The water rights of the Pojoaque stream system are, as of the date of this report, in the process of being adjudicated.

The area that has been irrigated, as determined by the New Mexico State Engineer Hydrographic Survey, 1963 Conditions, is considered to be the water-right land for this report." 8/

Comparable language is used by the Department of the Interior in planning the Llano component of that Federal Reclamation Project. 9/ Other tributary units of the Federal Reclamation Project are, it is understood, being likewise planned by the Department of the Interior.

Irreparable damage to the San Felipe and the Santo Domingo Pueblos - all other Pueblos - is contained in the above quoted excerpt from the plans of the Federal Reclamation Project. It is a clear violation of the obligation of the United States, the trustee, to declare that the "water rights" of the Pueblos in the Pojoaque River system are to be measured by "The area that has been irrigated." That

8/ Vol. II - Tributary Units Definite Plan Report San Juan-Chama Project Colorado-New Mexico Revised March 1968, page 19.
9/ Id. page 82.

violation is compounded by the Justice Department's course of conduct in the matter which will be reviewed.

To limit the Pueblo rights to the lands that have been irrigated constitutes: (a) An abandonment of the invaluable Winters Doctrine rights to water to "satisfy the future * * * needs of the" Pueblos; (b) It frustrates all hopes for future economic development; (c) It foreshadows a continuation of the abject poverty to which the Trustee has subjected so many of the Pueblo Indians; (d) It constitutes a continuation of the shameful policy of the Department of the Interior that has totally failed properly to plan full utilization, development of and to protect the invaluable, immemorial Pueblo Indian rights to the use of water in the Rio Grande drainage system. Succinctly stated: In furtherance of a Federal Reclamation project there is contemplated an unconscionable seizure of the Pueblo Indian rights to the use of water. A seizure, let it be emphasized, which must necessarily destroy any hopes that the ancient culture of the Pueblos will have water for their future economic development and continuation.

Incredibly, projection of Pueblo poverty has been utilized by the Justice and Interior Departments in the Pojoaque River litigation, as a criterion for measuring the invaluable rights of the Pueblos to the use of water. Reference in that regard is made to the attached report dated October 31, 1969, that I prepared for Commissioner Bruce. 10/

That report was prepared based upon a preliminary investigation of the concepts and procedures adhered to by the Justice and Interior Departments in furtherance of the Federal Reclamation project which, as stated, entails a well developed plan for the seizure of the Pueblo Indian rights for the Reclamation project. Revelation of the guidelines adhered to by the two Departments graphically explains why for four years I was prohibited from reviewing the multiple suits, although that investigation was repeatedly requested by the Pueblos and their lawyer.

In close harmony, in furtherance of the Federal Reclamation project - in total disregard of mainstream rights of the San Felipe and Santo Domingo Pueblos for future development - the Justice Department, the Interior Department and the State of New Mexico are proceeding. In the paragraphs which succeed a legal analysis and supporting documentation disclose the course of conduct of the Justice Department in the matter.

10/ Memorandum October 31, 1969, to Commissioner Bruce from William H. Veeder, Subject: Memorandum respecting rights to the use of water of the Pueblo Indians of New Mexico in the Rio Grande and its tributaries - Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Picuris, Pojoaque, Sandia, San Felipe, San Juan, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, and Zia -- see in particular pages 10 et seq. - Ex. A

4. Violation of Pueblo Indian rights in the tributaries of the Rio Grande effectuated by the incongruous course of conduct by the Justice Department of the multiple cases:

There has been quoted above the fact that in furtherance of the Federal Reclamation project, the rights to the use of water in the Pojoaque Creek litigation would be measured by "The area that has been irrigated * * *" with the attendant abandonment of rights requisite for future development. Moreover, as quoted above, that area "that has been irrigated" is to be "determined by the New Mexico State Engineer Hydrographic Survey, 1963 Conditions * * *." Consequence of that course of conduct has been summarized as follows:

"(1) The multiple actions on the Chama River and other tributaries, in which the main stream Pueblos hold invaluable rights, all as proved at the July 20, hearing, is to have the waters of those tributaries 'to which others may be entitled' including the Pueblos, adjudicated for use 'within the tributary areas,' thus depriving the main stream Pueblos of their natural supplies of water.

"(2) As a consequence of the objectives of the multiple suits, as stated, the waters from the Chama River and the other tributaries to which the San Felipe and Santo Domingo Pueblos are entitled, will be 'used within the tributary areas.'" 11/

Justice Department's representative admits that the tributary waters which would otherwise in a state of nature flow down to the San Felipe and Santo Domingo Pueblos, will be adjudicated -- in total disregard of those Pueblos' rights -- for use within the tributary areas; that waters to which those Pueblos have legal entitlements, will be stored by the envisioned components of the Federal Reclamation Project. 12/

To further the objectives of the Federal Reclamation Project, in keeping with the practices and procedures adhered to by the State of New Mexico, this incongruous course of conduct in the multiple suits has been adopted by the Justice Department:

11/ See Ex. B attached, page 3, memorandum dated August 11, 1970, from William H. Veeder to Commissioner of Indian Affairs, Subject: Violation of the Trust Responsibility:

Seizure of Pueblo rights to the use of water in the tributaries of the Rio Grande is objective of multiple suits prosecuted by Justice on those tributaries, all in furtherance of San Juan-Chama Federal Reclamation Project; rejection of alleged intention to replace the waters thus seized with imported water.

12/ Id. Ex. B, page 3.

Two complaints have been filed in these cases - one by the State of New Mexico and one by the United States;

In keeping with the practices of New Mexico, in clear violation of the Federal Rules of Civil Procedure:

Court orders are being entered in the proceedings involving hundreds of claims of individual defendants purporting to adjudicate rights of those individual claimants without

- (i) answers being filed setting up the claims of the defendants;
- (ii) proof being offered; or
- (iii) cross-examination of the claimants - indeed, in many cases appearances as required by the Federal Rules of Civil Procedure seemingly have not been made prior to the entry of the judgments.

Not only are there two complaints largely without answers having been filed to them as required by the Federal Rules of Civil Procedure, this anomaly exists:

There are two Special Masters appointed in the Chama River litigation, one to take evidence when required by the laws of New Mexico involving non-Federal claims; another to take evidence involving Federal claims. 13/

These incongruities in the course of conduct of the Justice Department have been attacked as being violative of the Federal Rules of Civil Procedure, in the July 20, 1970, hearing. Indeed, it appears too clear for question that the course of conduct of these cases is violative of the Constitutional requirements that Federal courts can have jurisdiction only when a case or controversy is involved.

These matters were argued orally at the July 20, 1970, hearing and briefs in support were filed. There are pending motions in the multiple cases likewise raising most serious procedural questions which must be resolved.

Let this fact be respectfully submitted: The recital of the legal and procedural incongruities adopted by the Justice Department, is in no sense directed against the Federal District Court for New Mexico. Rather, there has been a total failure properly to present the multiple suits to that Federal Court.

13/ Order dated April 3, 1969, in New Mexico v. Aragon, Civil No. 7941.

5. Rejection by Justice Department of basic objections to its course of conduct of these multiple cases at conference held April 16, 1970; Failure of Solicitor to respond to memorandum dated April 17, 1970, from Commissioner Bruce chronicling those objections and documenting them: 14/

These basic and fundamental objections as to "why" I take "a contrary position" to the Justice Department in these multiple suits, have been emphasized and re-emphasized since the October 31, 1969, memorandum, Ex. A. At a conference held on or about April 16, 1970, the matters were presented to Justice Department officials, orally and in great detail. Those officials, obviously surprised that innumerable judgments were being entered, refused to suspend further proceedings until the matter could be reviewed in depth and corrections made to protect the immemorial rights of the Pueblo Indians. In attendance at that conference were representatives of the Pueblo Indians, their lawyers, representatives of the Solicitor's Office of the Interior Department, and of the Bureau of Indian Affairs.

Summary rejection by the Justice Department of the fundamental objections orally presented to them resulted in a detailed analysis of those basic objections which are set forth in a memorandum dated April 17, 1970. That memorandum, Ex. C of this letter, from Commissioner Bruce to the Solicitor, through Assistant Secretary Loesch, specifies in detail the tragic course being adhered to by the Justice Department. With all respect I urge most careful consideration of that memorandum.

There Commissioner Bruce directs these charges respecting the multiple suits to the Solicitor:

The failure of the Justice Department to take appropriate steps to protect the invaluable mainstream rights of the Pueblos;

The domination by the State of New Mexico in the multiple lawsuits with attendant adherence to practices and procedures entirely foreign to and violative of the Federal rules of this Nation;

The failure properly or fully to present the Pueblo claims in the Chama River, the Rio Grande's largest tributary.

14/ Ex. C - Memorandum dated April 17, 1970 to Assistant Secretary - Public Land Management, Attention: Solicitor, from Commissioner of Indian Affairs - Subject: Crisis confronting the Pueblo Indians - Need for immediate legal action to protect their rights in the Rio Grande and its tributaries. Ex. C attached.

Emphasized as will be observed from the Ex. C is the fact:

The Justice Department has submitted to the Federal Court of New Mexico, to New Mexico, and thousands of defendants, alternative "legal" theories which it asserts in regard to those Pueblos involved in the multiplicity of suits on the tributaries of the Rio Grande. One of those alternatives is a claim for the Pueblos of water "necessary to irrigate all historically-irrigated lands" - precisely the basis upon which the State of New Mexico, under its complaints in the multiple suits, is proceeding.

Demonstrated by Ex. C is the grave violation of trust responsibility owing to the Pueblos involved in the Pojoaque River litigation:

There are three Pueblos without mainstream rights. One Pueblo, the largest, has mainstream rights virtually unused. That Pueblo is placed in direct competition by the Justice Department with the three Pueblos without mainstream rights, to the irreparable damage of those Pueblos.

Moreover - and this fact is emphasized:

The Pojoaque litigation establishes the precedents the Justice Department says it will be bound by in all of the multiple suits in which it is engaged.

Confronted with the disastrous course being pursued by the Justice Department, Commissioner Bruce in the April 17, 1970, memorandum, recommended as follows:

- "(a) The Department of Justice should be asked to petition the Federal Court to suspend the prosecution of the Pojoaque case and all of the other cases for a period of one year pending the completion of the inventory.
- "(b) During this period of suspension the Pojoaque case be restructured to conform to the Federal Rules of Civil Procedure and Practice, seeking in particular to have vacated the numerous judgments which have been entered in that case. The case should become a general adjudication, adversary in character through the filing of answers, trials on the merits, cross-examination and all other acts required properly to protect the Pueblo rights."

Response has never been made to Commissioner Bruce's April 17, 1970, memorandum. Moreover, the above quoted recommendations have been ignored and the Justice Department continues its incongruous - its ruinous - course of conduct in the multiple cases in which it is engaged.

6. "Why" I oppose; take a contrary position to the Justice Department in the multiple suits transcends the Rio Grande litigation - it relates in part to the Eagle River adjudication on the Colorado River now before the Supreme Court:

In my written statement presented at the September 25, 1970, hearing I expressed grave concern in regard to the Eagle River Adjudication now before the Supreme Court. ^{15/} There I emphasized that the Justice Department in grave error is asserting that the Indian Winters Doctrine rights to the use of water are included in the definition of "Reserved rights" of the Nation as a whole; has failed correctly to distinguish those Indian rights as being private in character and held in trust for the Indians. Further, the Justice Department would, as it is doing on tributaries of the Rio Grande, join as plaintiff in tributary litigation in total disregard of the downstream rights of the Indians.

I respectfully urge this Committee to request the Attorney General and the Solicitor General to take appropriate action to protect the Indians in the Eagle River Adjudication. The precedent emerging from the Eagle River Adjudication on the Colorado River will be one that could be disastrous to all Indians.

I can, if desired, supply a more detailed expression of "why" I take a position "contrary" to the Justice Department. I hope that the paragraphs which precede have, however, made my position clear and the reasons for it manifest. It is essential that adequate protection be provided for the Pueblo Indians who are gravely imperiled by the course of conduct of the Justice and Interior Departments. On that background response is made to the final questions you presented.

^{15/} United States, Petitioner v. The District Court in and for the County of Eagle and State of Colorado and the Judge thereof, the Honorable Harold A. Grant, Respondents, The Colorado River Water Conservation District, City and County of Denver, acting by and through its Board of Water Commissioners, Central Colorado Water Conservancy District, and the New Jersey Zinc Company, Intervenor, No. 87 in the Supreme Court of the United States, October Term, 1970.

Question 5: "I am quoting from a September 15, 1970 letter to me from Mr. Loesch, the Assistant Secretary of the Interior: 'Mr. Veeder was not authorized by this Department to appear as co-counsel on behalf of the Pueblos in any litigation.' What was your reasoning in doing the contrary?"

Response to Question 5: As I orally stated to the Subcommittee at the September 25, 1970, hearing, I disagree with Assistant Secretary Loesch's statement that I was not authorized to appear as co-counsel for the San Felipe and Santo Domingo Pueblos. As reviewed in detail in the opening paragraphs of this letter, I was fully authorized thus to appear by Commissioner Bruce at the July 20, 1970, hearing.

Question 6: "Further, I am quoting from a July 16, 1970 letter signed by the Solicitor of the Interior Department, Mr. Melich: 'I believe that were the Commissioner of Indian Affairs to attempt to authorize Mr. Veeder to undertake the requested representation ... that he would be in violation of Title 18, U.S.C. 205.' I further quote from a letter signed by Mr. Kauper of the Justice Department's office of legal counsel, who said: 'On the assumption that Mr. Veeder's representation of the San Felipe Pueblo in the pending litigation could not be considered as in the proper discharge of his official duties, 18 U.S.C. 205 appears to be plainly applicable.' How do you respond to this assertion that your action would be contrary to law?"

Response to Question 6: I was authorized on July 20, 1970, by Commissioner Bruce to appear. The Solicitor's letter and the Justice Department letter were written four days antecedent to July 20, 1970, when I was duly authorized by Commissioner Bruce to act as co-counsel. Under those circumstances the Solicitor's letter and the response to it do not relate to the facts as they actually exist. For that reason I wish to assure you that my appearance on July 20, 1970, as co-counsel for the San Felipe and Santo Domingo Pueblos was not "contrary to law."

Question 7: "Finally, I quote from a telegram to you signed by Acting Commissioner Harold Cox on July 17, 1970. The telegram reads: 'We have received a reply from the Solicitor's office. You are prohibited from appearing as co-counsel in the Petition for Intervention... You... cannot appear as co-counsel.'

"In the face of this direct prohibition, why did you elect to do the contrary? What action has the Department taken in response to your violation of an unambiguous directive?"

Response to Question 7: Commissioner Bruce's authorization to me on July 20, 1970, superseded and revoked the limitation contained in

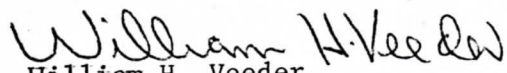
Acting Commissioner Cox's wire dated July 17, 1970, to me. Hence the latter wire was no longer controlling. As I did not violate any directive from the Department "ambiguous" or otherwise, there is no reason for the Department to take any action.

Question 8: "What are your future intentions concerning this case?"

Response to Question 8: I will adhere to the principles enunciated by Commissioner Bruce in his April 17, 1970, memorandum, Ex. C attached, which I view as his policy declaration in this matter.

I wish to thank you for your courtesy and the questions which you presented, allowing me to review in detail this very complex matter.

Sincerely yours,


William H. Veeder

Honorable Clinton P. Anderson
United States Senate
Washington, D. C. 20510

Enclosures



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20242

October 31, 1969

IN REPLY REFER TO:

Memorandum

To: Commissioner

From: William H. Veeder

Subject: Memorandum respecting rights to the use of water of the Pueblo Indians of New Mexico in the Rio Grande and its tributaries - Acoma, Cochiti, Isleta, Jemez, Laguna, Nube, Picuris, Pojoaque, Sandia, San Felipe, San Juan, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, and Zia

SUMMARY

An investigation has been undertaken as directed, in regard to the rights of the Pueblo Indians in the Rio Grande. Incidental to that investigation was a rapid review of pending litigation on tributary streams. That litigation does not pertain to the most valuable rights of the Pueblos which are primarily in the main stream.

- a. Under the Constitution the National Government is the guardian of the Pueblo Indians and their properties including their rights to the use of water, and under the law the Indians are viewed as beneficiaries of that trust.
- b. In fulfilling its obligations to the Pueblo Indians as a fiduciary it owes to them the highest degree of loyalty and must perform its functions with a commensurate degree of care, skill and diligence.
- c. Perhaps the most important aspect of that trust obligation owing to all of the Pueblo Indians is the protection and preservation of their lands which they have occupied since time immemorial and the maintenance of the viable Pueblo communities now and in the future.
- d. Title to invaluable rights to the use of water in the Rio Grande and its tributaries, resides in the Pueblo Indians. On repeated occasions the courts have recognized, adjudged and declared the prior, paramount and superior rights of the Indians under the Constitution. Without those rights to the use of water the Pueblos cannot exist as viable communities.
- e. There has been a failure on the part of the United States through agents charged with the responsibility of preserving and protecting the Pueblo rights to the use of water, to take appropriate steps to inventory those rights to ascertain the measure of them by determining

the water requirements to meet the needs of the Pueblo Indians both now and in the future.

f. Continued failure to take appropriate steps to determine and, if necessary, to institute actions to have adjudicated the Pueblo Indian rights to the use of water in the main stream of the Rio Grande, which will necessarily entail an adjudication of tributary rights in the streams, will constitute a violation of the Nation's trust responsibilities to those Indians - if that trust has not already been breached by a highly questionable course of conduct.

g. Irreparable damage to the Pueblo Indians of the San Ildefonso, Nambe, Pojoaque, and Tesuque Pueblos will necessarily ensue - if it has not already transpired - by reason of the conflicts created among those Pueblos, stemming from the initiation and prosecution, and the practices adhered to, in the case involving Pojoaque Creek, now pending in the Federal District Court.

h. An analysis - or an attempt at an analysis - of the data assembled in the preparation of the Pojoaque Creek litigation gives rise to a need for further more careful review of the data involved: (1) The Kirschner Report prepared at the request of the Bureau proceeds on the same misconceptions as the litigation in the San Ildefonso Pueblo lands which border to the west upon the main stream of the Rio Grande but are limited to Pojoaque Creek and hence those lands are placed in sharp conflict with Tesuque, Nambe and Pojoaque Pueblos in connection with the meager supply of water in Pojoaque without placing reliance upon the main stream of the Rio Grande for all or a substantial part of San Ildefonso water; (2) The Report uses the present dire poverty of the Pueblos and projects it into the future to calculate water requirements for the Pueblo Indians based upon per capita income; that concept should be rejected out of hand; (3) There are conflicts between soil surveys now being made and the Kirschner Report with the attendant grave conflict of data within the Federal Government as to the prime criterion to be used in measuring rights to the use of water.

i. As the Pojoaque Creek litigation has advanced the farthest, most of the attention in the investigation was directed to that proceeding. However, the conflict in policy within the Federal establishment in regard to the litigation of the tributaries - not the main stream of the Rio Grande - is graphically displayed by these facts: (1) When New Mexico sought to initiate its action on Pojoaque Creek the United States very properly moved to dismiss; (2) For unknown reasons it abandoned its motion to dismiss and filed its own complaint on Pojoaque Creek creating, among other things, the grave conflicts among the Pueblos on that stream; (3) It did not press its motion to dismiss for lack of jurisdiction, the complaint of New Mexico but rather the case is proceeding with the incongruity of two complaints in one action; (4) In the case initiated by New Mexico against the Taos Pueblo the

United States has moved to dismiss on jurisdictional grounds and is pressing that motion while it is proceeding in the Pojoaque Creek case and takes no action to have the complaint of New Mexico in that case dismissed. Failure to press the dismissal of the complaint of New Mexico has created jurisdictional, substantive and procedural conflicts which, while going beyond the scope of this review, most assuredly will gravely prejudice the Pueblo Indians by pursuing that course of conduct.

Conclusion: There has been a failure on the part of the Trustee United States in regard to the Pueblo Indians and their rights to the use of water, to meet the "exacting fiduciary standards" required of it, all as reviewed above.

Recommendation: The Bureau of Indian Affairs, for the reasons reviewed, should request a suspension of all future legal proceedings involving the tributary streams on the Rio Grande; it should immediately proceed to inventory all of the rights to the use of water in the Rio Grande as they relate to the present and future needs of the Pueblos; when the inventory has been completed, insist that an action be initiated to have adjudged, declared and determined those Pueblo rights in the stream system of the Rio Grande.

William H. Veeder

William H. Veeder
Water Conservation and
Utilization Specialist



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

October 31, 1969

IN REPLY REFER TO:

Memorandum

To: Commissioner

From: William H. Veeder

Subject: Memorandum respecting rights to the use of water of the Pueblo Indians of New Mexico in the Rio Grande and its tributaries - Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Picuris, Pojoaque, Sandia, San Felipe, San Juan, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, and Zia

In accordance with your direction there has been undertaken an investigation of the Pueblo Indian rights to the use of water in the Rio Grande and its tributaries. Attached is a copy of my brief summary on the subject, prepared at the request of Mr. Cajarsa, and your memorandum dated October 3, 1969, to Area Director Olson. To the extent that time has permitted and material has been available the following is my report on the subject.

Immemorial rights of the Pueblo Indians - National obligation to protect them: Long prior to the time that the European culture first invaded their lands and then engulfed them, the Pueblo Indians had created and maintained a high degree of civilization predicated upon their use of the waters of the Rio Grande and its tributaries. Their lives were oriented to the River which made habitation possible in contrast to the harsh desert environment which extended for miles both east and west from their ancient homes.

Spain and Mexico during their sovereignty respected the Pueblo Indians and their property interests, seeking to preserve and protect them. 1/

In 1848 when the National Government under the Treaty of Guadalupe Hidalgo assumed sovereignty over the area occupied by the Pueblo Indians there was established between it and the Indians the Constitutional relationship of guardian and wards. 2/ On the subject the

1/ See Handbook of Federal Indian Law, Cohen, pages 383 et seq.

2/ United States v. Sandoval, 231 U.S. 28, 46 (1913).

Highest Court had this to say:

"* * * it is not necessary to dwell specially upon the legal status of this people under either Spanish or Mexican rule, for whether Indian communities within the limits of the United States may be subjected to its guardianship and protection as dependent wards turns upon other considerations. * * * Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but long continued legislative and executive usage and an unbroken current of judicial decisions have attributed to the United States as a superior and civilized nation the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders, whether within its original territory or territory subsequently acquired, and whether within or without the limits of a State." 3/

The Court further stated:

"* * * it may be taken as the settled doctrine of this court that Congress, in pursuance of the long-established policy of the Government, has a right to determine for itself when the guardianship which has been maintained over the Indian shall cease." 4/

Fulfillment of that trust obligation is the fundamental feature of this consideration. From the broad spectrum of pronouncements by the Supreme Court it is abundantly manifest that one of the principal aspects of the Nation's trust responsibility in the words of that Court, is the assurance to the Pueblo Indians - indeed, all Western Indians - that they shall have a

"* * * peaceable and unqualified possession of the land in perpetuity." 5/

Most cursory knowledge of the Pueblo Indians, their mores and basic concepts of life, reveals that their ancient lands and the means of maintaining them are perhaps foremost in their thinking. Logical

3/ United States v. Sandoval, 231 U.S. 28, 45-46 (1913).

4/ Ibid., 231 U.S. 28, 46 (1913).

5/ United States v. Shoshone Tribe of Indians, 304 U. S. 111, 116 (1937).

sequitur of that fundamental concept of the Pueblo Indians - and very much a part of it - is their insistence that their equally ancient rights to the use of water in the Rio Grande and its tributaries be protected and preserved. They - perhaps more than any other people - know that the continuation of their homes and abiding places is inextricably interrelated to those rights to the use of water. That the United States has an obligation to preserve those rights is well stated in these terms respecting the Colorado River Indians:

"* * * The broad powers of the United States to regulate navigable waters under the Commerce Clause [which gives rise to the trust relationship with the Indians] and to regulate Government lands under Article IV, Section 3 of the Constitution" invests the Nation with authority "to reserve water rights for its [Indian] reservations and its property." 6/

Keyed to the Nation's trust responsibility are the criteria which govern the fulfillment of it. On the subject it has been stated:

"The trustee [guardian] is under a duty to the beneficiary [ward] in administering the trust to exercise such care and skill as a man of ordinary prudence would exercise in dealing with his own property; and if the trustee has greater skill - [here engineers, hydrologists, soil scientists, contract negotiators, administrators, lawyers] - than that of a man of ordinary prudence, he is under a duty to exercise such skill as he has." 7/

A concomitant proposition - here most important - is that, The guardian is under a duty to the ward affirmatively "to take and keep control of the trust property." 8/ He is, moreover, to the extent of his capacities, here professional, "* * * under a duty to the beneficiary to use reasonable care and skill to preserve the trust property." 9/ It is instructive to turn to the timber blow-down Menominee Case in Wisconsin. There Congress in its consent that the National Government could be sued, declared, among other things:

6/ Arizona v. California, 373 U. S. 546, 597-598 (1963).

7/ American Law Institute, Restatement, Trusts, Section 174.

8/ Ibid., Section 175.

9/ Ibid., Section 176.

"At the trial of said suit the court shall apply as respects the United States the same principles of law as would be applied to an ordinary fiduciary and shall settle and determine the rights thereon both legal and equitable of said Menominee Tribe against the United States notwithstanding lapse of time or statute of limitations." 10/

From the findings, conclusions and the judgment in the last cited decision it is evident that the broad precepts of the law reviewed above were applied against the United States of America.

In a companion case to that last cited, the court had this to say with respect to the performance of the trust responsibility owing by the United States to the Indians:

"We further think that the provision of Section 3 of the jurisdictional act concerning the principles applicable to an 'ordinary fiduciary' add little to the settled doctrine that the United States, as regards its dealings with the property of the Indians, is a trustee." 11/

Perhaps the most basic concept of the trust obligation owing by the National Government to the Pueblo Indians is that it must exercise the highest degree of fidelity to them. It has been declared in regard to the loyalty of the guardian to the ward that, "The trustee is under a duty to the beneficiary to administer the trust solely in the interest of the beneficiary." 12/ Recently it has been authoritatively declared that the United States owed "the most exacting fiduciary standards" with respect to the Indians, even if it should prefer to pursue other interests. 13/ Under no circumstances can the United States in furtherance of its other obligations, act in competition with the Indians or in derogation of their rights. 14/

One of the most difficult aspects of this review is the dual responsibility of the United States - (1) its trust responsibility to the Pueblo Indians including, but not limited to, the preservation and protection of their rights to the use of water; (2) the responsibilities in connection with, but not limited to, the development of

10/ The Menominee Tribe of Indians v. The United States, 101 Ct. Cls. 22, 23 (1944).

11/ The Menominee Tribe of Indians v. The United States, 101 Ct. Cls. 10, 19 (1944).

12/ American Law Institute, Trusts, Section 170.

13/ Navajo Tribe of Indians v. United States, 364 F.2d 320, 322 (Ct. Cls. 1966).

14/ American Law Institute, Trusts, Section 170, p. 431 et seq.

projects for non-Indian purposes. The conflicts emerging from that dual responsibility will be discussed in some detail.

Gravest threat to the Pueblo Indians and the continuation of their ancient communities is lack of information as to the extent of their reasonable present and future demands for water from the Rio Grande. In the absence of that information it is virtually impossible for the United States to fulfill its trust responsibility.

Location of the Pueblos along the main stream of the Rio Grande demonstrates graphically the problems of the Trustee United States. These Pueblos are traversed by or border upon the Rio Grande: (1) San Juan; (2) Santa Clara; (3) San Ildefonso; (4) Cochito; (5) Santo Domingo; (6) San Felipe; (7) Sandia; and (8) Isleta. These Pueblos are intersected by or traversed by tributary streams: (1) Taos; (2) Picuris; (3) San Juan; (4) Santa Clara; (5) Tesuque; (6) Nambe; (7) Pojoaque; (8) San Ildefonso; (9) Cochiti; (10) Santo Domingo; (11) San Felipe; (12) Santa Ana; (13) Jemez; (14) Zia; (15) Acoma; (16) Laguna; and (17) Isleta. 15/

Two conferences were held in Albuquerque, New Mexico, with representatives of the Pueblo Indians, the Area Office, and the field office of the Solicitor with the objective of determining the best course to pursue in fulfilling the Nation's trust to the Pueblo Indians in regard to their rights to the use of water in the Rio Grande and its tributaries. 16/

15/ Note: There are several undesignated tributary streams traversing the Pueblos. Note also that some of the tributary streams have different names on different maps.

