

**Journal #2548**

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*The Navajo Tribe Sues Urban Outfitters Over Use Of The Term “Navajo”*

*At Tribe's Door, a Hub of Beer and Heartache*

*Risk Evaluation and Planning for Tribal Cultural Institutions*

*Fall 2012 White House Internship Program*

*Keeping the Homefires Burning 2012*

*Shoshonean Reunion XIII Registration*

*Associated General Contractors: CE Credit Brown Bag Lunch*

**REMARKS BY THE PRESIDENT AT CONSERVATION CONFERENCE**

*Water war gets 'clock people' ticking*

*Solar power firms in Mojave desert feel glare of tribes and environmentalists*

*After 244 Years, Encyclopaedia Britannica Stops the Presses*

*Amodei lays down gauntlet over land*

*Cancer-Free? The American Cancer Society Wants You*

*Chad Williams*

Res ipsa loquitur ("The thing itself speaks")

## **The Navajo Tribe Sues Urban Outfitters Over Use Of The Term “Navajo” and Prints “Evoking” Navajo Patterns**

**JONATHAN TURLEY** Published 1, March 8, 2012 [Bizarre](#) , [Society 16 Comments](#)

We have another trademark case that raises the question of the scope of our current trademark laws. The Navajo Nation is suing Urban Outfitters is infringing its trademark by using its name and tribal-type patterns on merchandise. The mere use of the word “Navajo” and “Navaho” is considered a trademark violation by the tribe as well as the use of symbols and marks that “evoke the Navajo Indian Tribe’s tribal patterns, including geometric prints and designs fashioned to mimic and resemble Navajo Indian and tribal patterns, prints and designs.”

The tribe also alleges violation of the federal Indian Arts and Crafts Act. Readers of this blog are aware of my view that our trademark and copyright laws have [gone out of control](#) and now stifle the very creativity that they were meant to protect. The Navajo name and patterns are part of the American culture. I do not see how any use of the name or particularly the patterns can violate any reasonable definition of trademark. I certainly do not see in these advertisements how, according to the Complaint, “Urban Outfitters’ display and sale of its goods in manners that falsely suggest they are the product of the Navajo Nation.”

Navajo patterns are an art form that has been incorporated into many different types of works. It is akin to trademarking cubism or some other form of art. We recently saw the [copyright claim over a public scene in London](#) that was captured in a way similar to a famous photograph. (The lawsuit raises the question of whether the Zia have copyrighted the symbol on the New Mexico flag).

The tribe has used the name Navajo since 1849. The complaint below states that the Navajo Nation has currently registered 86 trademarks using the NAVAJO component. It includes alleged unfair competition under the Lanham Act with its own marketing and commercial sales. I am

particularly stuck by the claim of a violation under The Indian Arts and Crafts Act, which prohibits non-Indian businesses and individuals from misrepresenting that their goods are the product of an Indian tribe, or American Indian or Native American person(s). This case would radically expand the meaning of the statute to include virtually any inclusion of a tribe name in a product as falsely suggestion that it is an Indian product.” 25 U.S.C. § 305e(a).

Urban Outfitters sells such items as a “Navajo Nations Crew Pullover,” a “Navajo Hipster Panty” and a “Navajo Print Fabric Wrapped Flask.” I am not sure what tradition Navajo Hipster panty or flask would look like, but I doubt there is much confusion among customers with Navajo traditional jewelry and merchandize. A search of the internet of “Navajo patterns” came up with 5,570,000 hits with hundreds of different art and merchandize sites. This ranges from [fashion models](#) to [car covers](#). There is even a “[Navajo Pattern Afghan](#)” — I am not sure who would get to sue first on that one, the Navajos or the Afghans.

Once again, Congress appears content to allow copyright and trademark claims to expand exponentially without considering reasonable reforms. While I am sympathetic to the tribe’s concerns, I do not believe that this is a reasonable use of trademark laws. However, the tribe is pursuing a claim that is by no means out of the norm for contemporary lawsuits.

Here is the complaint: [Navajo](#)

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## **[At Tribe's Door, a Hub of Beer and Heartache](#)**

By TIMOTHY WILLIAMS

The Oglala Sioux Tribe is suing large brewers and stores in neighboring Whiteclay, Neb., that the tribe says encourage illegal alcohol consumption.

