

DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release June 10, 1975

PRELIMINARY INJUNCTION ISSUED IN BLACKBIRD BEND CASE

A preliminary injunction has been issued which prevents non-Indians from interfering with the Omaha Tribe's possession of valuable farm land in the Blackbird Bend area of the Omaha Indian Reservation in Iowa, the Department of the Interior said today.

The action was taken by the United States District Court for the Northern District of Iowa on June 5, 1975, in response to a request by the United States as trustee for the tribe.

Interior Solicitor Kent Frizzell said: "The situation is one which could have led to needless violence and bloodshed. The action of the court will serve to stabilize the present dispute while the Interior Department continues to take the necessary steps that will allow the Omaha Tribe to take peaceful possession of over 3,000 acres of land that, in the opinion of the Interior Department, rightfully belongs to them."

For more than twenty years, non-Indians have been farming on land that was separated from the main portion of the Omaha Reservation by a series of man-made changes in the Missouri River. In 1974, after a number of studies and investigations reviewing an 1867 survey of the land, Commissioner of Indian Affairs Morris Thompson concluded that the land was part of the reservation. In April, at the tribe's direction and with the sanction of the Bureau of Indian Affairs, individual Omaha Indians took possession of the land.

The non-Indian farmers brought an action in an Iowa State Court which ordered the Indians ejected from the land.

Acting in its responsibility as trustee for Indian lands, the Department of the Interior then requested the Justice Department to go into Federal Court on behalf of the Omaha Tribe and file a quiet title action against all non-Indians claiming an interest in Blackbird Bend, seeking damages and past profits from those who have farmed the land. In this suit, filed May 19, the Government requested a preliminary injunction to restrain non-Indian farmers from interfering with the Indian's occupancy of the land.

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The action of the Court means that the tribe will remain in possession of the land and be able to farm it until the case is finally decided.

Solicitor Frizzell said the action was "indicative of the Department's determination to protect Indian rights. This sort of dispute is one that ought to be settled in the courts, with the United States advocating the Indians' position."

Bureau of Indian Affairs Commissioner Morris Thompson proclaimed the decision as "a great victory for the Omaha Tribe." While the non-Indians had been in possession of the land before April for many years, the Commissioner noted that "they have been nothing more than trespassers, always with notice that the tribe had a strong and rightful claim to the land. This claim is fully supported by the Bureau."

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