16/ August 18, 1969, a conference was held with Mr. Corke, Deputy Assistant Commissioner of Economic Development; Chairman Montoya of the All-Pueblo Council; Governor Abel Sanchez; Benny Alencio and numerous representatives of the Pueblos; Tom Olson, attorney for the All-Pueblo Council; representatives of the Area Office and the Field Office of the Solicitor.

October 8, 1969, meeting to review the need to take action adequately to protect the Pueblo rights in the Rio Grande. In attendance at this meeting: T. A. Garrity, Jr., Solicitor's Office; E. T. Nitzschke, Jr., Solicitor's Office; L. D. Ortega, Field Solicitor, Albuquerque; Melvin Helander, Loyd E. Nickelson and John R. Baker, BIA Area Office; Joe E. Lofties, BIA, Southern Pueblos Agency; Robert Friedman, Northern Pueblos Agency; Bob Pelcyger, David Getches, guest observers, California Indian Legal Service; Daniel M. Rosenfelt, California Indian Legal Service; William H. Veeder, Washington, D. C. Representatives of the California Indian Legal Services were present at the meeting by reason of the invitation extended by local personnel of the Bureau of Indian Affairs.

In those Albuquerque conferences the primary obligation owing to the Pueblos by the Bureau of Indian Affairs was outlined in substance as follows:

- a. The Pueblo Indian rights to the use of water in the Rio Grande and its tributaries are private property, title to which resides in the Indians;
- b. Those Pueblo Indian privately owned rights to the use of water are entitled to protection under the Constitution to the same degree and to the same extent as any other privately owned property and may not be committed to a public use without specific Congressional authorization and the payment to the Indians of just compensation;
- c. Basic to all aspects of the Nation's trust obligation to the Pueblo Indians is the preservation of the lands and rights to the use of water to the end that the Pueblos would continue to be viable communities in perpetuity;
- d. To fulfill the trust from the standpoint of the Pueblos being viable communities in perpetuity, there resides with the Bureau of Indian Affairs the responsibility of projecting the reasonable demands for water from the main stream of the Rio Grande in the same manner as any other community - city or town - for a period of not less than 75 or 100 years; failure to make such a projection would be in effect a failure to fulfill the trust.

On the background of those criteria respecting the trust responsibilities of the Nation to the Pueblo Indians, these questions were asked of the groups present at the Albuquerque meetings alluded to above:

- a. What are the water requirements of the Pueblo Indians collectively and individually from the main stream of the Rio Grande if the Pueblos are to continue as permanent viable communities for the Pueblo Indians?
- b. What are the water requirements of the Pueblo Indians collectively and individually from the tributaries of the Rio Grande if the Pueblos are to continue as permanent viable communities for the Pueblo Indians?

Answers to those inquiries could not be made as the basic data - assuming it is available and that fact is not known - have never been analyzed on the basis of continuing the Pueblos as permanent communities. Most disturbing is not the lack of data or the assessment of it, rather it is this factor upon which there was unanimity of opinion at the conferences:

Based upon estimates of Indian demands there is insufficient water available in either the Rio Grande or its tributaries to meet the reasonably foreseeable needs of the Pueblos. That stark fact which confronts the Pueblo Indians stems from the failure to have the Indian rights on the main stream and the tributaries of the Rio Grande adjudged, declared and determined when non-Indian uses of the waters were being made and non-Indian economies established upon rights to the use of water legal title to which resides in the Indians.

Immediate result of the admissions and conclusions was an urgent recommendation that action be taken to preserve and protect the Pueblo rights to the use of water or confront this alternative:

Failure to protect the rights to the use of water, title to which resides in the Pueblo Indians, is termination of these ancient communities, their culture, and a very important segment of the heritage of Southwestern United States.

Key to fulfilling the recommendation is the prosecution of an inventory of all of the Pueblo rights to the use of water in the Rio Grande and its tributaries. Those rights must be related to the present and future needs of the Pueblo Indians in keeping with statements previously made. At both of the Albuquerque conferences there was complete agreement in the pressing need for the inventory of the Indian rights. Indeed, it was pointed out by the Field Solicitor that recommendations of that character had been made to his other "clients."

Irreparable damage to the Pueblo Indians by reason of litigation now pending: 17/ There are five cases now pending in the United States District Court in and for the District of New Mexico. This analysis

- 17/ In the United States District Court for the District of New Mexico:
- New Mexico v. Amodeo, Civil No. 6639 (Pojoaque);
 - New Mexico v. Abbott, Civil No. 7488 (Santa Cruz);
 - New Mexico v. Aragon, Civil No. 8294 (Chama);
 - New Mexico v. Abeyta, Civil No. 7896 (Taos);
 - New Mexico v. Arellano, Civil No. 7939 (Hondo).

does not pertain to the odd practices to which there has been adherence in those cases, or the alleged concepts vaguely outlined as to the law allegedly relied upon and the facts which have only been partially prepared. Rather it is directed to the irreparable damage to the Pueblo Indians' rights to the use of water emanating from the proceedings.

a. Litigation not for protection of the Pueblos (Pojoaque Creek):

This litigation is a prime example of an action by the Trustee for the benefit of non-Indian interests to the irreparable damage of the beneficiary - the Pueblo Indians. The suit is in clear violation of the Nation's trust. History of the case evidences that fact. It was initiated by the State of New Mexico to limit the rights of the Indians in contemplation of the San Juan River waters shortly to be imported into the main stream of the Rio Grande by the San Juan Federal Reclamation Project. Rather than seeking to have all of the Pueblo rights in the main stream adjudicated - an imperative necessity if they are to be preserved - in contemplation of the water so soon to be imported with the attendant far-reaching impact of both fact and law upon the Indian rights, the Trustee in effect joined with New Mexico aiding it to achieve the ends desired by the State and the non-Indian interests.

An analogy is warranted in regard to the failure of the United States to preserve and protect the Pueblo Indian rights to the use of water in the main stream of the Rio Grande. View the unknown but invaluable rights of the Pueblos in the main stream as unknown but large sums of money of the beneficiary in the bank into which the Trustee deposits large sums of non-beneficiary funds. Carrying the analogy further, the owner of the non-beneficiary funds is accorded the power to withdraw funds without knowing whether he is withdrawing beneficiary funds or non-beneficiary funds. Add to the analogy this proposition: The non-beneficiary denies that the beneficiary is entitled to any of the funds in the account. If a private trustee thus co-mingled funds of the beneficiary, the failure to perform with the care, diligence, skill and loyalty to the beneficiary would cause immediate and drastic action being taken against the trustee.

In drawing this analogy it must be emphasized that the Trustee is aiding and abetting the disaster confronting the Pueblos

- (1) by failing to know or having the means of knowing the nature, extent and measure of the Pueblo Indian rights in the main stream of the Rio Grande, all as reviewed above regarding the imperative need for an inventory of their rights;
- (2) by building the San Juan-Chama Project which will bring the foreign water into the main stream of the Rio Grande for non-Indian uses with the attendant conflicts inherent in a project of that nature.

b. Irreparable damage to specific Pueblos in Pojoaque litigation by reason of conflicts being created among them: Pojoaque Creek is an intermittent stream both as to time and place. Most of the year it is dry or has a supply so meager that only a fraction of the demands can be met. In the reach of that stream which traverses the San Ildefonso Pueblo the stream is dry much of the time. That extreme shortage of water is a most disturbing aspect of the litigation. Equally disturbing is the fact no one has been able to state the quantity of water that system can reasonably be expected to yield. This paucity of information must of necessity be carefully considered by the Bureau of Indian Affairs for it was the promise of the construction of a dam and reservoir on Pojoaque Creek by the Bureau of Reclamation which was used to entice the Indians into agreeing to the litigation which purports - but that is all - to adjudicate their rights. The term purports is used by reason of the odd procedures which have been adopted but which, as stated, are outside of this consideration. Those procedures are being separately considered and in depth, including the incongruities presented by them - two complaints one by New Mexico and the other by the United States, for example.

Conflicts have been created by the litigation among the four Pueblos involved, which are the San Ildefonso, Pojoaque, Nambe and Tesuque. Only the San Ildefonso Pueblo of the four has rights in the main stream of the Rio Grande - it is traversed from north to south by it. Lands of the San Ildefonso Pueblo on the east side of the main stream of the Rio Grande are intersected from east to west by Pojoaque Creek - which, as stated, has a gravely limited supply of water. Yet this circumstance is presented by the litigation: San Ildefonso has by far the largest - but still unknown - irrigable acreage. That irrigable acreage - if and when it is determined - will constitute the predicate for apportionment among the four Pueblos of Pojoaque Creek's drastically short supply.

The Tesuque Pueblo has no other source of water than Tesuque Creek which is a tributary of Pojoaque Creek. However, its use of Tesuque Creek water will be sharply reduced by the need to apportion that supply with San Ildefonso which, as stated, has rights in the Rio Grande. If San Ildefonso should obtain all or much of its water from the Rio Grande, it would in a commensurate amount reduce the disastrous conflict between it and Tesuque. By having San Ildefonso satisfy its demands in that manner it would immeasurably improve the position of Tesuque Pueblo rather than as now causing it irreparable damage in competing for an already drastically short supply in Tesuque Creek.

San Ildefonso is likewise competing with the Pojoaque Pueblo and the Nambe Pueblo for the supply of water from Pojoaque Creek which, as stated, is wholly insufficient to meet the demands upon it. As was previously stated, by supplying San Ildefonso from the main stream to the extent possible would vastly improve the situation as it exists in regard to the already short supply of water available to the Nambe and Pojoaque Pueblos.

There is a clear violation of the Nation's trust responsibility in failing to avoid litigation which would create conflicts among its beneficiaries - the Pueblos. Creating these conflicts can have no other effect than irreparable damage to all of the Pueblos involved in the Pojoaque Creek litigation.

In the discussion of this most destructive and needless conflict among the Pueblos on Pojoaque Creek, with personnel involved in it, the suggestion was made that when the decree is entered the conflicts would be resolved - perhaps San Ildefonso would give up some of its rights for the benefit of Tesuque. That thinking pervades every aspect of the unfortunate case. Vague rationalizations are utilized in an attempt to assuage harsh realities. It was pointed out that neither the Tribal Council of San Ildefonso nor the Bureau of Indian Affairs could be parties to the dissipation of that Pueblo's assets for the benefit of any of three Pueblos which have no access to the Rio Grande.

Accompanying photos graphically reveal the shocking disregard of the Pueblo interests in forcing the three upper Pueblos, without access to the Rio Grande, to apportion their meager supply of water within the the Pojoaque drainage with San Ildefonso which has rights in the Rio Grande, the exercise of which would lessen the disaster being imposed upon the three upper Pueblos.

c. Irreparable damage to Pueblos in Pojoaque drainage and elsewhere by reason of data - or the lack of it - upon which reliance is being placed: Reference has been made to the (1) failure to assert, protect and have adjudicated the primary rights of the Pueblo Indians which are, of course, on the main stream of the Rio Grande; (2) incredible conflict foisted upon the Pueblos on Pojoaque Creek to apportion among them the drastically short supply of water in that stream when the biggest claimant to water, San Ildefonso, should utilize water available to it from the main stream of the Rio Grande.

It is on that background that brief comment is made respecting the nature of the preparation for the litigation and the unfortunate results flowing from it.

(i) Rejection of Kirschner Report an imperative: 18/
 Thirty Thousand Dollars (\$30,000) have been expended, it is understood, by the Albuquerque Area Office of the Bureau of Indian Affairs for the Kirschner Report. Conceptually that Report proceeds on the same fallacy as the Pojoaque litigation briefly reviewed above. The errors in regard to the Pueblos in the Pojoaque drainage are materially broadened by the Report, for it relates, as noted above, to the six Northern Pueblos espousing principles which are gravely limiting, indeed, destructive, of the Indian interests. Under the heading "Overall Methodology and Study Plan" the Kirschner Report delimits the guidelines to which it states there is adherence. 19/ Thus the Report limits the large area of San Ildefonso lands to the waters of Pojoaque Creek, ignoring the availability to that Pueblo of the waters of the Rio Grande to which they are legally entitled. Failure of the Report to take cognizance of those rights, the needs for them - as is the situation in the litigation - can only be termed frivolous.

Equally unacceptable are the criteria used in the Report to project the water requirements of the six Pueblos. Projecting poverty as a criterion in regard to water requirements of the Indian Pueblos is bizarre indeed. Yet the Kirschner Report in calculating per capita municipal water needs, adheres to it.

18/ WATER USE PROJECTIONS FOR NAMBE, POJOAQUE, SAN ILDEFONSO, SAN JUAN, SANTA CLARA AND TESUQUE INDIAN PUEBLOS OF NORTHERN NEW MEXICO, 1965-2000 Prepared for Bureau of Indian Affairs, U. S. Department of the Interior May, 1967 Kirschner Associates, Inc. Albuquerque, New Mexico.

19/ Kirschner Report, page 6: "Overall Methodology and Study Plan
 "The general objective of this study is to project the quantitative demand for water in the area of the six pueblos in the Rio Grande Basin. For purposes of this analysis, the area is divided into two watersheds drained by the Rio Grande and the Rio Pojoaque (Figure I). The area eastward from the point of the Rio Pojoaque's confluence with the Rio Grande on the San Ildefonso Reservation is referred to as the Pojoaque Unit of the Rio Grande Basin. Thus, Nambé, Pojoaque and Tesuque Reservations and that portion of San Ildefonso Reservation east of the Rio Grande are situated in the Pojoaque Unit. That portion of San Ildefonso Reservation west of the Rio Grande and San Juan and Santa Clara Reservations are considered part of the main Rio Grande Basin. For planning purposes, all water use estimates and projections are allocated, if possible, to the various pueblos and the appropriate watershed."

At this juncture it is well to observe that individual uses of water in the Southwest probably average at this time near 350 gallons a day. That figure of water use has increased rapidly and will continue to do so with the advent of modern homes, landscaping, central cooling, and the conveniences produced by technology as it exists in the closing years of the twentieth century.

Having noted that "Water systems for the Pueblos are generally designed on the basis of a requirement of 50 to 60 gpd per capita" the report declares that " * * * per capita municipal water use is closely correlated with per capita personal income." From there on the Report proceeds on the basis that the Pueblo Indians suffer from dire poverty and will continue in that unfortunate status. Explaining that "The method for projecting total municipal water requirements for the six pueblos thus involves projecting per capita personal income for residents of the six pueblos, * * *."

The Report continues under this heading: "TABLE II Projected Per Capita Personal Income, Six Pueblos, New Mexico and Los Alamos, 1965-2000. Using the Medium estimate for the Pueblos involved, the shocking concepts of the Kirschner Report are apparent:

	Year:	1965	-	2000
Six Pueblos M		800		2,900
New Mexico		2,000		4,000
Los Alamos [Atomic Project]		3,600		6,700

Adopting those guidelines, the Report then sets forth: "TABLE III Projected Per Capita Municipal Water Withdrawals Six Pueblos and Los Alamos

[gallons a day for individuals]

	Year:	1965	-	2000
Six Pueblos M		72.5		197.0
Los Alamos		220.0		422.4

20/ Kirschner Report, page 10.

It is essential here to turn from the planned poverty criteria contained in the Kirschner Report to the grave disparity between that Report and the litigation now pending in regard to the rights of the Pueblos to divert and use water for purposes of agriculture. Those in charge of the soil surveys at the time of the on-the-ground investigations, stated that San Ildefonso had approximately 1,100 acres of irrigable land in the Pojoaque Creek litigation - yet the Kirschner Report declares it to be 736 acres. Comparable disparities, it is understood, exist between the soil surveys now being made for the litigation and the Kirschner Report. Those disparities can spell nothing but irreparable damage for the Pueblos. By reason of those disparities it is clear beyond question that the irrigable acres, irrigated acres, diversion duty and possibly consumptive use, set forth in the Kirschner Report are meaningless.

There are no more important statistics in the litigation than those pertaining to irrigable acreage. They constitute the criterion pursuant to which the major portion of the rights to the use of water claimed for the Pueblos and proved will be measured. Yet - and this fact discloses the total disarray in regard to the litigation - the Kirschner Report, in the absence of rejection of it by the United States, will undoubtedly be used as a declaration against interest by the United States if it attempts to prove in the litigation greater rights to the use of water - which must be done - if the interests of the Pueblo Indians are adequately to be protected. It is understood in that connection that depositions have been taken in the Pojoaque Creek litigation from those who prepared the Kirschner Report - a fact which will be further verified.

(ii) Failure to determine area in litigation; the scope of it: During the on-the-ground investigations of the Pojoaque Creek litigation these inquiries were made to the employee immediately in charge of the litigation:

What is the area involved in the Pojoaque Creek suit?
This matter is most vital to all of the Pueblos particularly in view of the very substantial rights of San Ildefonso in the Rio Grande.
To that inquiry this response was made:

"We don't know."

What are the irrigable acres of each of the Pueblos
and what were the criteria used in determining that acreage?

As the basis for apportioning the limited supply of water in Pojoaque Creek will be governed by the irrigable acres involved, there is no more vital question in the litigation. Yet this response was made:

"We don't know the acreage but we are undertaking additional surveys at this time."

Harsh fact of the matter is that when the on-the-ground investigation was undertaken, there apparently was a determination to investigate and bring into the action irrigable acreage which had been previously omitted. It is highly important to determine if irrigable acreage, title to which is in the Indians, was arbitrarily abandoned in the litigation.

Vital to any litigation involving rights to the use of water is the supply of water concerning which rights are to be adjudicated. On the subject this inquiry was made:

Are ground waters of Pojoaque Creek and the Rio Grande involved in the litigation?

"We don't know and the ground water hydrologists are unable to tell us" was the answer.

Incredible aspect of the matter is this: A large proportion of the San Ildefonso acreage within the unknown area in litigation, must of necessity overlie ground waters which are recharged to a marked degree by the Rio Grande. Adding to the incongruity thus presented is this fact: Water is now being pumped from those underground sources and is now being used to irrigate lands within that Pueblo and which, it is understood, are part of the lands for which soil surveys have been completed in the litigation. Failure to know the area in litigation; failure to know the sources of water being adjudicated; failure to have long ago determined the irrigable acreage, is highly important. Conceivably, Pueblo Indian lands upon which the waters will be apportioned have been abandoned. If that factor is true, it is essential that the matter be further investigated to the end that the basic criteria pursuant to which the rights are to be measured is finally determined.

Further gravely compromising San Ildefonso is this fact:

When San Juan waters are released into the Rio Grande and paid for by downstream users, those users most assuredly will object to any pumping which would reduce the quantity of water imported for them and legal proceedings will undoubtedly be initiated to prevent the pumping from the Rio Grande. 21/

21/ Please refer to page 8 above.

Comments made in regard to the grave threats to the San Ildefonso Pueblo apply equally to these Pueblos, the lands of which border upon or are traversed by the main stream of the Rio Grande: (1) San Juan; (2) Santa Clara; (3) Cochiti; (4) Santo Domingo; (5) San Felipe; (6) Sandia; and (7) Isleta.

Lack of information most assuredly is no answer by the Trustee United States for its failure to obtain required data to protect and preserve the rights to the use of water in the Rio Grande, title to which resides in the Pueblo Indians. It is those data which must be used legally to defend those rights against present encroachments and future threats of invasion of them.

Conclusions and recommendations are set forth with the preceding summary.

William H. Veeder
William H. Veeder
Water Conservation and
Utilization Specialist

Enclosures



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Assistant Commissioner
Economic Development
310 W

OCT 3 - 1969

Memorandum

To: Area Director, Albuquerque, New Mexico
From: Commissioner of Indian Affairs
Subject: Pueblo Indian rights to the use of water

This will refer to the question of the rights to the use of water in the Rio Grande, title to which resides in the Pueblo Indians, and the need to preserve those rights now and in the future. I hope to have an opportunity to review this matter with you when I am in Albuquerque in connection with the meeting of the National Congress of American Indians to be held during the second week in October.

Mr. Veeder has been invited by Executive Director Belindo to be a member of a panel which will review the question of Indian rights to the use of water. He has been directed to prepare for the central office a comprehensive review of the Pueblo rights, both as to fact and law, including but not limited to pending litigation which involves some of those rights on tributaries of the main stream.

Present plans contemplate, based upon work already under way, that Mr. Veeder will spend the week from October 6-10 in Albuquerque obtaining data to complete his report. I will greatly appreciate it if you will assist him in every way by making available to him the key personnel on your staff with knowledge in regard to the subject, together with pertinent records to the end that his report may be completed by November 1 as is now contemplated.

(Sgd.) Louis R. Bruce

Commissioner



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

September 12, 1969

Memorandum

To: Arthur J. Gajarsa, Assistant to the Commissioner

From: William H. Veeder

Subject: Litigation of immediate importance

As directed, preparation is going forward in the compilation and summarization of cases of importance to Commissioner Bruce and to the Indians. Some of the cases are of immediate concern, with political overtones. Reference in that connection is made to:

Litigation involving the New Mexico Pueblo Indian rights on the Rio Grande and its tributaries: From time immemorial the Pueblo Indians residing on the Rio Grande and its tributaries have diverted and used the waters from that stream system for agriculture, domestic and other purposes. Their rights - or the measure of them - have never been adjudicated. However, as the Federal San Juan-Chama Reclamation Project, which will divert San Juan water out of the Colorado River drainage into that of the Rio Grande, nears completion, the State of New Mexico determined it was imperative to have at least some of the Indian rights judicially determined. New Mexico initiated on April 20, 1966, in the State court a proceeding entitled State of New Mexico, ex rel., * * * v. United States of America, Pueblo de San Ildefonso; Pueblo de Pojoaque; Pueblo de Nambe; Pueblo de Tesuque; and numerous other parties. It purported to seek to have the rights of the named Pueblos on a tiny tributary of the Rio Grande - not the main stream - declared and adjudicated.

The United States on behalf of the Pueblos, as Trustee, removed the case to the Federal Court and moved to have it dismissed on the grounds that the United States had not waived its sovereign immunity from suit. The case was not dismissed. Rather, the United States voluntarily filed its own complaint to have adjudicated the Pueblo rights in Pojoaque Creek - not the main stream of the Rio Grande.

Two complaints in one action: New Mexico and the United States, in a pretrial stipulation, have agreed that there are "Two complaints" in the proceedings. The first is that filed by New Mexico in conformity with State law. New Mexico's complaint comports with the State statutory proceeding in the exercise of its police power to regulate the distribution of water among its citizenry. New Mexico claims no rights

for itself. The other complaint is that of the United States. Relief sought by the United States is for a decree quieting the title of the United States in trust for the Pueblos in Pojoaque Creek, and for itself in regard to rights for the National Forest. Numerous answers have been filed by the named defendants.

Present status of proceedings: (a) A Special Master has been appointed to take evidence and has taken evidence as to private parties. However, it is not known whether all parties are prepared to go to trial. Available information would support the conclusion that not many of the parties are ready at this time to offer evidence fully to support their claims.

(b) A motion for summary judgment supported by lengthy affidavits, filed by the State of New Mexico against the United States is presently pending. No date has been set for hearing. Main thrust of New Mexico's motion for judgment is that the Indians acquired no special rights under Spanish administration or under Spanish law, but rather that their rights to the use of water were shared in common with all other land users; that the Indian Pueblos stand in a different position as to water rights from all other Indian Reservations.

(c) Private parties have filed a companion motion (1) that the rights of the United States were adjudicated by the reports and awards of the Pueblo Land Boards and the present claims of the United States are res adjudicata; (2) that the decree dated November 13, 1925 in United States of America as Trustee for the Pueblo of Tesuque v. Woodford fixed and limited the rights of the Pueblos.

Pueblos' repeated requests for review of proceedings, analysis and recommendations: Repeated requests have been made by the Pueblos for a broad review not only of the case alluded to above, but of several other cases similar in nature initiated by New Mexico seeking substantially the same relief. It was not until August 18 and 19, 1969, that a preliminary cursory review was made.

Result of the investigation: 1. When will the principal rights of all of the Pueblos be adjudicated in the main stream of the Rio Grande?

2. In the light of the unusual pleadings - two complaints and answers - what are the issues to be resolved? The character, breadth and nature of the relief prayed for (a) as among the named Pueblos? (b) all other named defendants? Will New Mexico, which claims no rights in the stream, be a party to the decree? Is there a justiciable issue with New Mexico in view of the fact that it claims no rights?

3. There are in all eighteen (18) Pueblos including the four in litigation, many of which have no other rights than those in the main stem of the Rio Grande.

A.

What is the effect of the pending cases upon their rights?

As the Pueblos are in fact in conflict one with another, how will these differences be resolved?

4. Is it not correct that the prime objective of the litigation - piecemeal litigation - is for the benefit of the Federal Reclamation Project and not for the Pueblos?

Conclusion: There is a genuine threat to the Pueblos now and in the future in regard to their invaluable immemorial rights in the Rio Grande. No one in Washington has full information on the subject because of the unusual nature of the proceedings and the relation - vis-a-vis - among the United States, New Mexico, the Pueblos and the numerous parties defendant. Moreover, the nature of the issues and the relief sought are unclear.

Recommendation: Commissioner Bruce should consider whether he should request that all matters be held in abeyance until an investigation now under way as to all aspects of the Pueblo rights, including but not limited to the subject case or cases, has been completed and he has considered the best course to pursue in regard to the crucial matters involved.

William H. Veeder



THE RIO GRANDE, LOOKING SOUTH FROM THE
CENTER OF SAN ILDEFONSO PUEBLO



THE POJOAQUE RIVER



ROAD CROSSING THE NAMBE RIVER



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 11, 1970

Memorandum

To: Commissioner of Indian Affairs

From: William H. Veeder

Subject: Violation of the Trust Responsibility:
Seizure of Pueblo rights to the use of water in the tributaries of the Rio Grande is objective of multiple suits prosecuted by Justice on those tributaries, all in furtherance of San Juan-Chama Federal Reclamation Project; rejection of alleged intention to replace the waters thus seized with imported water

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William H. Veeder
William H. Veeder



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

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You directed that I undertake an investigation of the Pueblo rights to the use of water in the Rio Grande and its tributaries. On October 31, 1969, I advised you of the grave threats to the Pueblos by the multiple suits being prosecuted and contemplated by the Justice Department on those tributaries. ^{1/} On April 17, 1970, I prepared a memorandum from you to the Solicitor detailing the irreparable damage confronting the Pueblos by those cases, asking for conferences respecting the threats of irreparable damage to the Pueblos and, among other things, recommending the Justice Department suspend prosecution of the multiplicity of cases. No response has been made to your April 17 memorandum, a copy of which is attached, and your recommendations are unheeded.

I. Violation of the National Trust owing to Pueblo Indians:

President Nixon in his July 8, 1970, message to Congress, spoke of the Trust Responsibility to the Indians, conflicts of interest within the Interior and Justice Departments resulting in a violation of that trust. Secretary Hickel's letter dated July 29, 1970, to the Speaker of the House, quoted these excerpts from the President's message about violation of the Trust Responsibility:

"The United States Government acts as a legal trustee for the land and water rights of American Indians. * * *

- 1/ New Mexico and United States v. Aragon, No. 7941 - Chama River;
New Mexico and United States v. Abbott, No. 7488 - Santa Cruz River;
New Mexico and United States v. Aamodt, No. 6639 - Pojoaque Creek;
New Mexico and United States v. Abeyta, No. 7896 - Rio de Taos;
New Mexico and United States v. Arellano, No. 7939 - Rio de Taos.

"Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. * * *" (Emphasis supplied)

- (a) Proof at July 20, 1970, hearing of Pueblo rights in tributary streams now being litigated by Justice Department

Positive proof based upon expert testimony, maps and related data, was introduced into the record at the hearing held July 20, 1970, commencing at 10 a.m. in the multiple cases involving the Chama River and other tributaries of the Rio Grande, that:

(1) The main stream of the Rio Grande traverses the San Felipe and Santo Domingo Pueblos which have filed Petitions to Intervene in the multiple cases; (2) Sole source of water to meet the needs of those two Pueblos is the main stream of the Rio Grande and the ground waters which are a part of it; (3) The Pueblo lands are semiarid in character and the waters of the Rio Grande are essential for the present and future needs of the Pueblos; (4) The Chama River in which both the San Felipe and Santo Domingo Pueblos own rights to the use of water, yields approximately one-third (1/3) of the entire natural flow of the Rio Grande; (5) Very substantial but unknown quantities of water, both surface and ground water, enter the Rio Grande from the Santa Cruz River, Pojoaque Creek, Rio de Taos, and other streams involved in the multiple actions, and those waters are essential to the San Felipe and Santo Domingo Pueblos.

Likewise positively proved at the July 20, 1970, hearing are these facts:

The San Felipe and Santo Domingo Pueblos own at least 30,000 invaluable irrigable acres, a small portion of which is presently irrigated, and an offer of proof was made that the reasonable water requirements for those lands from the Rio Grande are upwards to five (5) acre-feet to the acre, or approximately 150,000 acre-feet annually.