1 [Slide Show: A Tribe Confronts Its Neighbor Over Liquor](#)

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## **Risk Evaluation and Planning for Tribal Cultural Institutions**

*A workshop in Albuquerque, May 10 - May 11*

It’s never too early to learn what risks your institution faces and meet the people who will come to your aid in an emergency. [Heritage Preservation](#) is proud to partner with the Tribal Assistance Coordination Group (TAC-G) to bring the workshop [Risk Evaluation and Planning for Tribal Cultural Institutions](#) to the [2012 TAC-G National Conference](#) on May 10 – 11 in Albuquerque, New Mexico.

At this two-day workshop, participants will increase their knowledge of emergency preparedness and response strategies. In addition, participants will forge new ties with their local tribal public safety officials, learn about potential risks to their institutions, and be equipped to share [Risk Evaluation and Planning Program](#) tools with other institutions in their tribal community.

Tribal cultural stewards and emergency managers are encouraged to attend. The workshop is most effective when a cultural steward and emergency manager from the same tribal community are able to attend together. There is no cost to attend this workshop. However, travel, lodging,

and per diem expenses are the responsibility of attendees. A modest travel stipend is available to those who qualify. Space is limited, so please register early.

To learn more about the workshop, the TAC-G conference, and to register, please visit our [website](#). Send inquiries to [taskforce@heritagepreservation.org](mailto:taskforce@heritagepreservation.org).

Where

The REPP workshop and National TAC-G Conference will be held at the [Sheraton Albuquerque Uptown](#) in Albuquerque, New Mexico.

When

The REPP workshop will begin on Thursday, May 10, and will culminate with a site visit to the [Indian Pueblo Cultural Center](#) on Friday, May 11.

**[REGISTER NOW!](#)**

Registration closes May 1, 2012

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**Fall 2012 White House Internship Program**  
**[Application Now Open](#)**

The White House Internship Program's mission is to make the "People's House" accessible to future leaders from around the nation and cultivate and prepare those devoted to public service for future leadership opportunities.

**APPLICATION DEADLINE: April 1, 2012**

Encourage the young leaders you know to apply!  
Tell them to visit [www.whitehouse.gov/internships](http://www.whitehouse.gov/internships) or send them the attached email.

Hello,

I am reaching out to you to encourage you to apply for a White House Internship. The [application for the Fall 2012 program](#) is now open.

White House Interns dedicate their time, talents, energy, and service to better the White House, the community, and the nation. They become a part of the White House team, and the assignments given to an intern on any given day could include conducting research, managing incoming inquiries, attending meetings, writing memos, and staffing events. They also participate in a weekly speaker series with senior staff members and small group meetings exploring different policy aspects of the Executive Office of the President through speakers, discussion and off-site field trips. Most importantly, the internship experience includes an emphasis on service and interns participate in regularly scheduled service projects at schools and non-profit organizations in Washington, D.C.

Please visit [www.whitehouse.gov/internships](http://www.whitehouse.gov/internships) for detailed information about the program, the application process, a timeline with deadlines, and the departments that participate in the program. A complete application includes: short answers, two essay questions, a one-page resume, and two letters of recommendation. The deadline to apply for Fall 2012 is **April 1, 2012**.

Don't wait - apply today.

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### **Keeping the Homefires Burning 2012**

Seventh Generation Fund for Indian Development is hosting our 11th Keeping the Homefires Burning Gathering on June 15 - 17, 2012 in the Santa Ana Pueblo, New Mexico. This Gathering will celebrate our 35 years as an Indigenous Peoples' social profit organization highlighting out theme "Be A Good Ancestor." During this gathering we will explore issues such as climate change, food sovereignty, building partnerships, cultural consciousness & healing, restorative justice & language revitalization, among other issues.

Support SGF with a contribution to ensure the success of this event!

We have made a sponsorship available to community organizers who otherwise would not be able to attend in which we help cover travel and accommodation costs, as well as child care. Your support goes directly to their participation and contribution to this event.

The Gathering is expected to bring in around 200 participants; from community organizers to funders. This is a great opportunity to not only share our work but to also share the dedication of the grassroots community-organizers who everyday reaffirm our commitment in the work we do.

Your donation is greatly valued and we appreciate your continued faith in this work. Thank you.

