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Sequoyah v. TVA, 6th Circuit, Docket No. 79-1633: Motion for Leave to Appear and to File Memorandum as Amici Curiae

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UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

No. 79-16 33

AMMONETA SEQUOYAH, et al.,)
)
 Plaintiffs-Appellants,)
)
 v.)
)
 TENNESSEE VALLEY AUTHORITY,)
)
 Defendants-Appellee.)
)

MOTION FOR LEAVE TO APPEAR AND TO
FILE MEMORANDUM AS AMICI CURIAE

The Sisseton-Wahpeton Sioux Tribe, Zuni Tribe, Americans for Indian Opportunity, North American Indian Museum Association and Hui Malama Aina O'Koolau move for leave to file the annexed memorandum and to participate as amici curiae.

The Sisseton-Wahpeton Sioux Tribe is a federally recognized tribe of Indians located in North and South Dakota and having an enrolled membership of approximately 6500 Sioux Indians. The Sisseton-Wahpeton Sioux Tribe seeks to preserve its tribal sovereignty and protect its natural and human resources. The Tribe promotes the practice of its tribal religion and fosters the cultural well-being of its members. Tribal burial grounds are an integral part of the Tribe's religion and culture, and the Tribe is concerned about the care and protection of its burial grounds located both on and off the reservation.

The Zuni Tribe is a federally recognized tribe of Indians located in New Mexico with a membership of over 7,000 Indians. Zuni religion and culture is practiced daily by tribal members and the Tribe seeks to protect its members' liberty in this regard. The Zuni Tribe has actively defended its religion in the past and is alarmed at the encroachment of Cherokee religion sanctioned by the district court in this case as setting a precedent for federal action injurious to Indian religion on a national basis.

The Hui Malama Aina O'Koolau is an unincorporated organization of Native Hawaiians with central offices at Kaneohe, Hawaii, and composed of over two thousand Native Hawaiians. The purposes of this organization include the preservation of Hawaiian culture and traditional religion and protection and care of native shrines, sacred sites and burial grounds. Hui Malama Aina O'Koolau is urgently concerned with the lack of protection against "pot hunting" and native grave desecration which occurs on the Islands and has an interest in assuring that federal agencies accord Native sacred areas proper treatment.

The Americans for Indian Opportunity (AIO) is a national, non-profit Indian advocacy organization located in Albuquerque, New Mexico, and specializing in native concerns relating to tribal economic development, environmental protection and natural resources development. AIO is dedicated to the protection and survival of native culture and religion and other fundamental rights of Indian people.

The North American Indian Museum Association is a non-profit organization located in Niagara Falls, New York, composed of one hundred and twenty (120) Indian operated museums and cultural centers. The purpose of the North American Museum Association is to provide for a unified Native voice for the preservation and promotion of traditional Indian culture under the direction of traditional native elders.

The annexed memorandum of amici curiae sets forth several important considerations pertaining to the motions pending before the Court. As Natives who may be affected by this case in the practice of their religion and culture, the moving parties believe it crucial to make their concerns made crystal clear. Such concerns will afford a helpful perspective in viewing the issues presented to this Court.

WHEREFORE, the moving parties pray that this Court grant them leave to file the accompanying memorandum and to participate as amici curiae.

Respectfully submitted,

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