(b) Admission by Justice Department of intention to seize Pueblo rights in tributaries in furtherance of San Juan-Chama Federal Reclamation Project;

As directed at the July 20, 1970, hearing in the multiple cases, the Justice Department filed a brief in opposition to the Petitions of the San Felipe and Santo Domingo Pueblos to intervene. Contained in that brief are admissions that the multiple actions on the tributaries are to carry out the stated objectives of those cases as enunciated by the State Engineer of the State of New Mexico, which in substance are as follows:

(1) The multiple actions on the Chama River and other tributaries, in which the main stream Pueblos hold invaluable rights, all as proved at the July 20, hearing, is to have the waters of those tributaries "to which others may be entitled" including the Pueblos, adjudicated for use "within the tributary areas," thus depriving the main stream Pueblos of their natural supplies of water.

(2) As a consequence of the objectives of the multiple suits, as stated, the waters from the Chama River and the other tributaries to which the San Felipe and Santo Domingo Pueblos are entitled, will be "used within the tributary areas."

In keeping with New Mexico's objectives, which the Justice Department is cooperating to accomplish, in clear violation of the rights of the main stream Pueblos in the tributary streams, this statement is made by that Department pursuant to the July 20, 1970, hearing:

"While the San Juan-Chama Project is not before the Court, the adjudications under the above-entitled actions are necessary if the project is to be built."

* * *

"Storage facilities will be built [] as part of the project [] for the impounding and storage of local waters in the Nambe-Pojoaque, Santa Cruz and Rio Pueblo de Taos Watersheds. This will make more water available within these watersheds during the irrigation season. The storage of water will also reduce the amount of water flowing from the tributaries into the Rio Grande." (Emphasis supplied)

Violation of the natural flow rights of the San Felipe and Santo Domingo Pueblos in the sources of their water - the tributaries of the Rio Grande - through the seizure of them for use in the "tributary areas" is thus admitted. Violation of the Trust Responsibility of the United States owing to the Pueblos is indisputable.

- (c) Rejection of asserted power to seize the Pueblo rights; the rejection of the alleged infeasible plan to replace Pueblo entitlement in the Rio Grande with exorbitantly costly imported water:

It is, of course, elemental that the Pueblos hold invaluable rights to the use of water which are to be invaded, all as admitted in the Justice Department brief. In specifically declaring and adjudicating the Indian rights in tributaries far removed from their lands, the Court of Appeals for the Ninth Circuit had this to say:

"The suggestion that much of the water of the Ahtanum Creek originates off the reservation is likewise of no significance. * * * it would be a novel rule of water law to limit either the riparian proprietor or the appropriator to waters which originated upon his lands or within the area of appropriation. Most streams in this portion of the country originate in the mountains / especially true of the Rio Grande / and far from the lands to which their waters ultimately become appurtenant." 2/

Based upon law and fact the Santo Domingo and San Felipe Indians hold rights to the use of water in the Chama River and other tributaries, the rights to which the Justice Department would have adjudicated for use in the "tributary areas." This anomaly created and carried forward by the Trustee United States:

- (1) The United States as trustee is obligated to protect and preserve the San Felipe and Santo Domingo rights in the Chama River and other tributaries of the Rio Grande;
- (2) Repeatedly the Pueblos have attempted to have the Interior and Justice Departments represent them in the multiplicity of suits now being prosecuted - see in that connection the attached memorandum of April 17, 1970, which is but representative of earlier requests by the Pueblos for assistance;
- (3) Repeatedly the requests by the Pueblos have been rejected by Interior and Justice;
- (4) Denial of the main-stream Pueblos of their day in court by the trustee is seemingly the established policy;

2/ United States v. Ahtanum Irrigation District, 236 F.2d 321, 325 (CA9 1956).

(5) When the Pueblos seek to help themselves, the Justice Department strongly opposes their attempt to protect their rights - the trustee is now anomalously the adversary of the main-stream Pueblos who are the victims of the conflicts of interest within the Justice and Interior Departments.

In total disregard of the physical facts; of the rights of the main-stream Pueblos in the Chama River and other tributaries, the State Engineer of New Mexico who dominates the multiple cases, and the Department of Justice admitted that the waters to which main-stream Pueblos are legally entitled will be adjudicated

"for use in the tributary areas";

that the components of the San Juan-Chama Federal Reclamation Project will

"* * * reduce the amount of water flowing from the tributaries into the Rio Grande"

thus taking from the Pueblos on the main stream the waters to which they are legally entitled.

Rejection of the alleged plan to seize the tributary streams in which the main-stream Pueblos hold invaluable rights must necessarily ensue. There is no Congressional authorization pursuant to which those legal rights of the Pueblos could be taken by condemnation either inverse or otherwise. Absent that Congressional authorization the power of inverse condemnation may not be exercised. ^{3/} Rejection must likewise ensue in regard to the proposal that in some manner the tributary flows in which the Pueblos own rights, will be replaced by the importation of waters from the Colorado River.

As stated above, two of the main-stream Pueblos - there are at least seven Pueblos imperiled by the vague plans - have reasonable water requirements of approximately 150,000 acre-feet annually from the main stream of the Rio Grande. Contrast that legal entitlement for main-stream water with the proposal to import annually - at great cost - a maximum of 110,000 acre-feet and the irrational plan of "exchange" becomes abundantly manifest. Obviously, assuming that all of the imported water would be available to the San Felipe and Santo Domingo Pueblos, it would fall 40,000 acre-feet annually below the reasonable water requirements.

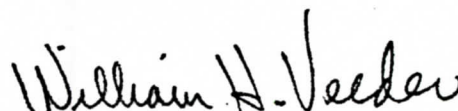
^{3/} See in that connection United States v. Gerlach Live Stock Co., 339 U.S. 725 (1950); Dugan v. Rank, 372 U.S. 209 (1963), which establish the criterion for condemning privately owned rights to the use of water.

Simply stated: Tributary rights to the use of water, title to which is in the main-stream Pueblos, would be seized without Congressional authorization; unknown quantities based upon some vague plan, might be available at unknown times and under unknown circumstances, in "exchange" for the natural flow rights to the use of water to which the main-stream Pueblos are legally entitled.

In regard to that clear violation of Trust Responsibility, the President's statement in regard to that Trust Responsibility owing to the Indians, as reiterated by the Secretary of the Interior, all as reviewed above, must necessarily result in strenuous opposition to the multiple suits now being prosecuted and the vague and unworkable plan of "exchange" in the brief written by the Justice Department pursuant to the July 20, 1970, hearing in Santa Fe, New Mexico.

II. Recommendation:

The Trustee United States must fulfill its responsibility to the Pueblos; must allow them their day in the Federal District Court, the only appropriate forum in which to resolve this matter of National importance.


William H. Veeder

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Director
Economic Development
310 W

APR 17 1970

Memorandum

To: Assistant Secretary - Public Land Management
Attention: Solicitor

From: Commissioner of Indian Affairs

Subject: Crisis confronting the Pueblo Indians - Need for immediate legal action to protect their rights in the Rio Grande and its tributaries

A grave crisis long abuilding confronts the Pueblo Indians and this Bureau. Fundamentally it stems from a failure to plan in connection with, and to utilize the Pueblo Indian rights to the use of water in the main stream and tributaries of the Rio Grande. This dereliction of duty owing to the Pueblos has been countenanced during a time when the non-Indian community was rapidly expanding, based, I am advised, upon the use of Rio Grande water, title to the rights of which legally resides in the Pueblos.

These principal factors have precipitated the crisis which threatens the ultimate destruction of the Pueblos as viable communities whose history is rooted in antiquity. They are: (a) Failure to take steps requisite to determine the reasonable water requirements of the Pueblos now and in the future; (b) Over-appropriation of the Rio Grande and its tributaries by the non-Indian communities while virtually no developments were planned or accomplished on the Pueblos, gravely imperiling the future of the Pueblos; (c) The plans to import by transmountain diversion of 110,000 acre-feet of foreign water into the Rio Grande through the soon-to-be-completed San Juan-Chama Federal Reclamation Project; (d) The initiation of five lawsuits on tributaries of the Rio Grande, two of which have been consolidated, which are now pending in various stages in the Federal District Court of New Mexico, the objectives of which are in furtherance of the San Juan-Chama Project to which reference has been made; (e) This multiplicity of suits poses grave danger to the Pueblos, I am advised, for these, among other, reasons:

(i) Main stream rights of the Pueblos - the rights which have by far the most value and which are now most seriously impaired by the over-appropriation of the stream - have been purposely separated from the multiple suits which embrace all of the tributaries of the Rio Grande north of approximately the south boundary of the San Ildefonso Pueblo;

(ii) Objectives of the suits are for the San Juan-Chama Project and have been succinctly declared by the State Engineer of the State of New Mexico whose office dominates the course and conduct of these suits, I am advised:

(Report November 20, 1965)

- "a. Under this project, water of tributaries to which others may be entitled will be used within the tributary areas. Such water will be replaced in the Rio Grande by water from the San Juan-Chama trans-mountain diversion.
- "b. In order to account for all water in the San Juan-Chama Project, the State Engineer must know who is using water, by what right they are using it, and how much they are entitled to use. This requires adjudication of all waters."

(iii) I am advised that in keeping with New Mexico's domination of the suit selected for immediate prosecution on Pojoaque Creek, most unusual procedures and practices are being adhered to involving the filing of two complaints, one by New Mexico and one by the United States, and the following of the statutory administrative procedures of New Mexico, which has resulted in the entry of hundreds of judgments signed by the Federal Judge in favor of non-Indian defendants who have not been required to (1) answer the complaint of the United States setting up their claims to rights to the use of water; (2) to appear or prove their claims before the Special Master, but rather their claims are in effect presented by a stipulated factual statement of their claims as determined by the State of New Mexico; (3) the United States does not challenge these claims; does not seek to ascertain the correctness of the claims or the bases of them; does not cross-examine the claimants; does not review the titles, the bases upon which the claims are predicated, or the measure of them; in short, in regard to these hundreds of claims the proceeding is not adversary in character, except, I am advised, as to priority.

(iv) Consequences flowing from the course of conduct adhered to in the litigation, I am advised, are causing irreparable damage because of the nature of the claims of the non-Indian defendants within the Pueblos whose rights, if any, are predicated upon the Pueblo Land Act of 1924, which

was passed to limit the non-Indian land and rights to the use of water as of 1902 or 1889. Due to that fact the non-Indian defendants must be put on strictest pleading and proof of the nature, measure, and extent of their claims both as to past and present uses.

(v) The precedents emerging from the Pojoaque Creek litigation, I am advised, will be controlling on all eighteen of the Pueblos and the irreparable damage emerging from the course of conduct mentioned, and other practices in the litigation, will be shared by all Pueblo Indians, unless the action is immediately suspended.

(vi) A most serious aspect of these multiple suits, as initiated and conducted, is that they necessarily involve not only the Northern Pueblos against whom the State of New Mexico seeks limiting judgments - (1) the litigation on the Chama necessarily places in issue the invaluable storage rights of the Six Middle Rio Grande Pueblos who are not parties to the litigation but who stand to be irreparably damaged by that course of conduct; (2) all of the downstream Pueblos have rights in the tributaries which are being adjudicated and although those Pueblos are not before the courts, precedents will be forthcoming which will be controlling in perpetuity against all Pueblos to their irreparable damage.

(vii) Very grave conflicts among the Pueblos have been created which strip away administrative discretion required by the trustee for the best interests of the Pueblos involved. Sound administration dictates that Tesuque Pueblo, with a single meager source of water supply, should not be forced to apportion with San Ildefonso, a Pueblo which has extensive rights in the mainstream of the Rio Grande, surface rights in the Pojoaque Creek, ground water supplies from Santa Cruz Creek and Pojoaque Creek which are co-mingled with main stream ground water. Neither should Nambe Pueblo and Pojoaque Pueblo, both having meager supplies of water from Nambe Creek, be forced to apportion their supplies with San Ildefonso which, as stated, has adequate water supplies from the sources mentioned.

(viii) An aspect that must not be ignored in regard to the four Pueblos involved in the Pojoaque litigation, in addition to the grave hazards it presents to those and

all other Pueblos, is this fact: The litigation is largely illusory in that Pojoaque is an intermittent stream both as to time and place, being dry much of the year in many areas including in particular, San Ildefonso Pueblo. This illusory proceeding is nevertheless establishing precedents which will control all of the Pueblos.

(ix) I am advised that equal in gravity to the objectives arising from the multiplicity of suits and the procedural dangers emanating from them, including the grave threat created by them in regard to the El Vado storage rights, is this aspect of the cases:

Yesterday it was stated in substance that any of five alternative legal theories respecting the Pueblo rights to the use of water assertedly presented to the court in the Pojoaque litigation, will obtain for the Pueblos all of the water they will ever require.

I am advised that strenuous objection must be taken to that statement and to certain alleged alternatives presented to the court. In the copy of the Pretrial Memorandum of Plaintiff, United States of America, these alternatives are set forth:

The United States claims as an alternative
 " * * * waters * * * as is necessary to irrigate
 all historically-irrigated lands with a priority
 date prior in time and right to any claims of
 defendants, and based upon appropriation and
 beneficial use."

Under no circumstances can this Bureau or the Pueblos claim rights based on appropriation and beneficial use. Reliance upon historical use falls far short of meeting future needs for the Pueblos, the only means of guaranteeing their continued existence. Moreover, that alternative and attempts to support it fail entirely to take into consideration the fact that Congress by the Pueblo Land Act of 1924 expressly recognized rights to the use of water in connection with lands occupied by numerous non-Indian defendant water users within the Pueblos.

It is also alternatively asserted in the Pretrial brief that the United States claims "a Pueblo water right" for the Pueblos based upon the Cartwright Decision rendered by New Mexico's Supreme Court. Historically Pueblo rights under the Cartwright Decision contemplate the needs of the inhabitants of a municipality. Involved within the Pueblos are large areas of agricultural lands and lands requiring water for other uses if full development is to be accomplished. Hence to state that the United States would accept a decree based on the Cartwright concept is tantamount to an abandonment of invaluable Pueblo rights to the irreparable damage of them.

By way of contrast to the alternatives mentioned, which would be destructive to the Pueblos, is an alternative which asserts that the United States "reserved water rights for the four Pueblos in an amount sufficient to irrigate all irrigable acreage within the said Pueblos * * *." While history or action taken does not support the theory that the United States "reserved" rights giving rise to an implied reservation, it is clear beyond question that the very limited claims of the first two alternatives discussed must be rejected as being contrary to the law.

In regard to the question of the United States reserving water for the Pueblos in the light of their history, creates problems which I believe should be fully discussed with representatives of my staff and the lawyers for the Pueblos to the end that there can be an understanding of the factors which it is thought gave rise to the "reserved" rights.

In the Pretrial brief a fourth alternative declares that "the Pueblo Indians acquired vested, first rights to sufficient water to supply their present and future needs under Spanish law." An analysis of the Spanish law creates the gravest doubts as to the desirability of the assertion that the Pueblos acquired rights under that law. If so, the rights would be limited by the laws of Spain and would be derivative from them. Again, there are serious doubts as to the advisability of thus limiting the Pueblo rights.

Alternative claims on behalf of the Pueblos were not made in the Pretrial brief on the basis of the aboriginal-immemorial rights of the Pueblos. Those rights, I am advised, stem not from any grant by another sovereign; nor reservation by any other sovereigns; they are not acquired by use or lost by disuse. Title to them resides in the Pueblos as

title to their lands resides in them by reason of immemorial ownership of the lands, and of sufficient rights to the use of water to maintain viable communities now and in the future. They are in fact predicated upon the sovereignty of the Pueblos, which is now and historically has been recognized. It is considered most unfortunate that the immemorial rights of the Pueblos were not included in the Pretrial brief as the basis of the Pueblo claims. In that connection Mr. Garrity of the Field Solicitor's Office supplied this Bureau on February 18, 1970, a Memorandum of Points and Authorities in Opposition to Motion for Summary Judgment. There it is urged as a fifth and last alternative that the Pueblos have rights to sufficient water to satisfy their present and future needs under the "aboriginal or Indian Title" doctrine. The heading that "The Pueblo Indian Water Rights Were Reserved By the United States" appears to be the closest reference to immemorial rights. However, the comments fall far short of a proper, full and necessary consideration of the Pueblo rights. Perhaps the brief tendered by Mr. Garrity differs from the one that was ultimately filed. In any event, the "alternatives" need, I am advised, a review in depth by members of my staff if the Pueblo rights are properly to be presented to the courts.

(x) Finally I am advised that perhaps the most basic problem is the failure properly to consider the import and effect of the Pueblo Land Act of 1924. In that regard please refer to my early comments on pages 2 and 3. It is understood that Act had far-reaching effect upon the Pueblo rights. It must be fully confronted, analyzed and proper actions interposed, in opposition to the claims under the Act. I urge in particular that a full opportunity be provided members of my staff to review the defenses to be interposed and the facts that have been assembled to defend against the claims by the defendants whose rights are asserted to be derived from the 1924 Act. Loss in regard to those non-Indian claims would be almost as disastrous to some of the Pueblos as loss of their basic immemorial rights.

In an effort properly to defend and preserve the Pueblo rights in the Rio Grande and its tributaries this Bureau is proceeding with an inventory of all the water requirements of the Pueblos both now and in the future. This work will entail approximately one (1) year. It is progressing now.

In the light of all of the preceding facts and the problems presented I strongly recommend that:

(a) The Department of Justice should be asked to petition the Federal Court to suspend the prosecution of the Pojoaque case and all of the other cases for a period of one year pending the completion of the inventory.

(b) During this period of suspension the Pojoaque case be restructured to conform to the Federal Rules of Civil Procedure and Practice, seeking in particular to have vacated the numerous judgments which have been entered in that case. The case should become a general adjudication, adversary in character through the filing of answers, trials on the merits, cross-examination and all other acts required properly to protect the Pueblo rights.

Louis R. Bruce
Commissioner

For meeting at 11 a.m. September 23, 1970 with Mr. Bradley Patterson -

Thomas O. Olson of Albuquerque, N.M., Tribal Attorney

From San Felipe Pueblo

Governor Joseph Sanchez

Frank Tenorio

Ed. Sanchez

Ed. Tenorio

From Santo Domingo Pueblo

Governor Diego Rosetta

Augustine Aguilar (an elderly Pueblo who made his first trip to Washington
in 1924)

James Moquino

Reyes Quintana

Benny Atencio

President of All-Pueblo Council -

Domingo Montoya



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 15 1970

Dear Senator Anderson:

This is in response to your letter of September 8 concerning the recent appearance of Mr. William H. Veeder, an employee of the Bureau of Indian Affairs, as co-counsel for the Santo Domingo and San Felipe Pueblos in a suit brought by the State of New Mexico and the United States.

So far as we have been able to determine, the statements made in the first two pages of your letter accurately describe the events that transpired.

You asked for answers to the following questions:

1. Question: "By whose authority did Mr. Veeder appear at the hearing on July 20, empowered to make legal argument and call a Federal employee as a witness in opposition to the legal position of the United States?"

Answer: Mr. Veeder was not authorized by this Department to appear as co-counsel on behalf of the Pueblos in any litigation. Enclosed are a series of documents that make this Department's position quite plain.

2. Question: "What is the position of the Department of the Interior on the merits of the motions to intervene, enlarge or dismiss advocated by Mr. Veeder at that hearing?"

Answer: The Department of Justice intervened in the case entitled State of New Mexico v. Aragon, et al., Civil No. 7941, at the request of the Department of the Interior and of the Indian Pueblos and tribes owning land within the watersheds of the streams. At the request of the Department of the Interior and the Indian Pueblos and Tribes owning lands within the watersheds involved in all of these adjudications, the Department of Justice has opposed the motion to intervene filed by the San Felipe and Santo Domingo Indian Pueblos (see letter to this Department from Deputy Attorney General Richard G. Kleindienst dated August 26, 1970).

3. Question: "What steps, if any, does the Department of the Interior propose to take to correct the record of the United States District Court in these cases in respect to the misrepresentation of the San Juan-Chama Project cited above?"

Answer: The conduct of the case is the responsibility of the Department of Justice. A copy of this letter, with enclosures, is being sent to Mr. Shiro Kashiwa, Assistant Attorney General, Land and Natural Resources Division, which Division is in charge of this litigation.

If there is any additional information that we are able to provide, we will be happy to do so.

Sincerely yours,

(Sgd.) Harrison Loesch

~~Assistant~~

Secretary of the Interior

Honorable Clinton P. Anderson
United States Senate
Washington, D. C. 20510

Enclosures

on

CLINTON P. ANDERSON, N. MEX., CHAIRMAN

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JAMES J. GEHRIG, STAFF DIRECTOR

United States Senate

COMMITTEE ON
AERONAUTICAL AND SPACE SCIENCES

WASHINGTON, D.C. 20510

September 8, 1970

PRESERVATION COPY

Honorable Walter J. Hickel
Secretary of the Interior
Washington, D. C.

Dear Mr. Secretary:

I am advised that on July 20, 1970, in the course of a Federal District Court hearing in the water rights adjudication suits on the Rio Grande tributaries, the following occurred:

William Veeder, an attorney employed by the Bureau of Indian Affairs in the capacity of Water Conservation Specialist, appeared as counsel for the Santo Domingo and San Felipe Pueblos, seeking to intervene in and enlarge, or in the alternative to dismiss, the Rio Grande tributary adjudication suits brought by the State of New Mexico and the United States of America.

Mr. Veeder called witnesses and made legal argument at some length, all in opposition to the position of the United States of America represented at the same hearing by attorneys of the Department of Justice.

Mr. Veeder called as a witness Mr. Fred Kunkel of the United States Geological Survey in California, who testified in support of Mr. Veeder's clients' position and stated on cross-examination that he had been instructed to appear by the director of Geological Survey. This witness' testimony was, of course, intended to be hostile to the position of the United States.

After legal argument by private parties, the State of New Mexico, and the United States of America in opposition to the Motion to Intervene, Mr. Veeder, in his closing argument, spoke as follows:

"...Now, you have Mr. Redd of the Department of Justice saying, 'Yes, we are going to adjudicate that water up there and you will get water from elsewhere.' Now we have Mr. Bloom and the State Engineer saying the same thing. We all know that is the concept of the

San Juan-Chama Project. If they are going to participate in the water in the mainstream of the Rio Grande, they are going to pay for it. I respectfully submit that the Pueblos should not be charged for water; that they should be permitted now and in the future to receive from the tributary streams their rights. I think that is the only issue confronting Your Honor today. It will be the only issue confronting the judge if this matter is ever heard by him. What are the rights? What is happening and will their rights be taken from them? I respectfully submit that it is an admitted fact. We proved very carefully this morning that one-third of the water required would come down to San Felipe and Santo Domingo. We are not talking about today. We are talking about communities that have been alive for one thousand years, and, God willing, they will continue. But the very plan, the very device that is being fostered here will sip away their rights to these waters and they will have no alternative--if it is available--to buy some very high cost water. I assure you, when my friend Mr. Bloom talks about \$90 million, that means just how much that water to replace the water to which they are legally entitled will cost San Felipe and Santo Domingo."
(Emphasis supplied)

PRESERVATION COPY

Thus, we have a situation in which employees of the Department of the Interior appear in a case in Federal Court in opposition to the Department of Justice, which is ably representing the Department of the Interior including its wards, the Pueblo Indians. This anomalous and apparently improper circumstance has already resulted, as you will recognize from the foregoing excerpt from the transcript, in the Congressionally authorized San Juan-Chama Project being grossly misrepresented to the Court. I am concerned that the intervention of Interior Department employees in these cases could result in further and extensive delay of the completion of the adjudication suits. These adjudications are essential to the lawful operation of the San Juan-Chama Project in a manner that will not affect the water supply of downstream users, including the Pueblo Indians in the Middle Rio Grande Conservancy District. The San Juan-Chama Project is designed to directly benefit the San Juan, San Ildefonso, Pojoaque, Nambe, Santa Clara, and Taos Pueblo Indians, who will take project water for irrigation by exchange, and the Cochiti Pueblo Indians, who will realize substantial economic benefits from the recreation pool to be created in Cochiti Reservoir with imported San Juan-Chama Project water.

Honorable Walter J. Hickel
September 8, 1970
Page 3

As you know, I sponsored the legislation that authorized the San Juan-Chama Project (Public Law 87-483) as well as the legislation that authorized the use of project water to create and maintain a recreation pool in Cochiti Reservoir (Public Law 88-293). Any activity which threatens to postpone the benefits of the San Juan-Chama Project for the Pueblo Indians and the other citizens of New Mexico is of concern to me.

I would like to have your answers to the following questions:

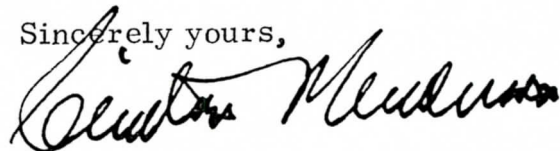
(1) By whose authority did Mr. Veeder appear at the hearing on July 20, empowered to make legal argument and call a Federal employee as a witness in opposition to the legal position of the United States?

(2) What is the position of the Department of the Interior on the merits of the motions to intervene, enlarge or dismiss advocated by Mr. Veeder at that hearing?

(3) What steps, if any, does the Department of the Interior propose to take to correct the record of the United States District Court in these cases in respect to the misrepresentation of the San Juan-Chama Project cited above?

I will appreciate your answers to these questions at your earliest opportunity, as well as any further comments on the situation which you may deem appropriate.

Sincerely yours,



Clinton P. Anderson

CPA:wlm

PRESERVATION COPY



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

July 16, 1970

By Messenger

Honorable William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, D. C. 20530

Attention: Mr. Leon Ulman

Dear Mr. Rehnquist:

The Commissioner of Indian Affairs has been requested by the San Felipe Pueblo, a New Mexico Indian tribe, and its private attorney, Mr. Thomas O. Olson, to authorize Mr. William Veeder, an employee of the Bureau of Indian Affairs, to represent the Pueblo as an attorney in certain pending litigation in which the United States is a party.

Mr. Veeder is employed as a water rights specialist by the Bureau. While he is a member of the bar, Mr. Veeder is employed as an administrator. As an administrator, his official duties in no way contemplate that he will serve as a lawyer either for officials of this Department or for Indians who receive services from the Department.

The litigation in which Mr. Veeder's legal services are requested by the San Felipe Pueblo involves five consolidated cases in the United States District Court for the District of New Mexico in which the United States, as plaintiff, is seeking to adjudicate the water rights of several Indian pueblos, not including San Felipe, in certain tributaries of the Rio Grande River. The San Felipe Pueblo is attempting to intervene in these cases, and the Department of Justice, with the concurrence of this Department, is opposing the attempted intervention. It is for the express purpose of assisting San Felipe with its attempted intervention, over the opposition of the United States, that the Pueblo is requesting Mr. Veeder's services.

I believe that were the Commissioner of Indian Affairs to attempt to authorize Mr. Veeder to undertake the requested representation and Mr. Veeder were to act pursuant to such presumed authority that he would be in violation of Title 18, U.S.C. §205.

However, before advising the Commissioner that Mr. Veeder will be in violation of §205 if he, while a Bureau employee, acts as an attorney for the Pueblo in this matter, I would appreciate knowing whether your office concurs in this view. Since the hearing on San Felipe's petition to intervene is set for Monday, July 20, 1970, your reply is needed as soon as possible.

Sincerely yours,

/S/ Mitchell Melich

Solicitor



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

July 16, 1970

By Messenger

Honorable William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel
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Washington, D. C. 20530

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Sincerely yours,

signed Mitchell Melich

Solicitor

cc:
Asst. Secretary, PLM (w/c July 9 memo (less encls thereto))

90-1-2-786
SOLICITOR 4112
33141

JUL 16 1970

Department of Justice

Washington

INTERIOR DEPT.

JUL 18 1970

Mitchell Melich, Esq.
Solicitor
Department of the Interior
Washington, D. C. 20240

Dear Mr. Melich:

We have your letter of July 16 regarding the applicability of 18 U.S.C. 205 to Mr. William Veeder, an employee of the Bureau of Indian Affairs in the Department of the Interior. That section prohibits an employee in the executive branch of the Government, "otherwise than in the proper discharge of his official duties," from acting as agent or attorney before any court in connection with any proceeding in which the United States is a party. On the basis of the facts set forth in your letter and on the assumption that Mr. Veeder's representation of the San Felipe Pueblo in the pending litigation could not be considered as in the proper discharge of his official duties, 18 U.S.C. 205 appears to be plainly applicable.