### **Call to Action**

**[Fundraising Project: SEVENTH GENERATION FUND FOR INDIAN DEVELOPMENT INC](#)**

**[Donate](#)**

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### **Shoshonean Reunion XIII Registration**

**Attachments:** [image001.png](#) [image002.jpg](#) [Shoshonean Reunion XIII Info & Regis.pdf](#)

On behalf of the host Tribes (Eastern Shoshone Tribe, Fort Washakie, WY and Shoshone-Bannock Tribe, Fort Hall, ID) I want to extend this invitation to encourage your participation at the Shoshonean Reunion XIII, July 18-22, 2012 in Jackson Hole, Wyoming. Attached is the information and registration packet. Please post and share this information with your membership and community. Registration forms may be submitted to the following:

**Email Address:** [ibroncho @sbtribes.com](mailto:ibroncho@sbtribes.com) or [ibroncho@gmail.com](mailto:ibroncho@gmail.com)  
**Subject Line:** Shoshonean Reunion XIII Registration (*copy and paste in subject line*)  
**FAX Number:** (208) 478-3852

**Regular Mail at:** Sho-Ban SR XIII Reunion Committee c/o Ida Broncho  
477 Human Services Department, PO Box 306, Fort Hall, ID 83203

This message was addressed to all those for whom I have addresses for from past Shoshonean Reunions or language conference mail lists. If the information is incorrect -- I sincerely apologize -- and request your assistance to provide me with any updates so we may get the information corrected. Any assistance you provide is appreciated!!

**If you have any questions or more information,** please feel free to contact me at 3975 or [ibroncho@sbtribes.com](mailto:ibroncho@sbtribes.com) or [ibroncho@gmail.com](mailto:ibroncho@gmail.com); or the 477 Human Services Front desk at 478-3845. Thank you.

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Associated General Contractors: **CE Credit Brown Bag Lunch**  
Topic: "Twenty reasons your green building may not have green indoor air"  
Presented By: **Dale Walsh, MS, CIH, LEED AP BD+C**

**Date: Wednesday, March 28, 2012** Time: **11:30 AM**  
Location: **Alternative Management conference room**  
6725 Via Austi Parkway, Suite 250 Las Vegas, NV 89119  
Cost: **FREE for MEMBERS only** (limited to the first 20 to register; No shows will be billed \$25)

This is an ERB approved course good for 1.5 hours continuing education  
**This is a brown bag lunch so BYOL!**  
[Register online](#) or fax in the [Registration Flyer](#)

### **Subcontractor LEED Workshop**

Topic: **Division 23: Commissioning**  
Presented By: Mark Leafstedt, **PE**, TestMarx Solutions, Inc ; Cam Walker, McCarthy Builders & Dale Walsh, **MS, CIH, LEED AP BD+C**, Walsh Certified Consultants

**Date: Wednesday, March 28, 2012** Time: **8:00 AM**  
Location: **AGC Offices 150 North Durango (at Summerlin Pkwy)**  
Cost: **AGG & USGBC Members: \$15 Non-members \$25**

#### **Registration Information**

Please register and pay by check or credit card no later than March 27, 2012. Advance registration as follows: online [agclv.org](http://agclv.org), email [linda@agclv.org](mailto:linda@agclv.org), fax: 796-1629 or call 796-9986. Click here for a [Registration Flyer](#)

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**THE WHITE HOUSE Office of the Press Secretary March 2, 2012**

REMARKS BY THE PRESIDENT AT CONSERVATION CONFERENCE

Department of Interior Washington, D.C.

THE PRESIDENT: Thank you, everybody. Thank you. (Applause.) Thank you so much. Everybody, have a seat. Have a seat. (Applause.) Well, it is good to have all of you in here. Welcome to Washington.

I want to thank Ken Salazar for the introduction. Did everybody know that it's his birthday today? (Laughter.) All right -- has he milked that enough? (Laughter.) I just want to make sure everybody wished him a happy birthday. Turning 40 is tough. (Laughter.)

We've also got our outstanding Secretary of Agriculture, Tom Vilsack, in the house. (Applause.) Our wonderful EPA Administrator, Lisa Jackson, is with us. (Applause.) And I want to thank all of you for being a part of this conference.

Now, I have to say that this is a pretty diverse group here today. We've got hunters and fishermen; we've got farmers and ranchers; we've got conservationists; we've got small business owners; we've got local government leaders; we've got tribal leaders. And some of you may have just wandered in -- I don't know. (Laughter.) But you're all here for the same reason. Each of you has a deep appreciation for the incredible natural resources, the incredible bounty that we've been blessed with as a nation. And you're working hard every day to make sure those resources are around for my daughters and your children and hopefully their children to enjoy.

Doing that takes creativity. The great Aldo Leopold once said that conservation is "a positive exercise of skill and insight, not merely a negative exercise of abstinence and caution." It's not just about doing nothing; it's about doing something affirmative to make sure that we are passing on this incredible blessing that we have. And you also know that effective conservation is about more than just protecting our environment -- it's about strengthening our economy. When we put in place new common-sense rules to reduce air pollution, like we did in December, it was to prevent our kids from breathing in dangerous chemicals. That's something we should all be able to agree on. But it will also create new jobs, building and installing all sorts of pollution control technology. And since it will prevent thousands of heart attacks and cases of childhood asthma, it will also take some strain off our health care system.

When we make a commitment to restore a million acres of grasslands and wetlands and wildlife habitat -- like the Department of Agriculture and Interior did today -- we're not just preserving our land and water for the next generation. We're also making more land available for hunting and fishing. And we're bolstering an outdoor economy that supports more than 9 million jobs and brings in more than a trillion dollars a year. (Applause.)

And when we make it easier to visit this country -- like we've done recently at accelerating the process for foreign travelers to get visas -- we're not just boosting tourism in big cities and places like Disney World. We're helping more people discover our parks and our mountains and our beaches. And more visitors means more people renting cars and staying in hotels and eating at our restaurants and buying our equipment.

So the work you're doing today is important if we're going to grow our economy and put more people back to work. But conservation is also important when it comes to another issue that I've been talking about lately, and that's developing new sources of American-made energy.

Obviously, gas prices are on a lot of folks' minds right now. And we're getting another painful reminder of why developing new energy is so important for our future. Of course, because it's an election year, everybody is trotting out their 3-point plans for \$2.00 gas. And you know what that involves, is you drill and then you drill and then you drill some more. We've heard this for 30 years.

The American people know better. They understand we can't just drill our way out of high gas prices. We're doing everything we can to boost U.S. production. But if we're going to take control of our energy future and avoid these gas price spikes in the future, then we've got to have a sustained, all-of-the-above strategy that develops every available source of American energy -- yes, oil and gas, but also wind and solar and biofuels, and more.

And we're making progress on this front. In 2010, our dependence on foreign oil was under 50 percent for the first time in 13 years. (Applause.) Because of the investments we've made, the use of clean, renewable energy in this country has nearly doubled. (Applause.) And in my State of the Union address, I announced that we're allowing the development of clean energy on enough public land to power 3 million homes -- 3 million homes. That protects our environment and it helps families and businesses save money.

But while it's important to use public lands to develop things like wind and solar energy, and reduce our dependence on foreign oil, we've also got to focus on protecting our planet.

That's why Teddy Roosevelt made sure that as we build this country and harvest its bounty, we also protect its beauty.

That's part of our national character. And historically, it's been bipartisan.

That's why, even as our country grew by leaps and bounds, we made sure to set aside places like the Grand Canyon for our children and our grandchildren. It's why

my administration has stood up to protect its waters. That's why President Kennedy directed a portion of the revenues from oil and gas production to help communities build trails and ball fields -- and why my administration has fought to protect the Land and Water Conservation Fund. (Applause.)

That's why the hunters and anglers in this country have always been willing to pay a few extra bucks for a fishing license or a duck stamp that helps protect streams and habitats -- because they want to make sure that their grandkids can enjoy these same pastimes. That's why my administration is expanding access to public lands so that more Americans can cast a rod or teach their children how to hunt.

We have to keep investing in the technology and manufacturing that helps us lead the world, but we've also got to protect the places that help define who we are, that help shape our character and our soul as a nation. Places that help attract visitors and create jobs, but that also give something to our kids that is irreplaceable.

And all of us have a role to play. One of the first bills I signed after taking office was the Public Lands bill that protected more than a thousand miles of rivers and established new national parks and trails. (Applause.) And two years ago, thanks to some great work by my Cabinet, and Ken Salazar especially, I kicked off the America's Great Outdoors initiative to support conservation projects happening in all 50 states, including Fort Monroe in Virginia, which just became America's 396th national park. (Applause.)

Right now, we're restoring the River of Grass in the Everglades, providing clean water to millions of residents -- (applause) -- creating thousands of jobs -- construction jobs -- in southern Florida.