Sincerely,

Thomas E. Kauper
Thomas E. Kauper

Acting Assistant Attorney General
Office of Legal Counsel

COPY

Bureau of Indian Affairs
Washington, D. C. 20242

JUL 17 1970

MR. WILLIAM VEEDER
C/O DOWNTOWNER HOTEL
717 CENTRAL AVENUE NW
ALBUQUERQUE, NEW MEXICO

WE HAVE RECEIVED A REPLY FROM THE SOLICITOR'S OFFICE. YOU ARE PROHIBITED FROM APPEARING AS CO-COUNSEL IN THE PETITION FOR INTERVENTION FOR THE SAN FELIPE PUEBLO. THE AUTHORITY AND RESPONSIBILITY FOR ALL LEGAL WORK HAS BEEN DELEGATED TO THE SOLICITOR; THEREFORE, I HAVE NO AUTHORITY IN LEGAL MATTERS TO DELEGATE. YOU ARE INSTRUCTED TO RENDER ALL TECHNICAL ASSISTANCE IN THIS MATTER AS YOU HAVE IN THE PAST AND MAY APPEAR AS EXPERT WITNESS, BUT CANNOT APPEAR AS CO-COUNSEL.

(Sgd) HAROLD D. COX

Acting COMMISSIONER

C O P Y

BUREAU OF INDIAN AFFAIRS

July 17, 1970

MR. THOMAS G. OLSON
HARTLEY, OLSON & BACA
511 SIXTH STREET, NW
ALBUQUERQUE, NEW MEXICO 87103

AS PER MY LETTER OF JULY 9, WE HAVE NOW RECEIVED A REPLY FROM THE SOLICITOR'S OFFICE. MR. WILLIAM VEEDER IS PROHIBITED FROM APPEARING AS CO-COUNSEL IN THE PETITION FOR INTERVENTION FOR THE SAN FELIPE PUEBLO. THE AUTHORITY AND RESPONSIBILITY FOR ALL LEGAL WORK HAS BEEN DELEGATED TO THE SOLICITOR; THEREFORE, I HAVE NO AUTHORITY IN LEGAL MATTERS TO DELEGATE. MR. VEEDER IS INSTRUCTED TO RENDER ALL TECHNICAL ASSISTANCE IN THIS MATTER AS HE HAS IN THE PAST AND HE MAY ALSO APPEAR AS AN EXPERT WITNESS, BUT CANNOT APPEAR AS CO-COUNCIL. THE PRESIDENT IS REQUESTING LEGISLATION AT THE PRESENT TIME TO CREATE A TRUST COUNSEL AUTHORITY TO PARTICIPATE IN LITIGATION OF THIS TYPE; ONCE ENACTED THE LEGISLATION SHOULD PROVIDE THE SERVICES FOR WHICH WE ARE NOT PRESENTLY AUTHORIZED TO RENDER. LETTER AND DOCUMENTS TO FOLLOW.

(Sgd) Harold D. Cox

Acting COMMISSIONER

C O P Y

Telefax

WESTERN UNION

SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

K51-01/X/FCC/0001

JULY 20, 1970

MR. WILLIAM VEEDER
C/O JUDGE PAYNE'S COURT ROOM
FEDERAL DISTRICT COURT
SANTA FE, NEW MEXICO

I AM AWARE THE PUEBLOS OF SANTO DOMINGO AND
SAN FELIPE HAVE REQUESTED THAT I MAKE AVAILABLE
TO THE PUEBLOS YOUR SERVICES AS A WATER CON-
SERVATION AND UTILIZATION SPECIALIST. UNDER
AUTHORITY OF 25 U.S.C. 48, AND PROVIDED YOU
ACCEPT BY RETURN TELEGRAM, I AM ASSIGNING YOU
END SHEET ONE

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

Telefax

WESTERN UNION

SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

SHEET TWO

TO THE COMPLETE SUPERVISION OF THE GOVERNORS
OF THE SAN FELIPE AND SANTO DOMINGO PUEBLOS
UNTIL SUCH TIME AS I AM NOTIFIED BY THEM THAT
THEY NO LONGER REQUIRE YOUR SERVICES. I AM
GRANTING THIS AUTHORITY TO REEMPHASIZE THE
ROLE OF THE BUREAU AS THE ADVOCATE FOR THE
INDIAN PEOPLE.

Louis R. Bruce

LOUIS R. BRUCE

COMMISSIONER OF INDIAN AFFAIRS

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

Telefax

WESTERN UNION

SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

K51-01/X/FCC/0001

JULY 20, 1970

JUL 20 1970

GOVERNOR JOE SANCHEZ
C/O JUDGE PAYNE'S COURT ROOM
FEDERAL DISTRICT COURT
SANTA FE, NEW MEXICO

FURTHER TO MY TELEGRAM OF JULY 17, 1970, I AM
MAKING THE SERVICES OF MR. WILLIAM VEEDER
AVAILABLE TO YOUR PUEBLO AS A WATER CONSERVA-
TION AND UTILIZATION SPECIALIST. I AM IMMEDIATELY
ASSIGNING MR. VEEDER TO THE COMPLETE SUPER-
VISION OF YOU AND THE GOVERNOR OF THE SANTO
DOMINGO PUEBLO UNDER AUTHORITY OF 25 U.S.C. 48
END SHEET ONE

Send the above message, subject to the terms on back hereof, which are hereby agreed to

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1269—(R 4-55)

Telefax

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SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

SHEET TWO

UNTIL SUCH TIME AS YOU NOTIFY ME THAT YOU
NO LONGER REQUIRE HIS SERVICES.

Louis R. Bruce

LOUIS R. BRUCE

COMMISSIONER OF INDIAN AFFAIRS

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

Reproduced at the Richard Nixon Presidential Library

Telefax

WESTERN UNION

SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

K51-01/X/FCC/0001

JULY 20, 1970

GOVERNOR EPITACIO QUINTANA
C/O JUDGE PAYNE'S COURT ROOM
FEDERAL DISTRICT COURT
SANTA FE, NEW MEXICO

FURTHER TO MY TELEGRAM OF JULY 17, 1970, I AM
MAKING THE SERVICES OF MR. WILLIAM VEEDER
AVAILABLE TO YOUR PUEBLO AS A WATER CONSERVA-
TION AND UTILIZATION SPECIALIST. I AM IMMEDIATELY
ASSIGNING MR. VEEDER TO THE COMPLETE SUPER-
VISION OF YOU AND THE GOVERNOR OF THE SAN FELIPE
PUEBLO UNDER AUTHORITY OF 25 USC 48.
END SHEET ONE

Send the above message, subject to the terms on back hereof, which are hereby agreed to

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1269—(R 4-55)

Telefax

WESTERN UNION

SENDING BLANK

*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

SHEET TWO

UNTIL SUCH TIME AS YOU NOTIFY ME THAT YOU
NO LONGER REQUIRE HIS SERVICES.

Louis R. Bruce

LOUIS R. BRUCE
COMMISSIONER OF INDIAN AFFAIRS

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

August 28, 1970

AFFIDAVIT

We, Louis Rooks Bruce, Commissioner of Indian Affairs; Harold D. Cox, Associate Commissioner; Anthony P. Lincoln, Acting Associate Commissioner; and Arthur J. Gajarsa, Assistant to the Commissioner, were present in the Commissioner's office at 1951 Constitution Avenue, Washington, D. C., Room 233, on July 20, 1970, on or about 10:00 a.m. (EDST), to discuss the issue as to whether or not the Commissioner could authorize Mr. William H. Veeder, an employee of the Bureau of Indian Affairs, to appear as Co-Counsel on behalf of the Pueblos of San Felipe and Santo Domingo in their petition to intervene in litigation which is presently taking place on the Rio Grande tributaries. Present also at this meeting was Mr. George M. Crossland who held himself out to be representing the American Law Students Association and at no time did he hold himself out to be representing Mr. Thomas O. Olson, the attorney of record for said Pueblos.

At this meeting, Mr. George Crossland commenced the discussion by requesting that the Commissioner sign three telegrams. Two of these telegrams were addressed to the Governors of San Felipe and Santo Domingo Pueblos. The third telegram was addressed to Mr. William H. Veeder. The telegrams specifically stated that five law suits were presently being prosecuted on the tributaries of the Rio Grande and identified them by their civil action number. Further, these telegrams indicated that Mr. William Veeder was to be assigned to the total supervision of the Pueblos and it was inferred that he was to be subsequently assigned to assist as Co-Counsel in said litigation.

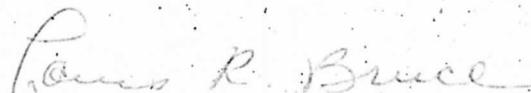
A lengthy discussion, lasting about an hour and a half, was held wherein it was pointed out to Mr. Crossland that the Commissioner did not have the authority to assign Mr. Veeder as Co-Counsel for the Pueblos. It was also pointed out to Mr. Crossland that the authority granted to Mr. Bruce as Commissioner of Indian Affairs was very limited and under 25 U.S.C. 48, wherein a Bureau employee could be assigned to the supervision of the Pueblos, he could not expand this authority to include appearance by an employee in litigation in which the United States was also a party, either as the party in interest or as the representative of the beneficiaries.

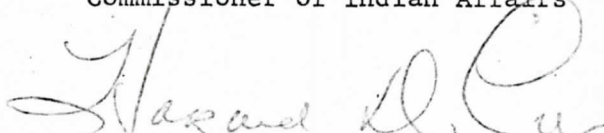
The telegrams were, therefore, amended to eliminate any reference to any particular court action and were specifically limited to the assignment of Mr. Veeder to the supervision of the tribes as a Water Conservation and Utilization Specialist. No inference was made as to Mr. Veeder's appearance as Co-Counsel and no authorization was given to Mr. Veeder to appear as Co-Counsel on behalf of the said Pueblos by these telegrams.

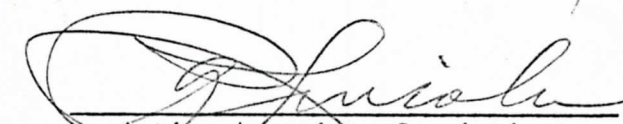
To the best of our knowledge, these telegrams were sent to the Federal District Court in Santa Fe, New Mexico, on or about 12:00 Noon (EDST). We were subsequently informed by Mr. Thomas Olson and others that these telegrams were received by the addressees on or about 4:00 p.m. (MST).

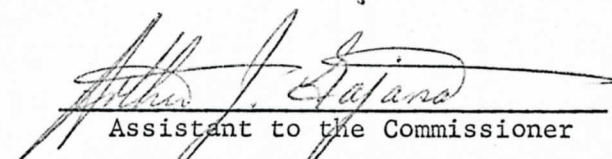
Mr. Crossland was not authorized to inform Mr. Veeder of any action regarding Mr. Veeder's authority or lack of authority to appear as Co-Counsel on behalf of the San Felipe and Santo Domingo Pueblos.

With our signatures affixed hereto, we hereby attest that these facts are true to the best of our knowledge.


Commissioner of Indian Affairs


Associate Commissioner

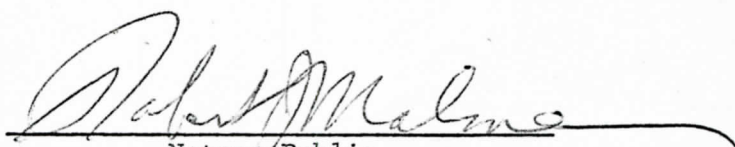

Acting Associate Commissioner


Assistant to the Commissioner

CITY OF WASHINGTON
DISTRICT OF COLUMBIA) SS

Subscribed and sworn to before me this 28th day
of August, 1970.

My Commission Expires Feb. 14, 1973


Notary Public

ROBERT J. MALONE
NOTARY PUBLIC



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 24, 1970

Memorandum

To: Secretary Hickel

From: William H. Veeder

Subject: Defamatory nature of Commissioner Bruce's denial that he authorized me to appear as co-counsel on behalf of the Pueblos San Felipe and Santo Domingo

On July 20, 1970, Commissioner Bruce authorized me to appear as co-counsel for the San Felipe and Santo Domingo Pueblos. I acted pursuant to that authorization in a hearing scheduled at 10 a.m. that day in the Federal District Court in Santa Fe, New Mexico. Attached is a statement chronicling the facts respecting the authorization and my action based on that authorization.

Subsequent to my appearance on behalf of the Pueblos as co-counsel as authorized by Commissioner Bruce, the Indians were advised by him that I was not authorized thus to appear on their behalf. Numerous other letters denying that I was authorized to appear have been written, some for your signature and some for the Commissioner's signature.

I strenuously object to Commissioner Bruce's denial that he authorized my appearance and the letters which, if sent, reiterate that denial. Not only is the Commissioner's denial contrary to the fact, he is in effect directing against me most serious charges - The unauthorized appearance in a proceeding before a Federal District Court, the introduction of evidence and the argument on behalf of the Pueblos to that Court of their position in a matter of major importance. I am informed, moreover, of the possibility of criminal proceedings being brought against me for an act Commissioner Bruce most assuredly authorized.

You are respectfully requested to direct Commissioner Bruce and his staff to refrain from further denials of my authorization to appear all as reviewed above.


William H. Veeder

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

August 20, 1970

Memorandum

To: Commissioner Louis R. Bruce

From: William H. Veeder

Subject: Your authorization to me to appear in the Pueblo Indian cases on the Rio Grande in New Mexico as that authorization relates to proposed letters prepared for Secretary Hickel's signature and your signature 1/

There have been submitted to me for review numerous letters respecting my appearance in the July 20, 1970, hearing in the above mentioned cases, which appearance you authorized. Concern must necessarily be expressed by me in regard to your statements in the letters that you had not authorized my appearance.

Let the matter be made eminently clear: The only pertinent question raised by the proposed letters is -Did you authorize my appearance as you most certainly did? It is not a question of whether you had the power to authorize my appearance -- two completely different questions with different implications of far-reaching import.

To the end that the record be made straight and maintained that way, I will chronicle the pertinent facts as they exist:

1/ Letters for Secretary's signature to:

Congressman Olsen

Congressman Riegle

Mr. Thomas O. Olson, Attorney for Pueblos

Letters for your signature to:

Mr. Thomas O. Olson, Attorney for Pueblos

Mr. Raymond Yowl, Inter-Tribal Council of Nevada

Mr. Bruce Wilkie, National Congress of American Indians

Mr. Adrian Fisher, Colorado River Tribal Council

Mr. Peterson Zah, Southwestern Indian Development, Inc.

1. A meeting was held in your office at approximately 10 a.m. on July 20, 1970. ^{2/}

2. Sole objective of that meeting was to determine whether you would authorize me to appear as co-counsel in a hearing scheduled for 10 a.m. on July 20, 1970, (Santa Fe time) as requested some weeks earlier by the San Felipe and Santo Domingo Pueblos.

3. For approximately one and one-half hours the sole question discussed at the meeting was whether I would be authorized to appear as co-counsel in the cases in question.

4. After the one and one-half hours of discussing whether I would be authorized to appear at the hearing as co-counsel, it was agreed that I should be permitted to appear in that capacity at the hearing in question.

5. Your approval of my appearance was reported by telephone to Mr. Thomas O. Olson, counsel for the San Felipe and Santo Domingo Pueblos at a few moments before 10 o'clock Santa Fe, New Mexico, time, when the hearing referred to above was to commence.

6. Your approval of my appearance at the hearing as co-counsel was reported by George Crossland who represented at the meeting referred to above, Mr. Thomas O. Olson, counsel for the Pueblos, as well as the American Indian Law Students Association, and Mr. Crossland did in fact represent Mr. Olson and the American Indian Law Students Association, and did in fact report your approval of my appearance.

^{2/} In attendance at that meeting were Commissioner Bruce, Anthony P. Lincoln, Harold D. Cox, George Crossland, and Arthur J. Gajarsa.

7. Your approval of my appearance was reported to me first by Mr. Olson, counsel for the Pueblos, and then it was reaffirmed to me by Mr. Crossland who attended the meeting on behalf of Mr. Thomas Olson.

8. Acting on your authorization I did in fact appear and offered evidence in support of the claims of the San Felipe and Santo Domingo Pueblos in the subject matter of the multiple cases.

Events subsequent to your authorization that I appear are not important.

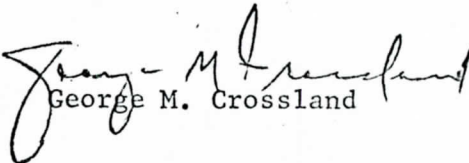
I am sending copies of this memorandum to the persons who attended the meeting when you authorized my appearance. A copy is likewise submitted by blue envelope to Assistant Secretary Harrison Loesch.

Recommendation: I request a meeting with you at your convenience to discuss the authorization granted to me to appear and the content of the proposed letters which you have not seen, which are at variance with the fact of your authorization.


William H. Veeder

I am the George Crossland referred to in the memorandum set forth above from Mr. Veeder to Commissioner Bruce. I have read the memorandum and know the content of it; I personally assisted in

writing it and know all that is contained in it is correct. I also heard this memorandum read to Mr. Thomas Olson, counsel for the San Felipe and Santo Domingo Pueblos, and heard Mr. Olson state that the content of the memorandum in question is correct and that I was authorized to represent him at the conference held with you in your office at 10 a.m. July 20, 1970, at which you authorized Mr. Veeder to appear in the court proceedings referred to in the memorandum.


George M. Crossland



COPY

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 4 1970

Dear Mr. Attorney General:

The case New Mexico vs. Aragon, United States, Intervenor is presently in process before the U. S. District Court for the District of New Mexico. Among other matters it may involve the claims of the San Felipe and Santo Domingo Pueblos to water rights in the Rio Grande River. The tribes and the tribal attorney have requested the assistance, as co-counsel, of Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs of this Department. Mr. Veeder is an attorney qualified to be admitted to practice before the U. S. District Court for the District of New Mexico for the purposes of this case.

Emphasizing the strong desire of the tribes for his help and this Department's wish to be as responsive as possible, we respectfully request that you appoint Mr. Veeder as an Assistant U. S. Attorney for the purposes of this case under the provisions of 28 U.S.C., Section 543.

Since briefs are to be presented in the case in the very near future, we will much appreciate a prompt determination of this matter.

Sincerely,

(Sgd.) Harrison Loesch

Assistant Secretary of the Interior

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

COPY



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

August 26, 1970

INTERIOR DEPT.

SEP 1 1970
ASSISTANT
SECRETARY
P.L.M.

The Honorable Harrison Loesch
Assistant Secretary for Public Lands
Management
Department of the Interior
Washington, D.C. 20240

My dear Mr. Secretary:

This is in reply to your letter of August 4, 1970, to the Attorney General, requesting that under the provisions of 28 U.S.C. §543 he appoint Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs, Department of the Interior, as an assistant to the United States Attorney to represent the San Felipe and Santo Domingo Indian Pueblos in the case entitled State of New Mexico v. Aragon, et al., Civil No. 7941, in the United States District Court for the District of New Mexico. 28 U.S.C. Section 543 provides that the Attorney General may appoint attorneys to assist the United States Attorneys when the public interest so requires.

The above-entitled action is one of three separate lawsuits for the adjudication of water rights in streams tributary to the Rio Grande in the northern part of New Mexico in which the United States has intervened as a plaintiff in its own right and on behalf of the Indian Pueblos or tribes owning lands within the watersheds of each of these streams. The Department of Justice intervened in these actions at the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds of the streams.

The San Felipe and Santo Domingo Indian Pueblos have filed petitions to intervene and complaints in intervention in each of the above-mentioned actions as well as consolidated actions for the adjudication of water rights in two other tributaries to the Rio Grande. (The United States was joined as a defendant in these consolidated actions. A motion to dismiss the United States as a defendant, which was filed at the request of the Department of the Interior and of the Indians

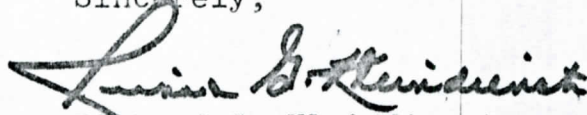
owning lands within the watersheds of those particular tributaries, is now pending.) At the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds involved in all of these adjudications, the Department of Justice has opposed the motions to intervene. The decision to oppose the motions to intervene was also based upon a determination by responsible officials within the Department of Justice that this intervention would not be in the best interests of the United States or of its Indian Wards.

Title 28 of U.S.C. Section 543 provides for the appointment by the Attorney General of a special attorney to assist U.S. Attorneys when the public interest so requires. It appears that if Mr. Veeder or anyone else was appointed by the Attorney General to represent San Felipe and Santo Domingo in their petition to intervene, it would not be a situation of assisting the U.S. Attorney, but would be in opposition to his position since the proposed intervention is opposed and not considered to be in the public interest. Therefore, we must decline to appoint Mr. Veeder.

We are advised Mr. Veeder has already participated as co-counsel in behalf of San Felipe and Santo Domingo at a hearing before a special Master in Santa Fe, New Mexico on July 20, 1970 in opposition to the government's position. In this regard the provision of Section 205 of Title 18 U.S.C. should be considered since it prohibits an employee in the executive branch of the government "otherwise than in the proper discharge of his official duties" from acting as agent or attorney before any court in connection with any proceeding in which the U.S. is a party. The Office of Legal Counsel of this Department advised Solicitor Melich of its applicability by letter dated July 16, 1970.

If you still have a question about our position in this situation we shall be glad to discuss it further with you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard G. Kleindienst", written in a cursive style.

Richard G. Kleindienst
Deputy Attorney General



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 9 1970

Dear Governor Sanchez:

You will recall our discussion when you were in Washington concerning your strong desire to obtain the assistance of Mr. William H. Veeder in the Bureau of Indian Affairs in connection with pending litigation involving water matters. You were advised at that time that the Solicitor for this Department had told us that Mr. Veeder, as an employee of the Executive Branch of the Government, was legally prohibited from acting as an attorney before any court in connection with any proceeding in which the United States is a party.

Because of the strong desire of the San Felipe and Santo Domingo Pueblos, I wrote to the Attorney General requesting that Mr. Veeder be appointed by the Attorney General as an Assistant to the U. S. Attorney to represent the two Pueblos in the pending litigation. I am enclosing a copy of my letter to the Attorney General, along with a copy of the reply.

I am very sorry that it will not be possible for Mr. Veeder, as an employee of the Bureau of Indian Affairs, to represent your Pueblo in court. He may, however, render advice and assistance to your own attorney within the limitations of his employment as a Water Conservation and Utilization Specialist.

Sincerely yours,

(Sgd.) Harrison Loesch

Harrison Loesch
Assistant Secretary

Mr. Joe V. Sanchez
Governor
San Felipe Pueblo
P. O. Box 308
Algodones, New Mexico 87001

Enclosures

IDENTICAL LETTER TO:

Governor Epitacio Quintana
Santo Domingo Pueblo,
New Mexico 87052



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 9 1970

Dear Governor Sanchez:

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I am very sorry that it will not be possible for Mr. Veeder, as an employee of the Bureau of Indian Affairs, to represent your Pueblo in court. He may, however, render advice and assistance to your own attorney within the limitations of his employment as a Water Conservation and Utilization Specialist.

Sincerely yours,

(Sgd.) Harrison Loesch

Harrison Loesch
Assistant Secretary

Mr. Joe V. Sanchez
Governor
San Felipe Pueblo
P. O. Box 308
Algodones, New Mexico 87001

cc: Mr. Leonard Garment, White House
w/copy enclosures

Enclosures

IDENTICAL LETTER TO:
Governor Epitacio Quintana
Santo Domingo Pueblo,
New Mexico 87052



COPY

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 4 1970

Dear Mr. Attorney General:

The case New Mexico vs. Aragon, United States, Intervenor is presently in process before the U. S. District Court for the District of New Mexico. Among other matters it may involve the claims of the San Felipe and Santo Domingo Pueblos to water rights in the Rio Grande River. The tribes and the tribal attorney have requested the assistance, as co-counsel, of Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs of this Department. Mr. Veeder is an attorney qualified to be admitted to practice before the U. S. District Court for the District of New Mexico for the purposes of this case.

Emphasizing the strong desire of the tribes for his help and this Department's wish to be as responsive as possible, we respectfully request that you appoint Mr. Veeder as an Assistant U. S. Attorney for the purposes of this case under the provisions of 28 U.S.C., Section 543.

Since briefs are to be presented in the case in the very near future, we will much appreciate a prompt determination of this matter.

Sincerely,

(Sgd.) Harrison Loesch

Assistant Secretary of the Interior

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

COPY



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

August 26, 1970

INTERIOR DEPT.

11070
ASSISTANT
SECRETARY
P.L.M.

The Honorable Harrison Loesch
Assistant Secretary for Public Lands
Management
Department of the Interior
Washington, D.C. 20240

My dear Mr. Secretary:

This is in reply to your letter of August 4, 1970, to the Attorney General, requesting that under the provisions of 28 U.S.C. §543 he appoint Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs, Department of the Interior, as an assistant to the United States Attorney to represent the San Felipe and Santo Domingo Indian Pueblos in the case entitled State of New Mexico v. Aragon, et al., Civil No. 7941, in the United States District Court for the District of New Mexico. 28 U.S.C. Section 543 provides that the Attorney General may appoint attorneys to assist the United States Attorneys when the public interest so requires.

The above-entitled action is one of three separate lawsuits for the adjudication of water rights in streams tributary to the Rio Grande in the northern part of New Mexico in which the United States has intervened as a plaintiff in its own right and on behalf of the Indian Pueblos or tribes owning lands within the watersheds of each of these streams. The Department of Justice intervened in these actions at the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds of the streams.

The San Felipe and Santo Domingo Indian Pueblos have filed petitions to intervene and complaints in intervention in each of the above-mentioned actions as well as consolidated actions for the adjudication of water rights in two other tributaries to the Rio Grande. (The United States was joined as a defendant in these consolidated actions. A motion to dismiss the United States as a defendant, which was filed at the request of the Department of the Interior and of the Indians

owning lands within the watersheds of those particular tributaries, is now pending.) At the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds involved in all of these adjudications, the Department of Justice has opposed the motions to intervene. The decision to oppose the motions to intervene was also based upon a determination by responsible officials within the Department of Justice that this intervention would not be in the best interests of the United States or of its Indian Wards.

Title 28 of U.S.C. Section 543 provides for the appointment by the Attorney General of a special attorney to assist U.S. Attorneys when the public interest so requires. It appears that if Mr. Veeder or anyone else was appointed by the Attorney General to represent San Felipe and Santo Domingo in their petition to intervene, it would not be a situation of assisting the U.S. Attorney, but would be in opposition to his position since the proposed intervention is opposed and not considered to be in the public interest. Therefore, we must decline to appoint Mr. Veeder.

We are advised Mr. Veeder has already participated as co-counsel in behalf of San Felipe and Santo Domingo at a hearing before a special Master in Santa Fe, New Mexico on July 20, 1970 in opposition to the government's position. In this regard the provision of Section 205 of Title 18 U.S.C. should be considered since it prohibits an employee in the executive branch of the government "otherwise than in the proper discharge of his official duties" from acting as agent or attorney before any court in connection with any proceeding in which the U.S. is a party. The Office of Legal Counsel of this Department advised Solicitor Melich of its applicability by letter dated July 16, 1970.

If you still have a question about our position in this situation we shall be glad to discuss it further with you.

Sincerely,



Richard G. Kleindienst
Deputy Attorney General

THE WHITE HOUSE

WASHINGTON

September 2

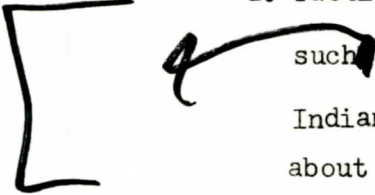
LG:

I hope you will call Kleindienst and ask him to review this decision. Two points of argument:

1. There are a group of mainstream Rio Grande water-using Indians who want to intervene in a case where Justice is already helping a group of tributary water-using Indians.

~~Let the Courts decide the merits of the case.~~

~~XXXXXXXXXXXXXXXXXXXX~~ What Justice and Interior owe to the Indians (pending the establishment of the ITA) is counsel -- ^{federal} lawyers to represent their interest as they perceive it. Let the Courts determine the merits of the case. ^E Even if it is Indians vs Indians, ~~but~~ Justice should help make sure each side is adequately represented. The "appointment" could make it clear that Veeder did not "speak for" Justice in a Departmental sense....

- 
2. Tactically and politically, this case may cause such a fuss that it may jeopardize the President's Indian program just as McGovern's hearings are about to start.

Read



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Mr. Leonard Garment
Special Consultant
to the President
The White House
Washington, D.C. 20050

Dear Mr. Garment:

This is in reply to your letter of August 6, 1970, to the Attorney General, asking that he honor Harrison Loesch's request of August 6, 1970, that William H. Veeder be appointed as an Assistant United States Attorney to represent the San Felipe and Santo Domingo Pueblos in an action in the United States District Court for the District of New Mexico involving Indian water rights. Enclosed is a copy of my reply to Mr. Loesch explaining why Mr. Veeder cannot be appointed as an Assistant United States Attorney in this action.

LOESCH
The attorney of record for the San Felipe and Santo Domingo Pueblos, in their attempts to intervene in this and other related actions, is an attorney with many years of experience as a water lawyer and as counsel for various Indian Groups. We trust that he will give the Pueblos adequate representation in this matter.

Also enclosed is a copy of a joint letter from the Governors of the four Pueblos involved in one of the actions for the adjudication of water rights in which San Felipe and Santo Domingo are attempting to intervene. These Pueblos, and a number of the other Pueblos in the Rio Grande watershed are strongly opposed to intervention by the Pueblos of San Felipe and Santo Domingo.

Sincerely,

Richard G. Kleindienst
Deputy Attorney General

August 26, 1970

The Honorable Harrison Loesch
Assistant Secretary for Public Lands
Management
Department of the Interior
Washington, D.C. 20240

My dear Mr. Secretary:

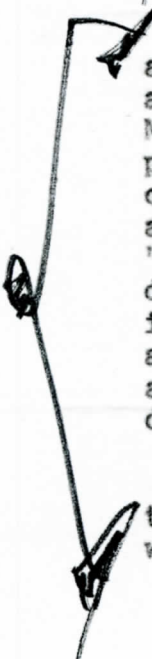
This is in reply to your letter of August 4, 1970, to the Attorney General, requesting that under the provisions of 28 U.S.C. §543 he appoint Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs, Department of the Interior, as an assistant to the United States Attorney to represent the San Felipe and Santo Domingo Indian Pueblos in the case entitled State of New Mexico v. Aragon, et al., Civil No. 7941, in the United States District Court for the District of New Mexico. 28 U.S.C. Section 543 provides that the Attorney General may appoint attorneys to assist the United States Attorneys when the public interest so requires.

The above-entitled action is one of three separate lawsuits for the adjudication of water rights in streams tributary to the Rio Grande in the northern part of New Mexico in which the United States has intervened as a plaintiff in its own right and on behalf of the Indian Pueblos or tribes owning lands within the watersheds of each of these streams. The Department of Justice intervened in these actions at the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds of the streams.

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owning lands within the watersheds of those particular tributaries, is now pending.) At the request of the Department of the Interior and of the Indian pueblos and tribes owning lands within the watersheds involved in all of these adjudications, the Department of Justice has opposed the motions to intervene. The decision to oppose the motions to intervene was also based upon a determination by responsible officials within the Department of Justice that this intervention would not be in the best interests of the United States or of its Indian Wards.

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If you still have a question about our position in this situation we shall be glad to discuss it further with you.

Sincerely,

Richard G. Kleindienst
Deputy Attorney General

July 29, 1970

Mr. Thomas A. Garrity
Office of the Field Solicitor
U. S. Department of the Interior
P. O. Box 1696
Albuquerque, New Mexico

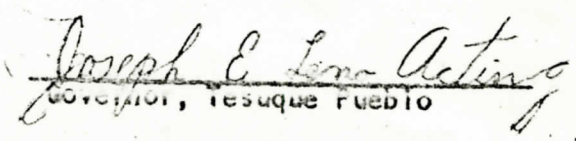
Dear Mr. Garrity:

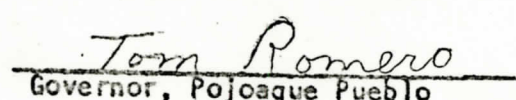
We are writing this joint letter as the Governors of the Pueblos involved in the Water Rights Adjudication of the Rio Pojoaque, presently before the Special Master in United States District Court. Each of us, on behalf of our pueblos, wish to reiterate our position that the present case on the Rio Pojoaque continue in its present stance, and that your office and the Department of Justice continue to represent us in this matter.

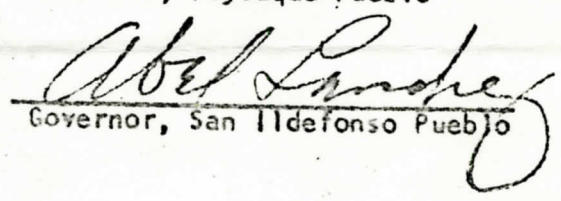
Specifically, we wish you to take any and all action necessary to oppose the intervention heretofore filed by the Pueblos of Santo Domingo and San Felipe.

Very truly yours,


Governor, Nambe Pueblo


Governor, Tesuque Pueblo


Governor, Pojoaque Pueblo


Governor, San Ildefonso Pueblo

cc: Hon. Donald Redd, Attorney
U.S. Department of Justice
Washington, D. C.

Hon. Lewis R. Bruce
Commissioner of Indian Affairs
U.S. Department of Interior
Washington, D. C.

Hon. Walter Hickel
Secretary of the Interior
Washington, D. C.

Mr. Leonard Garment
Special Consultant
to the President
The White House
Washington, D.C. 20050

Dear Mr. Garment:

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The attorney of record for the San Felipe and Santo Domingo Pueblos, in their attempts to intervene in this and other related actions, is an attorney with many years of experience as a water lawyer and as counsel for various Indian Groups. We trust that he will give the Pueblos adequate representation in this matter.

Also enclosed is a copy of a joint letter from the Governors of the four Pueblos involved in one of the actions for the adjudication of water rights in which San Felipe and Santo Domingo are attempting to intervene. These Pueblos, and a number of the other Pueblos in the Rio Grande watershed are strongly opposed to intervention by the Pueblos of San Felipe and Santo Domingo.

Sincerely,

Richard G. Kleindienst
Deputy Attorney General

FIFTEENTH ANNUAL WASHINGTON STATE INDIAN CONFERENCE

BELLINGHAM, WASHINGTON

AUGUST 28, 1970

RESOLUTION # 1

WHEREAS, William H. Veeder, the outstanding legal specialist in Indian water rights, was not allowed to attend and participate in the Washington State Indian Conference, NOW THEREFORE,

BE IT RESOLVED that we hereby adopt the following statement about the unique and important part Mr. Veeder plays and should play in the field of Indian water rights:

Indian water rights constitute and "exploding" field of tribal need for expert professional assistance. The assistance needed is not only of a specialized legal nature but of an educational nature. Tribal leaders are just discovering the extent and importance of their tribes' water rights and now they are being endangered and threatened by non-Indian interests.

Mr. Veeder stands without peer in this vital field. Among Indians he is an evangelist, helping them discover their water resources and inspiring them to fight to protect them. Lawyers consider him a lawyer's lawyer. His national reputation as a water specialist is unequalled. He is the "authority" on Indian Water Rights. His sincerity and dedication and his effective advocacy of the "Indian" position on water rights command the deep respect of everyone including his most determined adversaries.

If Mr. Veeder had attended the Washington State Indian Conference, he would have dominated it with his views. The panel on water rights would have been more meaningful. He would have been in constant consultation with the various tribal, state, and B.I.A. delegates. That he could not attend disappointed all, including Washington State Water resource officials who consider him to be a living Encyclopedia on water law.

A man like William Veeder should have complete, personal freedom to attend conferences, to write, speak, and work in his chosen field. He is not an employee or subordinate of the Department of Interior in the usual sense. He is supreme in his field. He has no superior or supervisor in his professional expertise. He is controlled only by the facts of the water rights cases on which he works and the realities of the law that governs them.

We are apprehensive and concerned about reports that William Veeder is "grounded" and that some transient superior is "clipping" his wings. As a free spirit he cannot be grounded or his wings clipped. That anyone in the Department of Interior would try to do this makes us truly doubt that the Department is sincere in its purpose to safeguard Indian water rights. If it is, why does it attempt to smother, muffle and immobilize its greatest advocate of the Indians' position.

We ask that the B.I.A. and the Department of Interior give William Veeder complete support, assistance, and recognition in his

advocacy of Indian water rights. Rather than try to control him, it should give him maximum leeway and freedom to do everything that, in his judgment should be done in his work. He should be the "boss" of his own schedule and activities.

Not having been allowed to attend this Conference we as Northwest Indian invite him to participate in the water rights agenda of the Affiliated Tribes of the Northwest Indians at Spokane, Washington, September 9, 10, & 11, 1970. If he personally feels he can and should attend, we ask that the Department of Interior and the B.I.A. authorize him to do so.

UNANIMOUSLY ADOPTED

Chairman-Host Tribe

Veronica Lane, Chairman Lummi Tribe

Frank Wright, Chairman Puyallup Tribe

Acting Chairman Clarence Hatch, Chairman Tulalip Tribe

Lyle D. Sampson Vice Chr., Chairman Colville Conf. Tribe

Alex Sherwood, Chairman Spokane Tribe

Joe De La Cruz, Chairman Peirault Tribe

Garrie Hunsay, Chairman Samartown Tribe

Joe L. L., Chairman Halka Tribe

Joe L. L., Chairman Machook Tribe

Judy H. H., Chairman Skwamish Tribe

Eagle Seelakee Vice Chairman Yakima Tribal Council

FIFTEENTH ANNUAL WASHINGTON STATE INDIAN CONFERENCE
BELLINGHAM, WASHINGTON
AUGUST 28, 1970
RESOLUTION # 1

LUMMI INDIAN BUSINESS COUNCIL
P. O. Box 77
Marietta, Washington 98268



Mr. Leonard Garment
Special Asst. to the President
The White House
Washington, D.C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20242

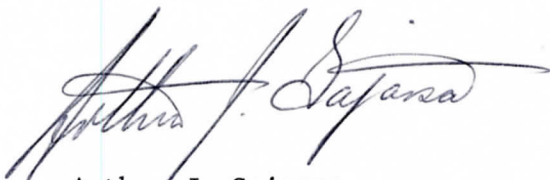
8/14/70

OFFICE OF ARTHUR J. GAJARSA
ASSISTANT TO THE COMMISSIONER

Bradley Patterson:

I am taking this informal method of transmitting for your information and use the attached copies of portions from Interior's Departmental Manual pertaining to delegations of authority, legal authority in particular.

In this connection, you may also want to review 43 U.S.C. 1455.

A handwritten signature in dark ink, appearing to read 'Arthur J. Gajarsa', with a long horizontal flourish extending to the right.

Arthur J. Gajarsa

Department of the Interior
DEPARTMENTAL MANUAL

Delegation Series

Part 200 General Provisions

Chapter 1 Delegations of Authority

200.1.1

.1 Scope.

A. The formal delegations of authority by the Secretary are set forth in the Delegation Series of the Departmental Manual. Delegations of authority made in Secretary's orders and other documents are being incorporated into Manual issuances as soon as it is feasible to do so.

B. Part 205, General Delegations, sets forth the delegations of authority that are made on a functional basis generally to heads of bureaus and certain other designated officials.

(30 F.R.
7116)

C. Part 210 sets forth the delegations of authority to the Secretarial Officers and the Solicitor.

D. Parts 211 to 299 set forth the delegations of authority that are made on an organizational basis.

E. The authority delegated in Part 205 and Parts 211 to 299 does not include any authority to perform the legal work related to the functions delegated. The authority of the Secretary respecting the legal work of the Department is delegated to the Solicitor in 210 DM 2.

F. The authority delegated in Parts 211-299 on an organizational basis does not include authority delegated in Part 205 on a functional basis.

.2 Exercise of Authority. An officer or employee who is delegated or redelegated authority must exercise it in conformity with any requirements which the person making the delegation would be called upon to observe. Such requirements may be found in provisions of this Manual, statutes, regulations issued by other agencies--for example, the Civil Service Commission and GSA--or Executive orders. Delegated authority must be exercised in accordance with relevant policies, standards, programs, organization and budgetary limitations, and administrative instructions prescribed by officials of the Office of the Secretary or bureau. While failure to comply with administrative instructions not issued as limitations on authority will not impair the legality of an action as far as the public is concerned, it may be grounds for appropriate disciplinary measures.

.3 Effect of Delegation. An officer who delegates or redelegates authority does not divest himself of the power to exercise that authority nor does the delegation or redelegation relieve him of the responsibility for action taken pursuant to the delegation.

Department of the Interior
DEPARTMENTAL MANUAL

Delegation Series

Part 200 General Provisions

Chapter 1 Delegations of Authority

200.1.4

.4 Authority of the Secretary to Delegate. The Secretary of the Interior has broad power to delegate his authority. However, nothing in this Delegation Series empowers any officer or employee of the Department to exercise authority which the Secretary by the terms of the legislation, Executive Order or other source of authority may not redelegate. Thus, authority given to the President by law and delegated to the Secretary by Executive Order cannot be redelegated except as provided in the Executive Order. If the Executive Order confines redelegation to specified officers (as in Executive Orders 10355 and 10732), these specific positions and authorities must be referred to in the redelegation. These, however, are rare exceptions and generally apply to redelegations to Secretarial Officers.

.5 General Limitation--Code of Federal Regulation Documents. Delegations of authority in the Delegation Series do not include authority to issue documents which are amendments of or additions to the material in the Code of Federal Regulations initiated by the Department of the Interior unless such authority is specifically mentioned in the delegation.

Department of the Interior
DEPARTMENTAL MANUAL

Delegation

Part 205 General Delegations

Chapter 7 Claims by the United States for Property or Money 205.7.1

.1 Suspension or termination of collection activity. The head of each bureau or other departmental office and the Director of Management Operations pursuant to the provisions of the Federal Claims Collection Act of 1966 (80 Stat. 309) and the regulations in 344 DM may suspend or terminate collection action with respect to claims of the United States for money or property which do not exceed \$20,000 exclusive of interest, arising out of activities under his jurisdiction prior to the referral of such claims to the General Accounting Office or the Department of Justice for litigation.

(32 F.R.
8538)

.2 Compromise of claims. The Solicitor pursuant to the provisions of the Federal Claims Collection Act of 1966 (80 Stat. 309) and the regulations in 344 DM may compromise claims of the United States which do not exceed \$20,000 exclusive of interest arising out of the activities of the Department or any of its bureaus or other departmental offices.

6/8/67 (Release No. 946)
New

Department of the Interior
DEPARTMENTAL MANUAL

Delegations _____ Part 210 Office of the Secretary

Chapter 2 Solicitor _____ 210.2.1

.1 General Authority. The Solicitor is authorized to exercise all authority of the Secretary respecting the legal work of the Department, except for the limitations contained in 200 DM 2.1.

(24
F.R.
1348)

.2 Authority in Specified Matters

A. The Solicitor is authorized to exercise the authority of the Secretary.

(1) Conferred by the provisions of 28 U.S.C., secs. 2401, 2671-2680 (the Federal Tort Claims Act);

(2) With respect to claims under 25 U.S.C., sec. 388, for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects; and under Public Works Appropriation Acts, for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation;

(3) Relating to Indian probate proceedings as follows;

(24
F.R.
1348)

(a) Disposition of appeals to the Secretary in proceedings for the determination of heirs or the approval of wills of deceased Indians.

(b) Extension of time or waiver of time limitations with respect to rehearings, reopenings, or appeals in proceedings for the determination of heirs of the approval of wills of deceased Indians.

(c) Disposition of the restricted or trust estates of Indians who have died intestate and without heirs.

(4) With respect to the disposition of appeals to the Secretary:

(a) From decisions of the Director of the Bureau of Land Management (or his delegates), and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands;

(b) Pertaining to enrollment of Indians, pursuant to 25 CFR, Chap. I, Subchapter F;

(24
F.R.
1348)

(c) From decisions rendered by the territorial judiciary of American Samoa;

Department of the Interior
DEPARTMENTAL MANUAL

Delegations

Part 210 Office of the Secretary

Chapter 2 Solicitor

210.2.2A(5)

(5) With respect to patent policies and procedures, including the adjudication of patent rights in inventions made by personnel of the Department and the issuance of licenses for the use of inventions under patents controlled by the Secretary;

(6) When acting upon a proposal by a bureau, to acquire real estate for the United States by condemnation pursuant to section 1 of the act of August 1, 1888, as amended (40 U.S.C., sec. 257) whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(7) Under section 1 of the act of February 26, 1931 (40 U.S.C., sec. 258a), to sign declarations of taking;

(8) When acting upon a proposal to acquire real estate for the United States pursuant to section 3 of the Helium Act (50 U.S.C., sec. 167a) by condemnation pursuant to section 1 of the act of August 1, 1888, as amended (40 U.S.C., sec. 257) whenever the Solicitor determines that a satisfactory agreement to acquire such land or interest in land cannot be made and that such acquisition by condemnation is necessary in the national interest and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(9) Under 43 CFR Part 2, with respect to the availability of official records and testimony of employees;

(10) With respect to the settlement of claims against the United States by employees for damage to, or loss of, personal property pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-242).

(31
F.R.
9610

B. The Solicitor is authorized

(1) To determine, compromise, and settle claims and demands of the United States pursuant to section 12 of the act of August 20, 1937, as amended (16 U.S.C., sec. 832k);

(24
F.R.
1348)

7/11/66 (Rel. No. 855)
Replaces 11/24/62

Department of the Interior
DEPARTMENTAL MANUAL

Delegations

Part 210 Office of the Secretary

Chapter 2 Solicitor

210.2.2B(2)

(2) If he determines in connection with a claim under a contract that, as a matter of justice and equity, all or any part of the liquidated damages assessed on or after July 1, 1949, because of delay, against a party to a contract made by the Department on behalf of the Government should be remitted, to recommend to the Comptroller General that such remission be made, pursuant to the provisions of 41 U.S.C., sec. 256a;

(24
F.R.
1348)

(3) To accept on behalf of any Secretarial officer service of judicial process and service of process issued by the legislative branch of the Government; and

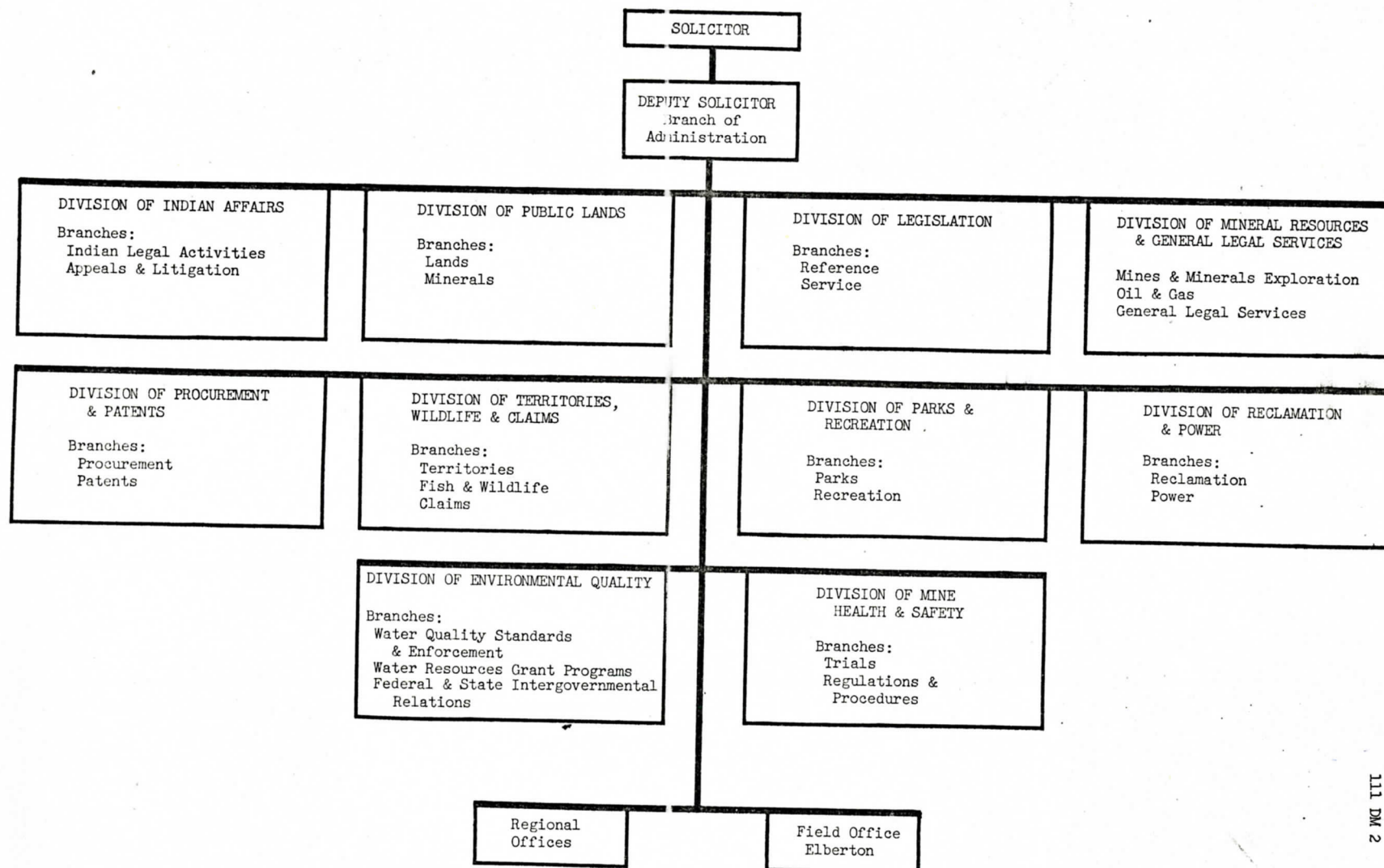
(24
F.R.
1348)

(4) To enter into, modify or terminate contracts for services or supplies which are required for the Office of the Solicitor.

.3 Authority to Redelegate. The Solicitor may, in writing, redelegate or authorize written redelegation of any authority delegated to him in this chapter. For redelegations of authority see the Solicitor's Regulations.

7/11/66 (Rel. No. 855)
Replaces 1/23/60

ORGANIZATION -- OFFICE OF THE SOLICITOR



Department of the Interior
DEPARTMENTAL MANUAL

Organization

Part 111 Other Departmental Offices

Chapter 2 Office of the Solicitor

111.2.1

.1 Overall Organization. The Office of the Solicitor consists of a headquarters organization at Washington, D. C., regional offices, and field offices, located throughout the United States. With the exception of the field office at Elberton, Georgia, field offices are subordinate to regional offices.

.2 Headquarters Organization. Responsibility for headquarters functions is divided as follows:

A. Solicitor. The Solicitor is the principal legal adviser of the Secretary and the chief law officer of the Department. He is responsible for and has supervision over all of the legal work of the Department. The authority of the Solicitor as delegated to him by the Secretary is set forth in Parts 205 and 210.

B. Deputy Solicitor. The Deputy Solicitor supervises and coordinates the work of the Office of the Solicitor. The Deputy Solicitor, by redelegation from the Solicitor, may with respect to any matter that comes before him, exercise the full authority of the Solicitor. He directs the work of the Branch of Administration.

The Branch of Administration, under the direction of an Administrative Officer, provides administrative services for the Office of the Solicitor in conjunction with the Director of Management Operations.

C. Division of Environmental Quality. Under the direction of an Associate Solicitor, the Division is responsible for the legal aspects of matters with respect to water quality and associated programs concerning environmental protection. The Division is responsible for the legal aspects of matters arising in connection with the programs and activities of the Federal Water Quality Administration, the Office of Saline Water and the Office of Water Resources Research. Responsibility for this work is divided among the Branch of Water Quality Standards and Enforcement, the Branch of Water Resources Grant Programs, and the Branch of Federal and State Intergovernmental Relations, each under the direction of an Assistant Solicitor.

D. Division of Indian Affairs. Under the direction of an Associate Solicitor, the Division is responsible for all legal matters pertaining

**Department of the Interior
DEPARTMENTAL MANUAL**

Organization

Part 111 Other Departmental Offices

Chapter 2 Office of the Solicitor

111.2.2 (cont)

to the administration of Indian Affairs. Initial responsibility for this work is divided between the Branch of Appeals and Litigation and the Branch of Indian Legal Activities, each under the direction of an Assistant Solicitor. The Branch of Appeals and Litigation is responsible for matters relating to tribal attorney contracts, appeals from decisions of the Bureau of Indian Affairs, and litigation. The Branch of Indian Legal Activities is responsible for all other legal matters arising in connection with the programs and activities of the Bureau of Indian Affairs.

E. Division of Mine Health and Safety. Under the direction of an Associate Solicitor, the Division of Mine Health and Safety is responsible for the preparation and trial of cases, both administrative and judicial, the interpretation of statutes and regulations, and such other legal matters as are assigned to the Solicitor's Office in respect of matters arising under the Metal and Nonmetallic Mine Safety Act and the Federal Coal Mine Health and Safety Act of 1969. Initial responsibility for this work is divided between the Branch of Trials, and the Branch of Regulations and Procedures, each under the direction of an Assistant Solicitor.

F. Division of Mineral Resources and General Legal Services. Under the direction of an Associate Solicitor, the Division is responsible for the legal aspects of matters arising in connection with the programs and activities of the Bureau of Mines (except mine health and safety matters), Office of Minerals Exploration of the Geological Survey, Office of Minerals and Solid Fuels, Office of Oil and Gas, and the Oil Import Administration. Initial responsibility for this work is divided between Assistant Solicitors for Oil and Gas, and Mines and Minerals Exploration. The General Legal Services area of the Division, under the direction of an Assistant Solicitor, includes the legal aspects of matters pertaining to the administration of the Department and legal matters arising in connection with the programs and activities of the Office for Equal Opportunity, the Job Corps Staff, and the Office of Information.

G. Division of Parks and Recreation. Under the direction of an Associate Solicitor, the Division is responsible for legal matters arising in connection with the programs and activities of the National Park Service (including the National Capital Parks) and the Bureau of Outdoor Recreation. Initial responsibility for his work is divided between the Branch of Parks and the Branch of Recreation, each under the direction of an Assistant Solicitor.

Department of the Interior DEPARTMENTAL MANUAL

Organization

Part 111 Other Departmental Offices

Chapter 2 Office of the Solicitor

111.2.2 (cont)

H. Division of Procurement and Patents. Under the direction of an Associate Solicitor, the Division is responsible for all legal matters in connection with Departmental procurement, patents, and related matters. Initial responsibility for this work is divided between the Branch of Procurement and the Branch of Patents, each under the direction of an Assistant Solicitor. The Branch of Procurement assists in the development of government-wide procurement procedures and the promulgation of related Departmental regulations. It reviews or drafts proposed awards, contracts and contract documents for all Departmental programs.

The Branch of Patents has responsibility for all legal matters of the Department which relate to patents, copyrights, trademarks, and rights and data arising out of research and development activities under contracts and grants and employee activities.

I. Division of Public Lands. Under the direction of an Associate Solicitor, the Division is responsible for legal matters arising in connection with the programs and activities of the Bureau of Land Management and the Geological Survey, except the Office of Minerals Exploration, including the activities of the Department in administering the Connally Act. The Division is composed of two branches, each under the direction of an Assistant Solicitor. The Branch of Lands has initial responsibility for legal matters arising in connection with activities of the Bureau of Land Management, except those relating to minerals. The Branch of Minerals has the initial responsibility for legal matters arising in connection with the Geological Survey and with the other functions relating to minerals with which the Division's work is concerned.

J. Division of Territories, Wildlife, and Claims. Under the direction of an Associate Solicitor, the Division is responsible for legal matters arising in connection with the programs and activities of the Office of Territories, the Fish and Wildlife Service, and tort and irrigation claims that come to the Solicitor for original determination and all appeals on tort and irrigation claims. Initial responsibility for this work is divided among the following branches each under the direction of an Assistant Solicitor: Branch of Territories; Branch of Fish and Wildlife; Branch of Claims.

K. Division of Reclamation and Power. Under the direction of an Associate Solicitor, the Division is responsible for the legal aspects of matters arising in connection with the program and activities of

Department of the Interior

DEPARTMENTAL MANUAL

Organization

Part 111 Other Departmental Offices

Chapter 2 Office of the Solicitor

111.2.2 (cont)

the Bureau of Reclamation and those connected with the generation and disposition or purchase of electric power and energy by any bureau of the Department. Initial responsibility for this work is divided between the following branches, each under the direction of an Assistant Solicitor: Branch of Reclamation; Branch of Power.

L. Division of Legislation. The Division of Legislation is under the direction of the Legislative Counsel who supervises the preparation and is responsible for the unification and coordination of the Department's legislative program and its presentation to the Bureau of the Budget and the Congress. He consults with the Secretarial offices, the Solicitor, and bureau officials in the determination of policy incident to proposed or pending legislation of importance and with respect to policy involved in reports on legislation or recommendations for Presidential approval or veto of enrolled bills. The Division reviews all legislative documents submitted by the bureaus and offices, prepares coordinated reports, and coordinates and arranges departmental representation at congressional hearings, including participation in preparation of witness statements. It is responsible for establishing and maintaining contacts on legislative matters with the Congress and executive agencies; for providing legislative information for use within the Department, such as advance notice of hearings and status reporting on pending legislation; and for providing a clearinghouse on legislative matters generally.

.3 Field Organization. The field activities of the Office of the Solicitor are divided among eight geographic regions, and one field office which reports directly to the headquarters organization.

A. Regional Offices. Each Regional Solicitor, under the administrative supervision of the Deputy Solicitor and technical guidance of the appropriate Associate Solicitor as to legal matters, is responsible for the performance of legal work in connection with the programs and activities conducted by bureaus within the region. He carries out this responsibility through his immediate staff and that in the field offices in his region. A Regional Solicitor is assisted by one or more Assistant Regional Solicitors.

B. Field Offices. Each field office, with one exception, is subordinate to a regional office and under the direction of a Field Solicitor, who reports to a Regional Solicitor. Field offices are responsible for

6/11/70 (Release No. 1201)
Replaces 2/2/70 (Release No. 1173)

Department of the Interior
DEPARTMENTAL MANUAL

Organization

Part 111 Other Departmental Offices

Chapter 2 Office of the Solicitor

111.2.3

the execution of legal work in connection with programs and activities conducted by bureaus in that particular vicinity. The one exception is the field office at Elberton, Georgia, the Field Solicitor in charge of which reports directly to the Solicitor. This office performs the legal work in connection with the programs and activities of the Southeastern Power Administration.

C. Branch Offices. A branch office of the Field Solicitor is established, when necessary, in a location other than the field office city. The attorney assigned to a branch office is under the supervision of and reports to the Field Solicitor. There is a branch office in Durant, Oklahoma, and Gallup, New Mexico, reporting to the Field Solicitors at Muskogee and Albuquerque respectively and a branch office in Palm Springs, California, reporting to the Regional Solicitor, Sacramento.

6/11/70 (Release No. 1201)
Replaces 2/2/70 (Release No. 1173)

The White House
Washington

WHA152 1048P EDT AUG 13 70 WA393

1970 AUG 13 PM 11 00

(WH) GR (WQ RBA146 PU) PDB RB WASHINGTON DC 13 317P EDT

LEONARD GARMENT, SPECIAL ASST TO THE PRESIDENT

THE WHITE HOUSE WASHDC

FOLLOWING IS TELEGRAM SENT THIS DATE TO

HONORABLE JOHN MITCHELL

U. S. ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

WASHINGTON, C. C.

3 PLEASE APPROVE ASSISTANT SECRETARY OF THE INTERIOR LOESCHS'
REQUEST FOR MR. WILLIAM VEEDAR'S APPOINTMENT AS SPECIAL ASSISTANT
ATTORNEY GENERAL, TO ASSIST THE SAN FELIPE AND SANTA DOMINGO
2 INDIAN TRIBE'S IN WATER RIGHTS LITIGATION. DECISION URGENTLY
NEEDED BY MONDAY, AUGUST 17TH, NOON, SO THAT THE TRIBES CAN
PROCEED

BRUCE A WIPKIE EXECUTIVE DIRECTOR NATIONAL CONGRESS OF AMERICAN
INDIANS

17TH.(1039)

The White House
Washington

1970 AUG 7 PM 8 01

WHA121 743P EDT AUG 7 70 (31)CTB312
PRA391 PR REA256 MR NL PD RENO NEV 7
LEONARD ~~GARMET~~ GARMET

WHITE HOUSE STAFF WASH DC

YOUR JULY 8 1970 STATEMENT ON INDIANS VERY ENCOURAGING. HOWEVER,
THE DISRUPTIVE ACTIONS OF HARRISON LOESCH, ART GAJARSA, CALVIN
BRYCE AGAINST VEDER COULD MAKE YOUR WORDS EMPTY AND MEANINGLESS
RE: SELF DETERMINATION PAGE ONE, LAST SENTENCE IN PARAGRAPH
FOUR OF YOUR RELEASED STATEMENT--WILL YOU ALLOW THEM TO IGNORE
WHAT YOU SAID? YOU WILL BE THE ONE WHO WILL GET THE BLAME FOR
THEIR ACTIONS. PLEASE ALLOW VEDER TO ACT AS CO-COUNCIL PER
PUEBLO REQUEST IN RIO GRANDE SUIT
INTER TRIBAL COUNCIL OF NEVADA

The White House
Washington

1970 AUG 7 PM 8 00

WHA120 738P EDT AUG 7 70 (33)CTB313
PRA392 PR REA257 MR NL PD RENO NEV 7
BRAD PATTERSON

WHITE HOUSE STAFF WASH DC

YOUR JULY 8 1970 STATEMENT ON INDIANS VERY ENCOURAGING. HOWEVER,
THE DISRUPTIVE ACTIONS OF HARRISON LOESCH, ART GAJARSA, CALVIN
BRYCE AGAINST VEDER COULD MAKE YOUR WORDS EMPTY AND MEANINGLESS
RE: SELF DETERMINATION. PAGE ONE, LAST SENTENCE IN PARAGRAPH
FOUR OF YOUR RELEASED STATMENT--WIVL YOU ALLOW THEM TO IGNORE
3 WHAT YOU SAID? YOU WILL BE THE ONE WHO WILL GET THE BLAME FOR
THEIR ACTIONS. PLEASE ALLOW VEDER TO ACT AS CO-COUNCIL PER
PUEBWO'S REQUEST IN RIO GRANDE SUIT

INTER TRIBAL COUNCIL OF NEVADA

Pending

August 6, 1970

Personal

Dear John:

Assistant Secretary of the Interior Harrison Loesch has written you (August 4) about the possibility of appointing William Veeder, an attorney in the Bureau of Indian Affairs, as an Assistant U.S. Attorney for the purpose of participating in a special case involving Indian water rights now in the U.S. District Court for the District of New Mexico.

Mr. Veeder is a highly motivated but also highly informed gentleman -- a crusader of sorts who has been a burr under the saddle of much of the bureaucracy.

I am not familiar with all of his background nor of the very complicated substance of the case pending, but his being able to appear in court as a co-counsel for the petitioning Indian tribes is getting to be a cause celebre which by unnecessarily making him a martyr could undo much of the good the President's recent Indian message has piled up.

It would be helpful if you could see your way clear to approve Harrison Loesch's request.

Sincerely,

Leonard Garment

Honorable John Mitchell
Attorney General
Department of Justice
Washington, D. C.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 4 1970

Dear Mr. Attorney General:

The case New Mexico vs. Aragon, United States, Intervenor is presently in process before the U.S. District Court for the District of New Mexico. Among other matters it may involve the claims of the San Felipe and Santo Domingo Pueblos to water rights in the Rio Grande River. The tribes and the tribal attorney have requested the assistance, as co-counsel, of Mr. William H. Veeder, a Water Conservation and Utilization Specialist employee of the Bureau of Indian Affairs of this Department. Mr. Veeder is an attorney qualified to be admitted to practice before the U.S. District Court for the District of New Mexico for the purposes of this case.

Emphasizing the strong desire of the tribes for his help and this Department's wish to be as responsive as possible, we respectfully request that you appoint Mr. Veeder as an Assistant U.S. Attorney for the purposes of this case under the provisions of 28 U.S.C., Section 543.

Since briefs are to be presented in the case in the very near future, we will much appreciate a prompt determination of this matter.

Sincerely,

Assistant

Harrison Soesch
Secretary of the Interior

Honorable John N. Mitchell
Attorney General
Washington, D.C. 20530



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 4 1970

Memorandum

To : Commissioner, Bureau of Indian Affairs
From : Assistant Secretary-Public Land Management
Subject: Assignment and Travel Authorizations for
Mr. William Veeder

As you know I have put in a great deal of personal effort to bring about the establishment of a Trust Solicitor so that there might be an independent legal representation of tribal interests in property held in trust as well as water rights. The request to create this entity has been made by the President and the legislative proposal has gone to the Congress. I was successful in overcoming considerable opposition in some quarters to the proposal bill.

Based on the advice of the Justice Department, the Solicitor for this Department advised you on the limitation on activities that Mr. Veeder may engage in under present law. I do not want him to engage in any actions contrary to the instructions you have received from the Solicitor's office. Apart from violating the present law, I do not want him taking any actions which might in any way jeopardize our obtaining the enactment of the legislative proposal which has gone to the Congress.

To assure conformance with the instructions from the Solicitor, will you please place Mr. Veeder by written instructions under your supervision and not under the supervision of the Tribes. Further, I want it clearly understood that if there is any presently existing travel authorizations for Mr. Veeder, that it be immediately submitted for my approval. Hereafter, Mr. Veeder is not to be issued travel orders except upon my personal authorization on the written travel order.

Harrison Loesch
Harrison Loesch

WESTERN UNION

Telefax



KAYEON NL PDF ALBUQUERQUE NMEX 28

CO 1M 8 CS

COMMISSIONER LOUIS R BRUCE

BUREAU OF INDIAN AFFAIRS WASHDC

LESS THAN FIVE MINUTES BEFORE THE HEARING AT 10AM JULY 20, 1970 IN SANTA FE NEW MEXICO IN THE CASE OF UNITED STATES VERSUS ARAGON ET AL AND OTHER CASES IN THE FEDERAL DISTRICT COURT I WAS ADVISED MR VEEBER WAS AUTHORIZED BY COMMISSIONER BRUCE TO APPEAR WITH ME AS CO-COUNCIL ON BEHALF OF THE SAN FELIPE AND SANTO DOMINGO PUEBLOS SUBJECT TO APPROVAL OF THE GOVERNORS OF THOSE PUEBLOS. I ADVISED MR VEEBER OF THIS FACT AND AFTER A VERY BRIEFLY CONFERRING WITH THE PUEBLO LEADERS AT 10AM MOVED FOR HIS ADMITTANCE AS CO-COUNCIL BASED UPON COMMISSIONER BRUCE'S AUTHORITY. MR VEEBER PROCEEDED UPON THE BASIS OF THAT AUTHORIZATION TO REPRESENT THE MENTIONED PUEBLOS. I WAS AT THAT TIME ALSO ADVISED THAT THE AUTHORIZATION WOULD BE CONFIRMED BY WIRE WHICH

JUL 20 10 15 AM '70

1270 (1-51)

WESTERN UNION

Telefax



WAS THEN BEING SENT

THOMAS O OLSON, ATTORNEY FOR PUEBLOS SAN FELIPE AND SANTO DOMINGO PO BOX 465 311 SIXTH RD ALBUQUERQUE NEW MEXICO 87103

JUL 20 10 15 AM '70

JUL 20 10 15 AM 465 311 87103.

FAX N 1

JUL 20 8 15 AM '70

1270 (1-51)

DONALD W. RIEGLE, JR.
MICHIGAN, 7TH DISTRICT
WASHINGTON ADDRESS:
Room 1408
LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
PHONE: 225-3611 (202)

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE:
APPROPRIATIONS
DISTRICT ADDRESS:
425 DETROIT STREET
FLINT, MICHIGAN 48502
PHONE: 239-5705 (313)

July 22, 1970

LM

8239

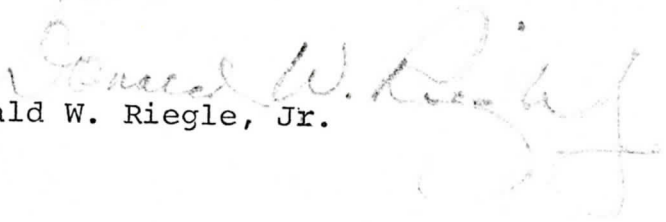
Dear Mr. Bruce:

It has come to my attention that, on July 20, you favorably considered the request of the Pueblos de San Felipe and de Santo Domingo that William Veeder of the Bureau of Indian Affairs act as co-counsel in the motion to intervene.

You have taken a powerfully constructive step toward helping your people by doing this, and I wish to congratulate you for your action. Certainly, more initiatives of this nature will put your people back on the road to the reconstruction of a great Indian nation.

If I can ever assist you in your efforts to help the Indian people, please let me know.

Sincerely,


Donald W. Riegle, Jr.

Mr. Louis Bruce
Commissioner
Bureau of Indian Affairs
Department of the Interior
Washington, D.C.

DWR:jmg

CL-6815

ARNOLD OLSEN
1ST DISTRICT, MONTANA

ROOM 1436 LONGWORTH BUILDING
PHONE: 225-3211

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
POST OFFICE AND CIVIL SERVICE
PUBLIC WORKS

SUBCOMMITTEES:
POSTAL RATES AND
PARCEL POST, CHAIRMAN
COMPENSATION
FLOOD CONTROL
ROADS
WATERSHED

SPECIAL SUBCOMMITTEE ON
THE FEDERAL-AID HIGHWAY PROGRAM

July 21, 1970

Honorable Louis Bruce, Commissioner
Bureau of Indian Affairs
Department of Interior
Washington, D.C.

0232

LM

Dear Commissioner Bruce:

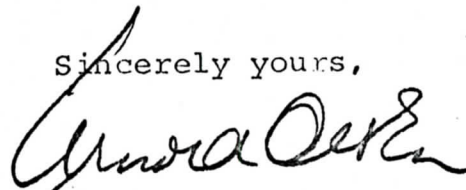
I have been informed that on Monday, July 20, you responded affirmatively to the requests of the Pueblos de San Felipe and de Santo Domingo that Mr. William H. Veeder of your Bureau be assigned to their governors to assist them in his official capacity as a Water Conservation and Utilization Specialist. I commend your positive action in this matter.

Because of the serious social ills which plague the Indian people, I am hopeful and am certain that you will continue to display this form of positive leadership which the Indian people desperately need.

If I or my staff may be of any assistance to you in your fight to help your people overcome their plight, please do not hesitate to contact us.

With kindest personal regards, I am

Sincerely yours,



ARNOLD OLSEN, M.C.

AO/w

CL-6810

July 20, 1970

Thomas O. Olson, Esq.
Hartley, Olson, and Baca
3011 Sixth Street NW
Albuquerque, New Mexico

Dear Mr. Olson:

This is in reply to your letters of June 18, 1970 on behalf of the San Felipe and Santo Domingo Pueblos requesting the services of Mr. William Veeder to act as co-counsel with you on the petition to intervene. I regret to inform you that Mr. Veeder cannot appear as co-counsel.

The Solicitor's office has indicated that Mr. Veeder, if he appeared as co-counsel, would be in violation of 18 U.S.C. 205. Enclosed herewith please find copies of correspondence which were forwarded to me by the Solicitor's office. As you can readily ascertain, this correspondence indicates that in their opinion if Mr. Veeder acted as co-counsel in the petition to intervene, he would be in violation of 18 U.S.C. 205. Furthermore, I do not have any present authority to allow Mr. William Veeder to appear as co-counsel since I have, also, been informed by the Solicitor's office that the authority and responsibility for legal work to be done by this Department has been delegated to the Solicitor. Therefore, I have no authority in legal matters to delegate. Concurrent to the telegram forwarded to you on July 17, 1970, I instructed Mr. Veeder that he was to render all technical assistance in this matter as he has in the past, and that he could also appear as an expert witness if you so desired.

Today I sent telegrams to Governor Joseph Sanchez of the San Felipe Pueblo and Governor Epitacho Quintana informing them that under my delegated authority from the Secretary under 25 U.S.C. 49, I was assigning Mr. Veeder to their supervision as a water conservationist and utilization specialist. This allows Mr. Veeder to work directly under the supervision of the tribes, but this does not authorize him to appear as co-counsel since I cannot delegate to the tribe any more authority which I would have directly. We are still making every

possible effort to have Mr. Veeder qualified to participate as co-counsel.

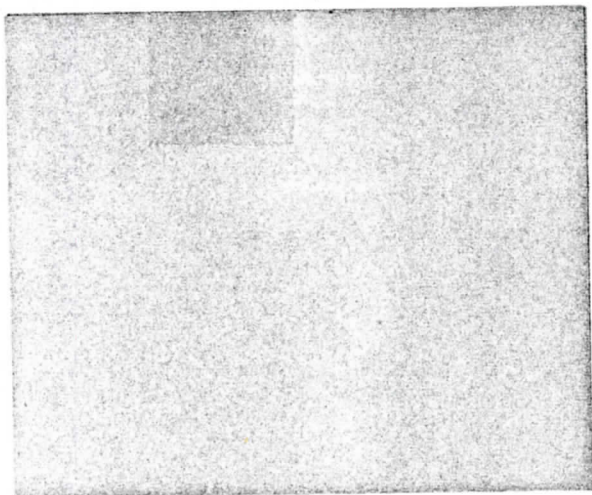
Best wishes at the hearing today.

Very truly yours,

Louis R. Bruce
Commissioner of Indian Affairs

Enclosure

cc:
Governor Joseph Sanchez
Governor E. Quintana



July 20, 1970

Governor Joseph Sanchez
San Felipe Pueblo
P. O. Box 308
Algodones, New Mexico 87001

Dear Governor Sanchez:

This is in reply to the Resolution which was forwarded to us by your tribal attorney, Mr. Thomas Olson, requesting that Mr. Veeder appear as co-counsel in your petition to intervene. As my telegram to Mr. Olson, dated July 17, 1970, indicated, I have no authority to appoint Mr. Veeder to act as co-counsel in your behalf. The authority and responsibility for all legal work to be carried out by the Department of the Interior has been delegated to the Solicitor. I am, therefore, limited by this delegation and cannot appoint Mr. Veeder to act as co-counsel. Furthermore, the Solicitor has informed me that Mr. Veeder, as an employee of the Bureau of Indian Affairs, would be in violation of 18 U.S.C. 205 if he appeared in your behalf as co-counsel. Enclosed herewith please find a copy of a letter received from the Solicitor.

President Nixon, in his message to Congress on July 9, 1970, indicated the obvious problems encountered by the tribes in establishing their water rights and in order to mitigate this obvious problem, he is requesting that Congress enact legislation to establish an Indian Trust Counsel Authority. Once this legislation has been enacted, the Authority will be in a position to participate in actions of this kind.

Today by telegram I assigned Mr. William Veeder to your supervision. This authority has been delegated to me through 25 U.S.C. 43. I am, therefore, making the services of Mr. Veeder directly available to the Pueblo as a water conservationist and utilization specialist, but even under this assignment, Mr. Veeder cannot appear in court and act as co-counsel. He is to participate actively in the preparation of the case under your direction and with your attorney. In this manner, the two Pueblos will have intimate use of Mr. Veeder's knowledge and expertise. As you are well aware, Mr. Veeder is assisting other tribes,

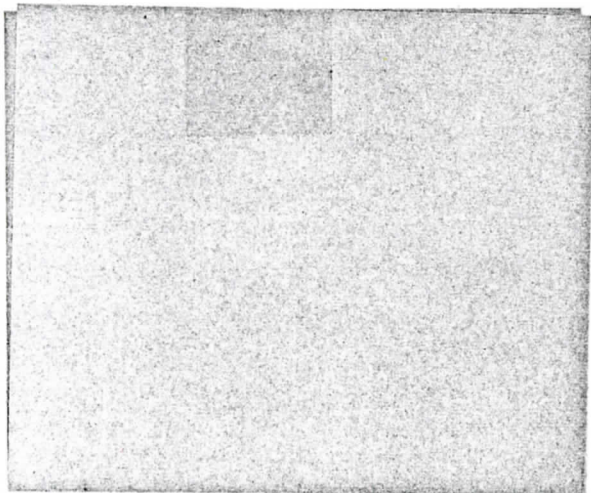
and, therefore, I would specifically request that once Mr. Veeder's services are no longer required by your Pueblo on a continuing basis, that you inform me immediately so that Mr. Veeder can return to his normal course of work. In the meantime, we are still making every possible effort to have Mr. Veeder qualified to participate as co-counsel.

Sincerely yours,

Louis R. Bruce
Commissioner of Indian Affairs

Enclosure

Identical letter to: Governor Epitacho Quintana



Telefax

WESTERN UNION

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*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

K51-01/X/FCC/0001

JULY 20, 1970

JUL 20 1970

GOVERNOR JOE SANCHEZ
C/O JUDGE PAYNE'S COURT ROOM
FEDERAL DISTRICT COURT
SANTA FE, NEW MEXICO

FURTHER TO MY TELEGRAM OF JULY 17, 1970, I AM
MAKING THE SERVICES OF MR. WILLIAM VEEDER
AVAILABLE TO YOUR PUEBLO AS A WATER CONSERVA-
TION AND UTILIZATION SPECIALIST. I AM IMMEDIATELY
ASSIGNING MR. VEEDER TO THE COMPLETE SUPER-
VISION OF YOU AND THE GOVERNOR OF THE SANTO
DOMINGO PUEBLO UNDER AUTHORITY OF 25 U.S.C. 48
END SHEET ONE

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

1269—(R 4-55)

Telefax

WESTERN UNION

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*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

SHEET TWO

UNTIL SUCH TIME AS YOU NOTIFY ME THAT YOU
NO LONGER REQUIRE HIS SERVICES.

Louis R. Bruce

LOUIS R. BRUCE
COMMISSIONER OF INDIAN AFFAIRS

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

1269—(R 4-55)

Telefax **WESTERN UNION** *Telefax*
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CALL LETTERS	NDN	PD	CHARGE TO	K51-01/X/FCC/0001
JULY 20, 1970				
MR. WILLIAM VEEDER C/O JUDGE PAYNE'S COURT ROOM FEDERAL DISTRICT COURT SANTA FE, NEW MEXICO I AM AWARE THE PUEBLOS OF SANTO DOMINGO AND SAN FELIPE HAVE REQUESTED THAT I MAKE AVAILABLE TO THE PUEBLOS YOUR SERVICES AS A WATER CON- SERVATION AND UTILIZATION SPECIALIST. UNDER AUTHORITY OF 25 U.S.C. 48, AND PROVIDED YOU ACCEPT BY RETURN TELEGRAM, I AM ASSIGNING YOU END SHEET ONE				

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

Telefax **WESTERN UNION** *Telefax*
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CALL LETTERS	NDN	PD	CHARGE TO	
SHEET TWO TO THE COMPLETE SUPERVISION OF THE GOVERNORS OF THE SAN FELIPE AND SANTO DOMINGO PUEBLOS UNTIL SUCH TIME AS I AM NOTIFIED BY THEM THAT THEY NO LONGER REQUIRE YOUR SERVICES. I AM GRANTING THIS AUTHORITY TO REEMPHASIZE THE ROLE OF THE BUREAU AS THE ADVOCATE FOR THE INDIAN PEOPLE. <i>Louis R. Bruce</i> LOUIS R. BRUCE COMMISSIONER OF INDIAN AFFAIRS				

Send the above message, subject to the terms on back hereof, which are hereby agreed to

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Telefax

WESTERN UNION

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*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

K51-01/X/FCC/0001

JULY 20, 1970

GOVERNOR EPITACIO QUINTANA
C/O JUDGE PAYNE'S COURT ROOM
FEDERAL DISTRICT COURT
SANTA FE, NEW MEXICO

FURTHER TO MY TELEGRAM OF JULY 17, 1970, I AM
MAKING THE SERVICES OF MR. WILLIAM VEEDER
AVAILABLE TO YOUR PUEBLO AS A WATER CONSERVA-
TION AND UTILIZATION SPECIALIST. I AM IMMEDIATELY
ASSIGNING MR. VEEDER TO THE COMPLETE SUPER-
VISION OF YOU AND THE GOVERNOR OF THE SAN FELIPE
PUEBLO UNDER AUTHORITY OF 25 USC 48
END SHEET ONE

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

Telefax

WESTERN UNION

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*Telefax*CALL
LETTERS

NDN

PD

CHARGE
TO

SHEET TWO

UNTIL SUCH TIME AS YOU NOTIFY ME THAT YOU
NO LONGER REQUIRE HIS SERVICES.

Louis R. Bruce

LOUIS R. BRUCE
COMMISSIONER OF INDIAN AFFAIRS

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
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Telefax

WESTERN UNION
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Telefax

CALL CHARGE
LETTERS TO NDN PD TO INDIAN AFFAIRS K51-01/X/0300/0001

MR. THOMAS O. OLSON
HARTLEY, OLSON & BACA
311 SIXTH STREET, NW
ALBUQUERQUE, NEW MEXICO 87103

JUL 17 1970

AS PER MY LETTER OF JULY 9, WE HAVE NOW RECEIVED A REPLY FROM THE SOLICITOR'S OFFICE. MR. WILLIAM VEEDER IS PROHIBITED FROM APPEARING AS CO-COUNSEL IN THE PETITION FOR INTERVENTION FOR THE SAN FELIPE PUEBLO. THE AUTHORITY AND RESPONSIBILITY FOR ALL LEGAL WORK HAS BEEN DELEGATED TO THE SOLICITOR; THEREFORE, I HAVE NO AUTHORITY IN LEGAL MATTERS TO DELEGATE. MR. VEEDER IS INSTRUCTED TO RENDER ALL TECHNICAL ASSISTANCE IN THIS MATTER AS HE HAS IN THE PAST AND HE MAY ALSO APPEAR AS AN EXPERT WITNESS, BUT CANNOT APPEAR AS CO-COUNSEL. THE PRESIDENT IS REQUESTING

END PAGE 1

Send the above message, subject to the terms on back hereof, which are hereby agreed to

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Telefax

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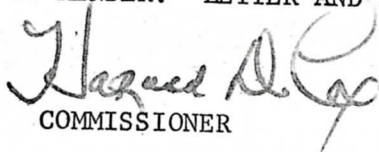
Telefax

CALL CHARGE
LETTERS TO NDN PD TO INDIAN AFFAIRS K51-01/X/0300/001

PAGE 2

LEGISLATION AT THE PRESENT TIME TO CREATE A TRUST COUNSEL AUTHORITY TO PARTICIPATE IN LITIGATION OF THIS TYPE; ONCE ENACTED THE LEGISLATION SHOULD PROVIDE THE SERVICES FOR WHICH WE ARE NOT PRESENTLY AUTHORIZED TO RENDER. LETTER AND DOCUMENTS TO FOLLOW.

Acting


COMMISSIONER

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—(R 4-55)

*Telefax***WESTERN UNION**
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CALL LETTERS	NDN	PD	CHARGE TO	INDIAN AFFAIRS K51-01/X/0300/0001
MR. WILLIAM VEEDER C/O DOWNTOWNER HOTEL 717 CENTRAL AVENUE NW ALBUQUERQUE, NEW MEXICO				JUL 17 1970
WE HAVE RECEIVED A REPLY FROM THE SOLICITOR'S OFFICE. YOU ARE PROHIBITED FROM APPEARING AS CO-COUNSEL IN THE PETITION FOR INTERVENTION FOR THE SAN FELIPE PUEBLO. THE AUTHORITY AND RESPONSIBILITY FOR ALL LEGAL WORK HAS BEEN DELEGATED TO THE SOLICITOR; THEREFORE, I HAVE NO AUTHORITY IN LEGAL MATTERS TO DELEGATE. YOU ARE INSTRUCTED TO RENDER ALL TECHNICAL ASSISTANCE IN THIS MATTER AS YOU HAVE IN THE PAST AND MAY APPEAR AS EXPERT WITNESS, BUT CANNOT APPEAR AS CO-COUNSEL. Acting <i>L. L. L.</i> COMMISSIONER <i>D. L. L.</i>				

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD
1269—[R 4-55]

90-1-2-786
SOLICITOR 4112
33141
JUL 16 1970

Department of Justice
Washington

INTERIOR DEPT.

JUL 16 1970

Mitchell Melich, Esq.
Solicitor
Department of the Interior
Washington, D. C. 20240

Dear Mr. Melich:

We have your letter of July 16 regarding the applicability of 18 U.S.C. 205 to Mr. William Veeder, an employee of the Bureau of Indian Affairs in the Department of the Interior. That section prohibits an employee in the executive branch of the Government, "otherwise than in the proper discharge of his official duties," from acting as agent or attorney before any court in connection with any proceeding in which the United States is a party. On the basis of the facts set forth in your letter and on the assumption that Mr. Veeder's representation of the San Felipe Pueblo in the pending litigation could not be considered as in the proper discharge of his official duties, 18 U.S.C. 205 appears to be plainly applicable.

Sincerely,

Thomas E. Kauper
Thomas E. Kauper

Acting Assistant Attorney General
Office of Legal Counsel



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

July 16, 1970

By Messenger

Honorable William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, D. C. 20530

Attention: Mr. Leon Uman

Dear Mr. Rehnquist:

The Commissioner of Indian Affairs has been requested by the San Felipe Pueblo, a New Mexico Indian tribe, and its private attorney, Mr. Thomas O. Olson, to authorize Mr. William Veeder, an employee of the Bureau of Indian Affairs, to represent the Pueblo as an attorney in certain pending litigation in which the United States is a party.

Mr. Veeder is employed as a water rights specialist by the Bureau. While he is a member of the bar, Mr. Veeder is employed as an administrator. As an administrator, his official duties in no way contemplate that he will serve as a lawyer either for officials of this Department or for Indians who receive services from the Department.

The litigation in which Mr. Veeder's legal services are requested by the San Felipe Pueblo involves five consolidated cases in the United States District Court for the District of New Mexico in which the United States, as plaintiff, is seeking to adjudicate the water rights of several Indian pueblos, not including San Felipe, in certain tributaries of the Rio Grande River. The San Felipe Pueblo is attempting to intervene in these cases, and the Department of Justice, with the concurrence of this Department, is opposing the attempted intervention. It is for the express purpose of assisting San Felipe with its attempted intervention, over the opposition of the United States, that the Pueblo is requesting Mr. Veeder's services.

I believe that were the Commissioner of Indian Affairs to attempt to authorize Mr. Veeder to undertake the requested representation and Mr. Veeder were to act pursuant to such presumed authority that he would be in violation of Title 18, U.S.C. §205.

However, before advising the Commissioner that Mr. Veeder will be in violation of §205 if he, while a Bureau employee, acts as an attorney for the Pueblo in this matter, I would appreciate knowing whether your office concurs in this view. Since the hearing on San Felipe's petition to intervene is set for Monday, July 20, 1970, your reply is needed as soon as possible.

Sincerely yours,

signed Mitchell Melich

Solicitor

cc:

Asst.Secretary, PLM (w/c July 9 memo (less encls thereto))

July 16, 1970

It is understood that the Solicitor's Office is advancing as a reason for denying San Felipe and Santo Domingo the assistance they have requested, that the Commissioner should not aid one Pueblo in opposition to another. This is a grievous misconception.

Mr. Veeder makes this statement -

This is a petition filed by Santo Domingo and San Felipe to join with the other Pueblos. We are not attacking the rights of the other Pueblos. What we seek to do in this proceeding is to defend and not to attack the Pueblos' rights. It is apparent that what the Solicitor's Office is attempting to do is simply lying about the position of this intervention.

Our analysis and the work we are doing and the representation that would be performed in the litigation would be identical for all Pueblos. We are defending Pueblo rights against all other claims.

For the Solicitor's Office to assert that the Commissioner is fighting one Pueblo against another is simply to create animosity where none should exist.

Basically we know now that the horrendous and incompetent work of the Solicitor's Office and the Department of Justice is totally apparent and now is being disclosed. That is the reason they don't want the Commissioner and Mr. Veeder to participate in this litigation.

We have full information that this suit is being prosecuted by the State of New Mexico and they have ignored the Federal Rules of Civil Procedure although the suit is in Federal Court - actually no one is representing the Indians in the litigation.

These facts must be known or made known to the Pueblos and the Commissioner.

If Mr. Veeder is representing one Pueblo against another, so is the Commissioner and that cannot be - it is entirely untrue - it is typical of the lies the Solicitor's Office indulges in.

We are fighting the Bureau of Reclamation, the State of New Mexico and the people who have taken water far beyond anything they are entitled to under the 1924 Pueblo Land Act.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

90-1-2-105
90-1-2-775
90-1-2-786
90-1-2-848
90-1-2-850

Memorandum

JUL 15 1970

To: Commissioner of Indian Affairs

From: Solicitor

Subject: Pueblo Indian Water Rights Cases: New Mexico v. Aamodt, Civil No. 6639; New Mexico v. Abbott, Civil No. 7488; New Mexico v. Aragon, Civil No. 8294; New Mexico v. Abeyta, Civil No. 7896; New Mexico v. Arellano, Civil No. 7939

This is with respect to your memorandum to this office of April 17, 1970, concerning the management of the above-entitled cases now pending in the United States District Court, District of New Mexico and suggesting, for the reasons set forth therein, that the litigation be suspended for a period of one year pending the completion of an inventory of all the water requirements of the Pueblos both now and in the future which is presently being conducted by your office.

For the reasons stated in the attached letter of even date to the Department of Justice, it is the considered opinion of this office that the legal theories and practice being followed by the Land and Natural Resources Division of the Department of Justice and the attorneys of this office fully protect the Pueblo water rights.

Solicitor

Attachment



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

90-1-2-105
90-1-2-775
90-1-2-786
90-1-2-848
90-1-2-850

Memorandum

JUL 15 1970

To: Commissioner of Indian Affairs

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For the reasons stated in the attached letter of even date to the Department of Justice, it is the considered opinion of this office that the legal theories and practice being followed by the Land and Natural Resources Division of the Department of Justice and the attorneys of this office fully protect the Pueblo water rights.

/S/ Mitchell Mellick

Solicitor

Attachment



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

90-1-2-775
27990
Your reference:
BRW:GET
90-1-2-775

Honorable Shiro Kashiwa
Assistant Attorney General
Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530

JUL 15 1970

Dear Mr. Kashiwa:

This refers to the mid-April meeting of this year which you held with officials from your Division, this office, the Bureau of Indian Affairs, Pueblo Indians and tribal attorneys, to discuss the pending litigation involving the water rights of the Pueblos of San Ildefonso, Tesuque, Pojoaque and Namba.

At the meeting and subsequently, the Bureau of Indian Affairs expressed grave concern about the management of these Pueblo Indian water rights cases. The Bureau has recommended, for the reasons stated below, that this litigation be suspended for a period of one year pending completion of a water rights inventory for the Pueblos which is presently being conducted by the Bureau.

Specifically with regard to the management of the five lawsuits concerning the tributaries of the Rio Grande, two of which have been consolidated, the Bureau has expressed a certain apprehensiveness as to those mainstream Pueblos whose rights in the Rio Grande will not be determined by the litigation. The decision to submit to determination the water rights of the Pueblo Indians just in tributaries to the Rio Grande was made only after extensive study by our respective offices and with the full and complete consent of the individual Pueblo Councils as well as the all-Indian Pueblo Council. The Bureau of Indian Affairs has presented nothing to alter our view that the pending litigation is in the best interests of the Pueblos and should be continued to final adjudication.

We have the following specific comments with respect to the objections raised by the Bureau. First, in connection with the litigation involving Namba-Pojoaque River (State v. Anmodt, Civil No. 6639, U.S.D.C., N.M.), the Bureau asserts that unusual procedures and practices are being adhered to involving the filing of two complaints, one by the State of New Mexico and one by the United States, resulting in the entry of hundreds of judgments in favor of non-Indian defendants thereby

causing irreparable damage to all New Mexico Indian Pueblos because these precedents will control all future litigation. Particularly, the Bureau complains the United States did not require the defendants to answer the complaint of the United States setting up their claims to rights to the use of water or to appear before a special master to prove these claims. Rather, the Bureau of Indian Affairs declares, the United States has allowed these defendants to present their claims by a stipulated factual statement as determined by the State of New Mexico. It is further asserted that the United States has not challenged these claims; does not seek to ascertain the correctness of the claims or the basis for them; does not cross-examine the claimants; does not review the titles, the basis upon which the claims are predicated, or the measure of them.

We understand that water adjudication proceedings are sui generis and the rules governing civil actions, the Federal Rules of Civil Procedure, are not always applicable. See Holbrook Irr. Dist. v. Ft. Lyon Canal Co., 269 P. 575, 582. Thus, because there is no specific procedure set out in the Federal Rules for such cases, the Federal Court follows the practice approved by the state's high court if the requirements of orderly procedure and due process are met. See Pacific Live Stock Co. v. Lewis, 241 U.S. 440, 60 L. Ed. 1084 (1916). Under New Mexico's procedure, water adjudication proceedings go through two stages: At the first stage, the individual water user litigates his claim against the State Engineer. At this stage, matters of abandonment, forfeiture and irrigable acreage are disputed between the individual user and the State Engineer, without regard to priorities or respective rights of other users from the same water source. At the second stage, any water user may contest the right, quantity, priority, abandonment, forfeiture, or any other element bearing on the use of water from the stream or source involved. This procedure has been approved by the New Mexico Supreme Court as recently as 1959. See State v. Shorp, 344 P.2d 943, 66 N.M. 192. Thus far the Pojoaque case has progressed only to the first stage.

As we understand, while the issues raised by the United States are being handled by the court under normal federal and state procedures, the first stage of the proceeding with individual water users is proceeding concurrently between the state and the individual users. Further, it is contemplated and clearly understood by all parties, the court and its special master, that at the second stage of proceedings, anyone wishing to do so will be given ample opportunity to challenge any claim asserted or judgment entered, not only with regard to priority, but as to any other element regarding water use. Failure to allow such procedure would undoubtedly violate the requirements of due process and would invalidate any judgment or order entered.

With further reference to the Pojoaque litigation, the Bureau of Indian Affairs has objected to the use of the five alternative legal theories, as reflected in the Government's Pretrial Memorandum respecting the Pueblo's rights to the use of the water. The Bureau believes that the rights of the Pueblo Indians to the use of the water of the Rio Grande and its tributaries would be better protected if the United States also included as an alternative claim a theory of aboriginal-immemorial rights in the Pueblos to the subject waters.

The Field Solicitor, Albuquerque, New Mexico, and attorneys of your Department have done considerable legal research over the past several years into the nature, extent and basis for the water rights of the Pueblo Indians. It was concluded that since aboriginal-immemorial rights in the Pueblos to the use of water have never been established by statute or court decisions, such a basis for relief, without supporting authority, could not be successful. Then too, such a claim would be subject to defeat by the doctrine of "intervening sovereignties." See Lipan Apache Tribe v. United States, 15 Ind. Claims Comm. 532 (1967). Under this doctrine if under an intervening sovereign Indian aboriginal rights are not recognized, then when such lands or territory come under the dominion of the United States the previously unrecognized Indian aboriginal right continues to be unrecognized. Finally, the aboriginal right of Indians to lands and territory historically has been determined to be based on aboriginal usage or possession and occupancy. If the nature and extent of the Pueblo Indians' water rights extended only to such water as they used, possessed or occupied from time immemorial, then the pending litigation would serve little purpose, since that is the identical offer from the adversaries.

Lastly, the Bureau has expressed concern as to the alleged failure of the government to properly consider the import and effect of the Pueblo Land Act of 1924 in connection with this litigation. The Bureau declares that the non-Indian rights, if any, in the waters of the Rio Grande and its tributaries must necessarily be based upon this 1924 act and failure to properly evaluate its purpose and effect, which the Bureau assumes was passed to limit the non-Indian rights to water use, will thereby cause irreparable damage to all New Mexico Indians. In this regard the Bureau's assumption as to the intent of Congress in enacting this law has never been judicially determined. Furthermore, we are satisfied the attorneys for the Department of Justice and this Department, who have devoted considerable time to the nature and extent of the water rights accruing to non-Indian claimants whose lands were acquired pursuant to the Pueblo Lands Act of 1924, are also properly handling this aspect of the case.

In view of the foregoing, we do not recommend any changes in the conduct of the litigation. We do recommend that the petitions to intervene which have been filed on behalf of San Felipe and San Domingo Pueblo be opposed.

Sincerely yours,

/S/ Mitchell Helgeson

Solicitor



Mr. Thomas O. Olson
Hartley, Olson & Baca
P. O. Box 465
Albuquerque, New Mexico 87103

JUL 9 - 1970

Dear Mr. Olson:

In reply to your letter of June 18 which requested authorization for the participation of Mr. William Veeder in all phases of the litigation on behalf of the Pueblo of San Felipe, I am enclosing a copy of a memorandum forwarded to the Solicitor's Office with a copy of your letter and a copy of the tribal resolution making this request.

As soon as I have received a reply from the Solicitor's Office, I shall advise.

Sincerely yours,

(Sgd) Louis R. Bruce

Commissioner

Enclosure

JUL 9 - 1970

Memorandum

To: Associate Solicitor, Indian Affairs
Through: Assistant Secretary, Public Land Management

From: Commissioner of Indian Affairs

Subject: Rio Grande Water Litigation - Fulfilling request for assistance by the tribe by Mr. William Veeder

Enclosed herewith please find copy of a letter from Mr. Thomas O. Olson, Tribal Attorney for the San Felipe Pueblo, and tribal resolution requesting the services of Mr. William Veeder to participate in all phases of representation of the Pueblo of San Felipe with regard to its petition for intervention and subsequent proceedings.

The proper representation of Indian tribes in protecting their water rights has been one of this Administration's policy objectives. You must also be aware that I have stated publicly the new advocacy which the Bureau will maintain on behalf of the Indian tribes. Water rights form a critical element in the maintenance and development of viable Indian communities. In view of this, I am most anxious to reply positively to the tribe's request. Could you please advise as to the means by which I can approve the tribe's request.

With regard to the Rio Grande water rights problems, I requested, by memorandum dated April 17, 1970, that your office discuss with the Department of Justice the restructuring of the litigation presently undertaken on some of the Rio Grande tributaries. I have not as yet received any reply to my request. Could you please advise of your progress.

(Sgd) Louis R. Bruce

Commissioner

Enclosures 2

cc: Mr. Thomas O. Olson
Hartley, Olson & Baca
P. O. Box 465
Albuquerque, New Mexico 87103

Assistant Secretary, Public Land Management, w/copy of enclosures

LAW OFFICES

HARTLEY, OLSON & BACA

EARL E. HARTLEY
THOMAS O. OLSON
JOSEPH F. BACA

P.O. Box 465
ATTORNEYS AT LAW
311 SIXTH STREET N.W.
ALBUQUERQUE, NEW MEXICO 87101
AREA CODE 505
TELEPHONE 243-1348

June 18, 1970

*300
Mother Request
from Wilkinson firm
Flathead - habe - 1/2/70*

Honorable Louis Bruce
Commissioner of Indian Affairs
1951 Constitution Avenue
Washington, D. C. 20242



Re: Rio Grande Water Litigation

Dear Commissioner:

Enclosed is a Resolution which was adopted by the Pueblo of San Felipe concerning their Petition for Intervention in the five lawsuits heretofore filed concerning the waters of the Rio Grande tributaries. You will note that the Pueblo has asked that you authorize Mr. William Veeder of your staff to participate in all phases of the representation of the Pueblo of San Felipe with regard to its Petition for Intervention and subsequent proceedings. This would include his appearance and active participation before the courts. I think it most urgent that this request be given prompt approval.

I might mention that the United States Attorney has noticed a hearing before the Special Master on July 7th with regard to our Petition for Intervention. I think it likely that we will move to set aside that hearing and proceed directly before the court, but, of course, have no assurance that our Motion will be granted. Thus, we must be prepared for argument on our Petition and the State and Department of Justice's Motions at that time.

Accordingly, we would appreciate your prompt advice in relation to the Pueblo's request. I am advised that Santo Domingo has adopted a similar resolution, but to date I have not received a copy of the same.

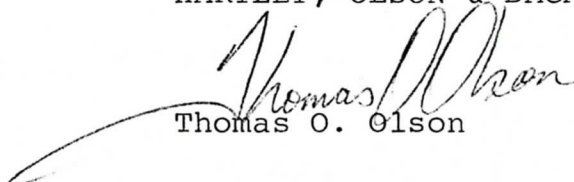
On behalf of the Pueblo, as well as myself, we thank you for your courtesies in this matter as well as the great assistance you have provided the Pueblos in bringing the

Honorable Louis Bruce
Page 2
June 18, 1970

full force of your office to bear on this most important question.

Very truly yours,

HARTLEY, OLSON & BACA



Thomas O. Olson

TOO:bm

RESOLUTION

The following Resolution was duly adopted by the Pueblo of San Felipe at a regularly called meeting held on the 10th day of June, 1970.

WHEREAS, the Pueblo Council, through its attorney, Thomas O. Olson, has caused to be filed its Petition for Intervention in the five lawsuits styled as follows:

STATE OF NEW MEXICO, Ex. Rel., S. E.
REYNOLDS, State Engineer,
Plaintiff;

UNITED STATES OF AMERICA, in its own
right and on behalf of the PUEBLO DE SAN
JUAN and the JICARILLA APACHE TRIBE,
Plaintiff in Intervention

-vs-

ROMAN ARAGON, Et al.,
Defendants

No. 7941

STATE OF NEW MEXICO, Ex. Rel., S. E.
REYNOLDS, State Engineer,
Plaintiff;

UNITED STATES OF AMERICA, in its own
right and on behalf of the PUEBLO DE SAN
ILDEFONSO, PUEBLO DE SAN JUAN, and
PUEBLO DE SANTA CLARA,
Plaintiff in Intervention

-vs-

JOHN ABBOTT, Et al.,
Defendants

No. 7488

STATE OF NEW MEXICO, Ex. Rel., S. E.
REYNOLDS, State Engineer,
Plaintiff;

UNITED STATES OF AMERICA; and PUEBLO
SAN ILDEFONSO; PUEBLO DE POJOAQUE;
PUEBLO DE NAMBE; and PUEBLO DE
TESUQUE,

Plaintiffs in Intervention

-vs-

R. LEE AAMODT, Et al.,
Defendants

No. 6639

PUEBLO OF SANTO DOMINGO; PUEBLO OF
SAN FELIPE,
Petitioners in Intervention

Consolidated Cases:

STATE OF NEW MEXICO, Ex. Rel., S. E.
REYNOLDS, State Engineer,
Plaintiff;

-vs-

No. 7896

EDUARDO ABEYTA, Et Al.,
Defendants and
STATE OF NEW MEXICO, Ex. Rel., S. E.
REYNOLDS, State Engineer,
Plaintiff,

-vs-

No. 7939

CELSO ARELLANO, Et Al.,
Defendants

(Pending Motion to Dismiss on Jurisdictional Grounds)

and,

WHEREAS, the Pueblo Council has been advised by its attorney that he wishes and desires the full services of Mr. William Veeder of the Central Office of the Bureau of Indian Affairs in Washington, D. C., and

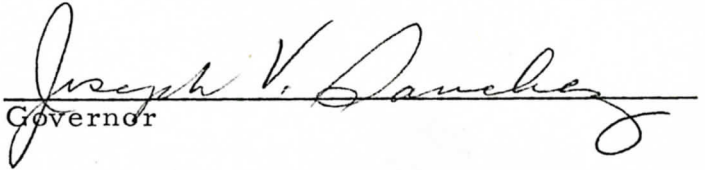
WHEREAS, the Council is aware that Mr. Veeder has given very careful study and consideration to the legal issues involved in its Petition for Intervention and that his services would be most helpful to the Pueblo in prosecuting its claim for water in the Rio Grande.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Pueblo of San Felipe that it hereby requests the Commissioner of Indian Affairs, Mr. Louis Bruce, to authorize Mr. William Veeder to participate in all phases of the case in which the tribe has petitioned to intervene and take all steps necessary to assist in the preparation for trial of the case and appear in the case and in all courts necessary to protect the Pueblo of San Felipe in which the Pueblo has sought to intervene.

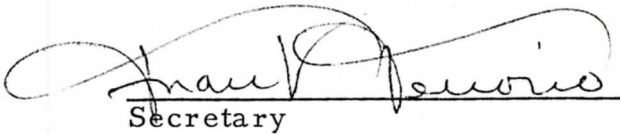
AND BE IT FURTHER RESOLVED that copies of this Resolution be forwarded forthewith to the Commissioner of Indian Affairs and such others as to the Governor may appear appropriate.

CERTIFICATION

The foregoing Resolution was duly adopted by the Pueblo of San Felipe at a meeting held on the 1st day of June, 1970, with 17 members voting for, 0 members voting against and 0 members abstaining.


Governor

ATTEST:


Secretary



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Director
Economic Development
310 W

APR 17 1970

Memorandum

To: Assistant Secretary - Public Land Management
Attention: Solicitor

From: Commissioner of Indian Affairs

Subject: Crisis confronting the Pueblo Indians - Need for immediate legal action to protect their rights in the Rio Grande and its tributaries

A grave crisis long abuilding confronts the Pueblo Indians and this Bureau. Fundamentally it stems from a failure to plan in connection with, and to utilize the Pueblo Indian rights to the use of water in the main stream and tributaries of the Rio Grande. This dereliction of duty owing to the Pueblos has been countenanced during a time when the non-Indian community was rapidly expanding, based, I am advised, upon the use of Rio Grande water, title to the rights of which legally resides in the Pueblos.

These principal factors have precipitated the crisis which threatens the ultimate destruction of the Pueblos as viable communities whose history is rooted in antiquity. They are: (a) Failure to take steps requisite to determine the reasonable water requirements of the Pueblos now and in the future; (b) Over-appropriation of the Rio Grande and its tributaries by the non-Indian communities while virtually no developments were planned or accomplished on the Pueblos, gravely imperiling the future of the Pueblos; (c) The plans to import by transmountain diversion of 110,000 acre-feet of foreign water into the Rio Grande through the soon-to-be-completed San Juan-Chama Federal Reclamation Project; (d) The initiation of five lawsuits on tributaries of the Rio Grande, two of which have been consolidated, which are now pending in various stages in the Federal District Court of New Mexico, the objectives of which are in furtherance of the San Juan-Chama Project to which reference has been made; (e) This multiplicity of suits poses grave danger to the Pueblos, I am advised, for these, among other, reasons:

(i) Main stream rights of the Pueblos - the rights which have by far the most value and which are now most seriously impaired by the over-appropriation of the stream - have been purposely separated from the multiple suits which embrace all of the tributaries of the Rio Grande north of approximately the south boundary of the San Ildefonso Pueblo;

(ii) Objectives of the suits are for the San Juan-Chama Project and have been succinctly declared by the State Engineer of the State of New Mexico whose office dominates the course and conduct of these suits, I am advised:

(Report November 20, 1965)

- "a. Under this project, water of tributaries to which others may be entitled will be used within the tributary areas. Such water will be replaced in the Rio Grande by water from the San Juan-Chama trans-mountain diversion.
- "b. In order to account for all water in the San Juan-Chama Project, the State Engineer must know who is using water, by what right they are using it, and how much they are entitled to use. This requires adjudication of all waters."

(iii) I am advised that in keeping with New Mexico's domination of the suit selected for immediate prosecution on Pojoaque Creek, most unusual procedures and practices are being adhered to involving the filing of two complaints, one by New Mexico and one by the United States, and the following of the statutory administrative procedures of New Mexico, which has resulted in the entry of hundreds of judgments signed by the Federal Judge in favor of non-Indian defendants who have not been required to (1) answer the complaint of the United States setting up their claims to rights to the use of water; (2) to appear or prove their claims before the Special Master, but rather their claims are in effect presented by a stipulated factual statement of their claims as determined by the State of New Mexico; (3) the United States does not challenge these claims; does not seek to ascertain the correctness of the claims or the bases of them; does not cross-examine the claimants; does not review the titles, the bases upon which the claims are predicated, or the measure of them; in short, in regard to these hundreds of claims the proceeding is not adversary in character, except, I am advised, as to priority.

(iv) Consequences flowing from the course of conduct adhered to in the litigation, I am advised, are causing irreparable damage because of the nature of the claims of the non-Indian defendants within the Pueblos whose rights, if any, are predicated upon the Pueblo Land Act of 1924, which

was passed to limit the non-Indian land and rights to the use of water as of 1902 or 1889. Due to that fact the non-Indian defendants must be put on strictest pleading and proof of the nature, measure, and extent of their claims both as to past and present uses.

(v) The precedents emerging from the Pojoaque Creek litigation, I am advised, will be controlling on all eighteen of the Pueblos and the irreparable damage emerging from the course of conduct mentioned, and other practices in the litigation, will be shared by all Pueblo Indians, unless the action is immediately suspended.

(vi) A most serious aspect of these multiple suits, as initiated and conducted, is that they necessarily involve not only the Northern Pueblos against whom the State of New Mexico seeks limiting judgments - (1) the litigation on the Chama necessarily places in issue the invaluable storage rights of the Six Middle Rio Grande Pueblos who are not parties to the litigation but who stand to be irreparably damaged by that course of conduct; (2) all of the downstream Pueblos have rights in the tributaries which are being adjudicated and although those Pueblos are not before the courts, precedents will be forthcoming which will be controlling in perpetuity against all Pueblos to their irreparable damage.

(vii) Very grave conflicts among the Pueblos have been created which strip away administrative discretion required by the trustee for the best interests of the Pueblos involved. Sound administration dictates that Tesuque Pueblo, with a single meager source of water supply, should not be forced to apportion with San Ildefonso, a Pueblo which has extensive rights in the mainstream of the Rio Grande, surface rights in the Pojoaque Creek, ground water supplies from Santa Cruz Creek and Pojoaque Creek which are co-mingled with main stream ground water. Neither should Nambe Pueblo and Pojoaque Pueblo, both having meager supplies of water from Nambe Creek, be forced to apportion their supplies with San Ildefonso which, as stated, has adequate water supplies from the sources mentioned.

(viii) An aspect that must not be ignored in regard to the four Pueblos involved in the Pojoaque litigation, in addition to the grave hazards it presents to those and

all other Pueblos, is this fact: The litigation is largely illusory in that Pojoaque is an intermittent stream both as to time and place, being dry much of the year in many areas including in particular, San Ildefonso Pueblo. This illusory proceeding is nevertheless establishing precedents which will control all of the Pueblos.

(ix) I am advised that equal in gravity to the objectives arising from the multiplicity of suits and the procedural dangers emanating from them, including the grave threat created by them in regard to the El Vado storage rights, is this aspect of the cases:

Yesterday it was stated in substance that any of five alternative legal theories respecting the Pueblo rights to the use of water assertedly presented to the court in the Pojoaque litigation, will obtain for the Pueblos all of the water they will ever require.

I am advised that strenuous objection must be taken to that statement and to certain alleged alternatives presented to the court. In the copy of the Pretrial Memorandum of Plaintiff, United States of America, these alternatives are set forth:

The United States claims as an alternative
 " * * * waters * * * as is necessary to irrigate
 all historically-irrigated lands with a priority
 date prior in time and right to any claims of
 defendants, and based upon appropriation and
 beneficial use."

Under no circumstances can this Bureau or the Pueblos claim rights based on appropriation and beneficial use. Reliance upon historical use falls far short of meeting future needs for the Pueblos, the only means of guaranteeing their continued existence. Moreover, that alternative and attempts to support it fail entirely to take into consideration the fact that Congress by the Pueblo Land Act of 1924 expressly recognized rights to the use of water in connection with lands occupied by numerous non-Indian defendant water users within the Pueblos.

It is also alternatively asserted in the Pretrial brief that the United States claims "a Pueblo water right" for the Pueblos based upon the Cartwright Decision rendered by New Mexico's Supreme Court. Historically Pueblo rights under the Cartwright Decision contemplate the needs of the inhabitants of a municipality. Involved within the Pueblos are large areas of agricultural lands and lands requiring water for other uses if full development is to be accomplished. Hence to state that the United States would accept a decree based on the Cartwright concept is tantamount to an abandonment of invaluable Pueblo rights to the irreparable damage of them.

By way of contrast to the alternatives mentioned, which would be destructive to the Pueblos, is an alternative which asserts that the United States "reserved water rights for the four Pueblos in an amount sufficient to irrigate all irrigable acreage within the said Pueblos * * *." While history or action taken does not support the theory that the United States "reserved" rights giving rise to an implied reservation, it is clear beyond question that the very limited claims of the first two alternatives discussed must be rejected as being contrary to the law.

In regard to the question of the United States reserving water for the Pueblos in the light of their history, creates problems which I believe should be fully discussed with representatives of my staff and the lawyers for the Pueblos to the end that there can be an understanding of the factors which it is thought gave rise to the "reserved" rights.

In the Pretrial brief a fourth alternative declares that "the Pueblo Indians acquired vested, first rights to sufficient water to supply their present and future needs under Spanish law." An analysis of the Spanish law creates the gravest doubts as to the desirability of the assertion that the Pueblos acquired rights under that law. If so, the rights would be limited by the laws of Spain and would be derivative from them. Again, there are serious doubts as to the advisability of thus limiting the Pueblo rights.

Alternative claims on behalf of the Pueblos were not made in the Pretrial brief on the basis of the aboriginal-immemorial rights of the Pueblos. Those rights, I am advised, stem not from any grant by another sovereign; nor reservation by any other sovereigns; they are not acquired by use or lost by disuse. Title to them resides in the Pueblos as

title to their lands resides in them by reason of immemorial ownership of the lands, and of sufficient rights to the use of water to maintain viable communities now and in the future. They are in fact predicated upon the sovereignty of the Pueblos, which is now and historically has been recognized. It is considered most unfortunate that the immemorial rights of the Pueblos were not included in the Pretrial brief as the basis of the Pueblo claims. In that connection Mr. Garrity of the Field Solicitor's Office supplied this Bureau on February 18, 1970, a Memorandum of Points and Authorities in Opposition to Motion for Summary Judgment. There it is urged as a fifth and last alternative that the Pueblos have rights to sufficient water to satisfy their present and future needs under the "aboriginal or Indian Title" doctrine. The heading that "The Pueblo Indian Water Rights Were Reserved By the United States" appears to be the closest reference to immemorial rights. However, the comments fall far short of a proper, full and necessary consideration of the Pueblo rights. Perhaps the brief tendered by Mr. Garrity differs from the one that was ultimately filed. In any event, the "alternatives" need, I am advised, a review in depth by members of my staff if the Pueblo rights are properly to be presented to the courts.

(x) Finally I am advised that perhaps the most basic problem is the failure properly to consider the import and effect of the Pueblo Land Act of 1924. In that regard please refer to my early comments on pages 2 and 3. It is understood that Act had far-reaching effect upon the Pueblo rights. It must be fully confronted, analyzed and proper actions interposed, in opposition to the claims under the Act. I urge in particular that a full opportunity be provided members of my staff to review the defenses to be interposed and the facts that have been assembled to defend against the claims by the defendants whose rights are asserted to be derived from the 1924 Act. Loss in regard to those non-Indian claims would be almost as disastrous to some of the Pueblos as loss of their basic immemorial rights.

In an effort properly to defend and preserve the Pueblo rights in the Rio Grande and its tributaries this Bureau is proceeding with an inventory of all the water requirements of the Pueblos both now and in the future. This work will entail approximately one (1) year. It is progressing now.

In the light of all of the preceding facts and the problems presented I strongly recommend that:

(a) The Department of Justice should be asked to petition the Federal Court to suspend the prosecution of the Pojoaque case and all of the other cases for a period of one year pending the completion of the inventory.

(b) During this period of suspension the Pojoaque case be restructured to conform to the Federal Rules of Civil Procedure and Practice, seeking in particular to have vacated the numerous judgments which have been entered in that case. The case should become a general adjudication, adversary in character through the filing of answers, trials on the merits, cross-examination and all other acts required properly to protect the Pueblo rights.

Louis R. Bruce
Commissioner

POSITION DESCRIPTION

1. Check one: ☒ New ☐ Reuse		2. Title and location: Washington, D. C.		3. Agency and use: GS-2		
4. Reason for certification: (c) If this position replaces another (i.e., a change of duties in an existing position), identify such position by title, classification (service, series, grade), and position number		5. C.S.C. certification No.				
6. Date of certification		7. Date received from U.S.C.				
8. CLASSIFICATION ACTION New						
ALLOCATION BY	CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
a. Civil Service Commission		Service	Series	Grade		
b. Department, agency, or establishment						
c. Bureau		GS	301	15	See	5/10/65
d. Field office						
e. Recommended by initiating office	Specialist Water Conservation and Utilization	GS	301	15	GRF	5/10/65
9. Organizational title of position (if any)		10. Name of employee (if vacancy, specify grade)				
11. Department, agency, or establishment Department of the Interior		c. Third subdivision				
a. First subdivision Bureau of Indian Affairs		d. Fourth subdivision				
b. Second subdivision		e. Fifth subdivision				
12. This is a complete and accurate description of the duties and responsibilities of my position		13. This is a complete and accurate description of the duties and responsibilities of this position				
(Signature of employee)		(Signature of immediate supervisor)				
(Date)		(Date)				
14. Certified by department, agency, or designated representative		15. Certification by department, agency, or establishment				
E. J. Taylor, Jr. 5/10/65 (Signature) (Date)		W. B. Baker 5/10/65 (Signature) (Date)				
Title: Assistant Commissioner (Economic Development)		Title: Classification Specialist				
16. Description of duties and responsibilities						
Employees may see upon request published classification standards or other information on the basis of which their positions are classified.						
Employees may appeal their position classification. For information see: Supervisor Subject to IA action Yes ☒ No ☐						
A. Supervision and Guidance Received						
Under general administrative and policy direction of the Assistant Commissioner (Economic Development), with very wide latitude for the exercising of independent judgment, the incumbent performs duties of outstanding difficulty and responsibility. Supervision received is limited largely to discussions of objectives to be obtained, policy interpretations or implementation, or administrative determinative decisions relating to Indian water conservation and utilization activities. Guidelines for performance of the work involved include Bureau and Departmental policies and stated objectives, basic Federal laws, legal opinions, court decisions and generally accepted water conservation and utilization practices. Accomplished work is reviewed to insure coordination of the work involved with other organizational units of the Bureau and for attainment of objectives. The incumbent's responsibilities are considered to be of extremely complex, of critical importance, and to present unusually difficult problems involving multiple considerations and interests since they pertain to all phases of water conservation and utilization on Indian reservations and Indian lands throughout						
WASH. OFFICE	AREA OFFICE	AREA OFFICE	LOCAL OFFICE	SUPR.	O.P.D. ☒	

the United States. The incumbent's opinions or decisions are accepted as authoritative since he is an expert in his field.

B. Representative Duties

1. Investigates and analyzes the nature, character, and extent of the use of water of the Indians and Indian tribes with the objective of determining the most appropriate means of developing and exercising Indian water uses to the fullest possible potential.
2. Formulates and recommends for administrative decision courses of action which will protect Indian water against present and future invasion and threats of invasion.
3. Investigates and analyzes the extent Indians and Indian tribes are using water adjudicated to them and possible adverse effects where non-use exists.
4. Formulates plans with appropriate safeguards to protect Indians and Indian tribes in the use of water both upon and off the Indian lands and reservations, which will result in the greatest benefits for them from both the economic and sociologic standpoints.
5. Investigates, assesses and evaluates the effect upon the rights to the use of water of the Indians and Indian tribes of all present and planned projects or programs, Federal, State, and local including the construction, administration, and maintenance of multi-purpose projects; for example, the Boulder Canyon Project and the Upper Basin Storage Project in the Colorado River Basin.
6. Investigates, reviews, reports, and recommends in regard to the present plans, procedures, and policies being carried out in connection with 1, 2, 3, 4, and 5 above.
7. Immediate and urgent studies include (a) an investigation for the purpose of preparing a full and comprehensive report respecting all cases, actions, proceedings and controversies involving the use of water of the Indians and Indian tribes: (1) as to the courts or administrative agencies involved, the primary issues presented and the status of those proceedings; (2) to assess and determine in the report whether the claims asserted on behalf of the Indians and Indian tribes fully protect their rights; (3) to confer with the appropriate representatives of the Solicitor's Office of the Department of the Interior and the Department of Justice; (4) to report upon and make recommendations in connection with (1), (2), and (3) above, and (b) an investigation for purpose of administrative action of all phases of the hydrological, geological and related scientific factors which have a bearing upon the highest and best uses of waters, the rights to which are claimed and exercised by the Indians and Indian tribes. Included in this phase of the duties of the incumbent is a determination as to the best methods to pursue respecting the control of phreatophytes and other water loving plants; the correlation between surface and ground waters and the present or prospective danger to the rights to the use of water of the Indians and Indian tribes through the diversion of surface or the pumping of ground waters to which they are entitled; and, the policies and practices to pursue in connection with pollution control of the streams in which the Indians and Indian tribes have an interest.
8. When so required, testifies before Congressional Committees and appears in all courts of record or administrative agencies as an expert witness of the United States of America in connection with litigation involving the rights to the use of water of Indians and Indian tribes, and performs related duties in connection with the use of water of Indians and Indian tribes as they are involved in the legislative branch of the Government of the United States.

Performs related duties as required.

C. Supervision Exercised

No constant supervisory responsibilities exist other than for one clerical and stenographic assistant, however, the incumbent will assign, review, and evaluate the work of expert technical administrative and/or professional personnel assigned from within the Bureau or obtained from other Bureaus or Agencies on reimbursable basis to work on special studies or projects designed, developed, and directed by him.

The White House
Washington

WHA024 742A EDT JUL 29 70 WA112

(K AY8059) EM NL PDF ALBUQUERQUE NMEX 28 JUL

1970 JUL 29 AM 7 44

BRADLEY PATTERSON

THE WHITE HOUSE WASHDC

LESS THAN FIVE MINUTES BEFORE THE HEARING AT 10AM JULY 20,
1970 IN SANTA FE NEW MEXICO IN THE CASE OF UNITED STATES VERSUS
ARAGON ET ALL AND OTHER CASES IN THE FEDERAL DISTRICT COURT
I WAS ADVISED MR VEEDER WAS AUTHORIZED BY COMMISSIONER BRUCE
TO APPEAR WITH ME AS CO-COUNCIL ON BEHALF OF THE SAN FELIPE
AND SANT DOMINGO PUEBLOS SUBJECT TO APPROVAL OF THE GOVERNORS
3 OF THOS PUEBLOS. I ADVISED MR VEEDER OF THIS FACT AND AFTER
VERY BRIEFLY CONFERRING WITH THE PUEBLO LEADERS AT 10AM MOVED
FOR HIS ADMITTANCE AS CO-COUNCIL BASED UPON COMMISSIONER BRUCE'S
AUTHORITY. MR VEEDER PROCEEDED UPON THE BASIS OF THAT AUTHORIZATION
2 TO REPRESENT THE MENTIONED PUEBLOS. I WAS AT THAT TIME ALSO
ADVISED THAT THE AUTHORIZATION WOULD BE CONFIRMED BY WIRE

4556
4556

WHICH WAS THEN BEING SENT

THOMAS O OLSON ATTORNEY FOR PUEBLOS SAN FELIPE AND SANTO
DOMINGO PO BOX 465 311 SIXTH NW ALBUQUERQUE NEW MEXICO 87103.

10AM 20 170 10AM 465 311 87103.

THE WHITE HOUSE

WASHINGTON

July 23, 1970

FOR: Brad Patterson

FROM: Bruce Rabb

For your information.

C O P Y

BUREAU OF INDIAN AFFAIRS

July 17, 1970

MR. THOMAS G. OLSON
HARTLEY, OLSON & BACA
511 SIXTH STREET, NW
ALBUQUERQUE, NEW MEXICO 87103

AS PER MY LETTER OF JULY 9, WE HAVE NOW RECEIVED A REPLY FROM THE SOLICITOR'S OFFICE. MR. WILLIAM VEEDER IS PROHIBITED FROM APPEARING AS CO-COUNSEL IN THE PETITION FOR INTERVENTION FOR THE SAN FELIPE PUEBLO. THE AUTHORITY AND RESPONSIBILITY FOR ALL LEGAL WORK HAS BEEN DELEGATED TO THE SOLICITOR; THEREFORE, I HAVE NO AUTHORITY IN LEGAL MATTERS TO DELEGATE. MR. VEEDER IS INSTRUCTED TO RENDER ALL TECHNICAL ASSISTANCE IN THIS MATTER AS HE HAS IN THE PAST AND HE MAY ALSO APPEAR AS AN EXPERT WITNESS, BUT CANNOT APPEAR AS CO-COUNCIL. THE PRESIDENT IS REQUESTING LEGISLATION AT THE PRESENT TIME TO CREATE A TRUST COUNSEL AUTHORITY TO PARTICIPATE IN LITIGATION OF THIS TYPE; ONCE ENACTED THE LEGISLATION SHOULD PROVIDE THE SERVICES FOR WHICH WE ARE NOT PRESENTLY AUTHORIZED TO RENDER. LETTER AND DOCUMENTS TO FOLLOW.

(Sgd) Harold D. Cox

Acting COMMISSIONER

C O P Y

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The White House
Washington

WHA123 1219P EDT JUL 17 70 (14)CTA259 WG030

WW BXA019 SJ GOVT PDB BX WASHINGTON DC 17 1121A EDT

1970 JUL 17 PM 12 21

LEN GARMENT, SPECIAL ASSISTANT

WHITE HOUSE WASHDC

I STRONGLY URGE WHITE HOUSE INTERVENTION IN RIO GRANDE WATER RIGHTS SUIT SCHEDULED TO BEGIN MONDAY JULY 20, 1970. JUDGING QUALIFICATIONS AND EXPERTISE OF MR WILLIAM VEEDER, COUNSEL, B.I.A., IN WATER RIGHTS MATTERS, I FEEL HE SHOULD BE ALLOWED TO ACT AS CO-COUNSEL FOR SAN FELIPE AND SANTO DOMINGO TRIBES IN THIS CASE. ALSO, I DO NOT JUDGE HIS PARTICIPATION IN THIS SUIT TO BE CONTRARY TO CONFLICT OF INTEREST SECTION OF THE US CODE

SINCERELY

DONALD W RIEGLE JR

CONGRESSMAN 7TH DISTRICT MICHIGAN

The White House
Washington

WHA143 422P EDT JUL 17 70 (06)CTB252

1970 JUL 17 PM 4 26

SSC376 WF207 WW BXA042 SJ GOVT PDB BX WASHINGTON DC 17 338P
EDT

LEONARD GARMENT

SPECIAL ASSISTANT THE WHITE HOUSE WASHDC
URGE YOU TO INTERVENE WITH JUSTICE ON BEHALF OF SAN FELIPE
AND SANTO DOMINGO PUEBLOS AND PERMIT MR WILLIAM VEEDER
TO PARTICIPATE AS CO-COUNSEL IN WATER RIGHTS LITIGATION
AND HEARING MONDAY. IN LIGHT OF MR VEEDER'S QUALIFICATIONS,
HIS POSITION AND THE BUREAU'S OBLIGATION TO PROTECT
INDIAN TRUST ASSETS, I SEE NO CONFLICT OF INTEREST AS DEFINED
IN 18 U.S.C. 205. I FEEL HE WOULD BE PERFORMING HIS OFFICIAL
DUTIES AND FULFILLING THE RESPONSIBILITIES OF THE BUREAU
SINCERELY

ARNOLD OLSEN MEMBER CONGRESS

The White House
Washington

WHA036 1107A EDT JUL 18 70 SPOA013 WA104

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1970 JUL 18 AM 11 10

LEONARD GARMENT, SPL ASST TO THE PRESIDENT

WHITE HOUSE WASHDC

THE COLORADO RIVER INDIAN TRIBES FULLY ACKNOWLEDGE THE PRESIDENTS ADDRESS OF JULY 8 1970 OF THE UTMOST INTEREST TO OUR TRIBES IF THE RECOGNITION OF THE "CONFLICT OF INTERESTS" AS WE FACE LEGAL DISPUTES THAT MR WILLIAM H VEEDER MORE THAN ANY OTHER PERSON, HAS ASSISTED THE TRIBES IN RETAINING AND PROTECTING THEIR WATER RIGHTS AND LAND RESOURCES. IT IS ONLY RIGHT THAT THIS MAN WHO IS MOST KNOWLEDGABLE AND AWARE OF WHAT THE INDIANS REALLY DESIRE SHOULD BE ALLOWED TO REPRESENT THE TRIBES WHERE LEGAL DISPUTES SHOULD ARISE. WE REFER AT THIS TIME TO THE SAN FILLIPE AND SANTO DOMINGO PUEBLO TRIBES WHO ARE NOW ENDANGERED OF LOSING VALUABLE WATER RIGHTS-BUT ALSO FEEL THAT THIS SHOULD BE TRUE FOR ALL TRIBES TO SECURE HELP AND COUNSEL FROM MR

VEEDER

COLORADO RIVER INDIAN TRIBES ADRIAN FISHER CHAIRMAN.

The White House
Washington

WHA137 328P EDT JUL 17 70 (17)CTB165 WE118

WW RBA059 CM NL PDB RB WASHINGTON DC 17

1970 JUL 17 PM 3 34

PRESIDENT OF UNITED STATES

MR RICHARD NIXON

THE WHITE HOUSE WASHDC

THE NATIONAL CONGRESS OF AMERICAN INDIANS TAKES ISSUE WITH
THE DEPARTMENT OF JUSTICE'S REFUSAL TO ALLOW MR. WILLIAM VEEDER,
ATTORNEY FOR THE BUREAU OF INDIAN AFFAIRS AND WATER RIGHTS
SPECIALIST, TO APPEAR IN BEHALF OF THE SANTO DOMINGO PUEBLO
TRIBE AND THE SAN FELIPE PUEBLO TRIBE OF INDIANS, IN THE RIO
GRANDE LITIGATION INVOLVING PUEBLO WATER RIGHTS.

THE BUREAU OF INDIAN AFFAIRS HAS THE RESPONSIBILITY OF REPRESENTING
THE BEST INTERESTS OF AMERICAN INDIAN TRIBES. MR. VEEDER'S
SERVICES WERE SPECIFICALLY REQUESTED FOR BY THE ABOVE MENTIONED
TRIBES. WE FEEL THAT VEEDER'S ASSISTANCE TO THESE TRIBES DOES

NOT CONSTITUTE A CONFLICT OF INTEREST. PREVENTING
HIS PARTICIPATION IN THIS LITIGATION WILL DEFINITELY PUT THE
INDIAN TRIBES AT A DISADVANTAGE.

WE URGE THAT MR. WILLIAM VEEDER BE PERMITTED TO PARTICIPATE IN THE INDIANS BEHALF
OF THE PUEBLO TRIBES RIO GRANDE WATER RIGHTS LITIGATION.

NATL CONGRESS OF AMERICAN INDIANS
BRUCE A. WILKIE EXEC DIR

The White House
Washington

WHB045 927A EDT JUL 17 70 WA041

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LEONARD GARMENT, ASST TO THE PRESIDENT

THE WHITE HOUSE WASHDC

REQUEST APPOINTMENT OF WILLIAM VEEDER LEGAL REPRESENTATIVE

SAN FELIPE, SANTO DOMINGO PUEBLO INDIANS OF NEW MEXICO TO

BIA WATER RIGHTS DIVISION TO HANDLE WATER RIGHTS ON LANDS

HARVEY E WEST DIR OKLA INDIAN AFFAIRS COMMISSION.

BIA. (908)

The White House
Washington

WHA036 228A EDT JUL 17 70 (55)AA016 KA069

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1970 JUL 17 AM 2 31

LEONARD GARMET SPECIAL ASSISTANT TO THE PRESIDENT

THE WHITE HOUSE WASHDC

AS INDIAN PEOPLE WE ARE CONCERNED OVER YOUR RECENT ACTION TO
DENY THE PUEBLO INDIANS AT ALBUQUERQUE CO COUNSEL OF WILLIAM
VEEDER IN THEIR BATTLE AGAINST THE STATE OF NEW MEXICO FOR
THEIR "LIFE" WATER 20 JULY 70. WE DEMAND 1 WILLIAM VEEDER BE
ALLOWED TO TESTIFY IN BEHALF OF THE SAN FELIPE PUEBLO VS THE
STATE OF NEW MEXICO. IN LIGHT OF PRESIDENT NIXONS MESSAGE TO
CONGRESS ON AMERICAN INDIANS WE BELIEVE IT IMPERATIVE THAT
ALL GOVERNMENT AGENCIES INCLUDING THE INTERIOR AND JUSTICE
DEPARTMENT RESPOND TO THE NEEDS OF INDIAN PEOPLE
COALITION OF AMERICAN INDIAN CITIZENS.

DUPLICATE MESSAGE SENT TO THE PRESIDENT.

The White House
Washington

WHA035 227A EDT JUL 17 70 (54)AA015 KA068
K DVA683 AG NL PDF DENVER COLO 16
THE PRESIDENT

1970 JUL 17 AM 2 29

THE WHITE HOUSE WASHDC

AS INDIAN PEOPLE WE ARE CONCERNED OVER YOUR RECENT ACTION TO
DENY THE PUEBLO INDIANS AT ALBUQUERQUE CO COUNSEL OF WILLIAM
VEEDER IN THEIR BATTLE AGAINST THE STATE OF NEW MEXICO FOR
THEIR "LIFE" WATER 20 JULY 70. WE DEMAND 1 WILLIAM VEEDER BE
ALLOWED TO TESTIFY IN BEHALF OF THE SAN FELIPE PUEBLO VS THE
STATE OF NEW MEXICO. IN LIGHT OF PRESIDENT NIXONS MESSAGE TO
CONGRESS ON AMERICAN INDIANS WE BELIEVE IT IMPERATIVE THAT
ALL GOVERNMENT AGENCIES INCLUDING THE INTERIOR AND JUSTICE
DEPARTMENT RESPOND TO THE NEEDS OF INDIAN PEOPLE
COALITION OF AMERICAN INDIAN CITIZENS.



The White House
Washington

WHA009 1200A EDT JUL 16 70 WA005

1970 JUL 16 AM 12 27

(WH) GO MIN NL PDF WASHINGTON DC 15

LEONARD GARMENT, SPECIAL ASSISTANT TO THE PRESIDENT

THE WHITE HOUSE WASHDC

CONGRATULATE PRESIDENT NIXON ON RECOGNITION OF CONFLICT OF
INTEREST IN INDIAN TRUST MATTERS. URGE THAT ADMINISTRATION
SHOW GOOD FAITH BY ALLOWING WILLIAM H. VEEDER TO PARTICIPATE
IN COURT PROCEEDINGS TO BEGIN JULY 20, 1970, WHEREIN PUEBLOS
WATER RIGHTS ARE ENDANGERED. MR. VEEDER'S APPEARANCE IS VITAL
TO THEIR CASE. WE ARE ADVISED HE IS BEING BLOCKED BY INDIVIDUALS
IN JUSTICE DEPARTMENT AND INTERIOR SOLICITOR'S OFFICE. PLEASE
ADVISE

MARTIN SENNECA PRESIDENT AMERICAN INDIAN LAW STUDENTS ASSN
ALAN PARKER VICE PRESIDENT 2961 TILDEN ST NW.

The White House
Washington

WHA082 647P EDT JUL 16 70 (28)CTC128 WF314

WW SNA146 HH GOVT PDB SN WASHINGTON DC 16 526P EDT

1970 JUL 16 PM 6 57

LEONARD GARMENT

WHITE HOUSE WASHDC

I ASK YOUR RECONSIDERATION OF THE JUSTICE DEPARTMENT'S DECISION TO REFUSE NEW MEXICO PUEBLOS THE RIGHT TO HAVE WILLIAM VEEDER TESTIFY ON WATER RIGHTS. BOTH THE INDIANS AND BIA COMMISSIONER BRUCE HAVE REQUESTED HIS TESTIMONY, AND I THINK IT WOULD NATURALLY FOLLOW FROM THE PRESIDENT'S INDIAN MESSAGE THAT THE INDIANS' REQUEST WOULD BE FULFILLED.

WALTER F MONDALE UNITED STATES SENATE
(626).

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The White House
Washington

WHA015 1153P EDT JUL 16 70 (27)AA307 KB750 1970 JUL 16 PM 11 57
K DVA629 MS NL PDF DENVER COLO 16
THE PRESIDENT

THE WHITE HOUSE WASHDC

ABSOLUTELY IMPERATIVE YOU MAKE THREE MOVES IMMEDIATELY REGARDING
PRESENT DEBACLE; WATER RIGHTS COURT HEARING OF NEW MEXICO VS.
PUEBLO INDIANS AT ALBUQUERQUE MONDAY JULY 20 1-ALLOW WILLIAM
VEEDER BIA TO TESTIFY AT HEARING FOR PUEBLO INDIANS 2-INSTRUCT
YOUR AIDS HARRISON LOESCH AND COMMISSIONER BRUCE OF SUCH ACTIONS
3- CLARIFY YOUR ACTIONS PREVENTING MR VEEDER FROM APPEARING
AT ALBUQUERQUE IS DELIBERATE THWART OF JUSTICE AGAINST INDIAN
PEOPLE IN LIGHT OF RECENT STATEMENTS BY PRESIDENT NIXON WE
DEMAND THAT THE ADMINISTRATION LIVE UP TO PROMISES MADE TO
INDIAN PEOPLE

INDIANS FOR NATIONAL LIBERATION

The White House
Washington

WHA138 339P EDT JUL 17 70 (12)CTA375 WF174

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1970 JUL 17 PM 3 41

LEONARD GARMENT, SPECIAL ASST TO THE PRESIDENT, DLY 75

THE WHITE HOUSE WASHDC

I HOPE THAT THE DECISION OF THE DEPARTMENT OF JUSTICE DENYING
TO CERTAIN PUEBLO INDIANS THE LEGAL REPRESENTATION OF MR WILLIAM
H VEEDER IN THE LITIGATION OVER WATER RIGHTS INVOLVING SAN
FELIPE AND SANTO DOMINGO PUEBLOS WILL BE RECONSIDERED. IT IS
MY UNDERSTANDING THAT MR VEEDER'S SPECIAL QUALIFICATIONS ARE
NEEDED IF THE INDIANS INVOLVED ARE TO HAVE THE REPRESENTATION
NEEDED. ANY CONSIDERATION TO THIS REQUEST WILL BE APPRECIATED.

FRED R HARRIS US SENATE

(210).

The White House
Washington

WHA134 300P EDT JUL 17 70 (57)CTB152 WE110
WW RBA055 CM NL PDB RB WASHINGTON DC 17
MR LEONARD GARMENT SPEC ASST TO THE PRES

1970 JUL 17 PM 3 18

THE WHITE HOUSE WASHDC

THE NATIONAL CONGRESS OF AMERICAN INDIANS TAKES ISSUE WITH
THE DEPARTMENT OF JUSTICE'S REFUSAL TO ALLOW MR. WILLIAM VEEDER,
ATTORNEY FOR THE BUREAU OF INDIAN AFFAIRS AND WATER RIGHTS
SPECIALIST, TO APPEAR IN BEHALF OF THE SANTO DOMINGO PUEBLO
TRIBE AND THE SAN FELIPE PUEBLO TRIBE OF INDIANS, IN THE RIO
GRANDE LITIGATION INVOLVING PUEBLO WATER RIGHTS.

THE BUREAU OF INDIAN AFFAIRS HAS THE RESPONSIBILITY OF REPRESENTING
THE BEST INTERESTS OF AMERICAN INDIAN TRIBES. MR. VEEDER'S
SERVICES WERE SPECIFICALLY REQUESTED FOR BY THE ABOVE MENTIONED
TRIBES. WE FEEL THAT VEEDER'S ASSISTANCE TO THESE TRIBES DOES
NOT CONSTITUTE A CONFLICT OF INTEREST. PREVENTING HIS PARTICIPATION
IN THIS LITIGATION WILL DEFINITELY PUT THE INDIAN TRIBES AT

A DISADVANTAGE.

WE URGE THAT MR. WILLIAM VEEDER BE PERMITTED TO PARTICIPATE
IN THE INDIANS BEHALF OF THE PUEBLO TRIBES RIO GRANDE WATER
RIGHTS LITIGATION.

NATL CONGRESS OF AMERICAN INDIANS
BRUCE A. WILKIE EXEC DIR

3700
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The White House
Washington

WHA131 221P EDT JUL 17 70 (24)CTC002 PRB159
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1970 JUL 17 PM 2 25

BRAD PATERSON

WHITE HOUSE STAFF WASHDC

URGE YOU TO ALLOW VEEDER TO ASSIST NEW MEXICO'S INDIANS AT
JULY 20 HEARING ALBUQUERQUE
INTER TRIBAL COUNCIL OF NEVADA
(952)

0750
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The White House
Washington

WHA136 322P EDT JUL 17 70 (31)CTB180 PRB162 1970 JUL 17 PM 3 31
PR REA087 IB PDC RENO NEV 17 935APDT

LEONARD GARMET

WAHITE HOUSE STAFF WASHDC

URGE YOU TO ALLOW VEEDER TO ASSIST NEW MEXICO'S INDIAN^S AT
JULY 20 HEARING ALBUQUERQUE
INTER TRIBAL COUNCIL OF NEVADA

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(953)

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2

STATE OF OKLAHOMA



OKLAHOMA INDIAN AFFAIRS COMMISSION

2-A STATE CAPITOL

Oklahoma City, Oklahoma 73105

July 16, 1970

Mr. Leonard Garnment
Assistant to President
in Executive Offices
Washington, D. C. 20000

Dear Mr. Garnment:

This is a letter in support of the Indian rights in selecting their own individual or firm for legal representation to represent the Indian tribe or Group in any legal hearings or courts in behalf of the said tribe or Group.

This office would like to go on record in support and request that Mr. William Veeder, Water Rights Division of the United States Bureau of Indian Affairs, be the selected or appointed legal representative for the Pueblo Indians of New Mexico for their water rights on their lands.

I shall appreciate any consideration your office can give to the approval of Mr. William Veeder to represent the Pueblo people of New Mexico, San Felipe and Santo Domingo.

Sincerely yours,

A handwritten signature in red ink that reads "Harvey E. West".

Harvey E. West, Director
OKLAHOMA INDIAN AFFAIRS COMMISSION

HEW/gjt

cc

July 16, 1970

Mr. Leonard Garment
Asst. to the President
Executive Offices
Washington, 25, D.C.

Dear Sir:

We understand the Santo Domingo and San Felipe Pueblos of New Mexico require the legal services of Mr. William Veeder in a federal district court July 20, 1970 in Albuquerque; we understand further that there is opposition within the Departments of Interior and Justice and within the Bureau of Indian Affairs to Mr. Veeder serving as co-counsel for these tribes. We feel the appearance by Mr. Veeder is not only proper, but is perfectly compatible with the functions of the Bureau of Indian Affairs as trustee for all Indians as described in President Nixon's recent speech. Therefore we believe that the appearance by Mr. Veeder is absolutely mandatory for the protection of Indian interest.

Signed:

Kiowa Tribal Business Committee


Gus Palmer, Chairman