We need to keep moving forward on projects like these. And I know we've got ranchers and farmers and landowners here today who represent places like the Crown of the Continent in Montana, the Dakota Grasslands, and everywhere in between. We need to keep working to protect these incredible landscapes that all of you know so well.

The bottom line is this: There will always be people in this country who say we've got to choose between clean air and clean water and a growing economy, between doing right by our environment and putting people back to work. And I'm here to tell you that is a false choice. (Applause.) That is a false choice. (Applause.) With smart, sustainable policies, we can grow our economy today and protect our environment for ourselves and our children.

We know it's possible. And we know it because of what's been happening in communities like yours, where compromise isn't a dirty word, where folks can recognize a good idea no matter where it comes from.



A while back, I heard a story about the Rogue River in Oregon. Every year, the Rogue is filled with salmon swimming upstream to spawn. But because factories were allowed to -- allowing warm water to run back into the river, the temperature was becoming too high for the salmon to survive. So to fix the problem, the town could have required the company to buy expensive cooling equipment, but that would have hurt the local economy. Instead, they decided to pay farmers and ranchers to plant trees along the banks of the river, and that helped to cool the water at a fraction of the cost. So it worked for business; it worked for farmers; it worked for salmon.

And those are the kinds of ideas that we need in this country -- ideas that preserve our environment, protect our bottom line, and connect more Americans to the great outdoors.

And this is personally important to me. Some of you know that I grew up in Hawaii mostly, and we got some pretty nice outdoors in Hawaii. (Laughter.) And you spend a lot of time outdoors, and you learn very early on to appreciate this incredible splendor. But I remember when I was 11, I had never been to the mainland, and my grandmother and my mother and my sister, who at the time was two, decided we were going to take a big summer trip. And we traveled across the country. And mostly we took Greyhound buses. My grandmother was getting -- she had some eye problems, and so she couldn't see that well, so she was a little nervous about driving long distances. Sometimes we took the train. And we went to the usual spots -- Disneyland. I was 11, right? (Laughter.)

But I still remember traveling up to Yellowstone, and coming over a hill, and suddenly just hundreds of deer and seeing bison for the first time, and seeing Old Faithful. And I remember that trip giving me a sense of just how immense and how grand this country was, and how diverse it was -- and watching folks digging for clams in Puget Sound, and watching ranchers, and seeing our first Americans guide me through a canyon in Arizona. And it gave you a sense of just what it is that makes America special.

And so when I went back to Yellowstone, with Ken and my daughters -- that was the first time they had been -- and I'm standing there -- I'm thinking not only about them and the first time they're seeing this, but I'm also remembering back to when my grandmother and my mother had shown me this amazing country so many years before.

And that is part of what we have to fight for. That's what's critical, is making sure that we're always there to bequeath that gift to the next generation. (Applause.) And if you'll work with me, I promise I'll do everything I can -- (applause) -- I'll do everything I can to help protect our economy but also protect this amazing planet that we love and this great country that we've been blessed with.

Thank you very much, everybody. God bless you. God bless America.

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[Water war gets 'clock people' ticking](#)

Ashley Powers, Los Angeles Times

A San Francisco group with a goal to build a clock that will mark time for 10,000 years has attached itself to this rural patch of Nevada. Now it's fighting for its water rights.

Around here, they're sometimes called the "clock people." They zip over from San Francisco every summer to this remote valley, heave their vehicles up the mountain and while away hours gawking at bristlecone pines, considered among the world's oldest living things.

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[Solar power firms in Mojave desert feel glare of tribes and environmentalists](#)

*Presence of horned toads and desert tortoises are holding up production at multimillion-dollar sites in California*

**Edward Helmore, The Guardian**

Of the many projects commissioned by the Obama administration to showcase its commitment to renewable energy, few are as grandly futuristic as the multibillion-dollar solar power projects under construction across broad swaths of desert on the California-Arizona border.

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[After 244 Years, Encyclopaedia Britannica Stops the Presses](#)

By JULIE BOSMAN

Bowing to the competition online, the encyclopedia's publisher said the 2010 edition, a 32-volume set that weighs in at 129 pounds, would be the last.

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**Amodei lays down gauntlet over land**

Rep. Mark Amodei on Tuesday challenged the Bureau of Land Management to either prove that energy, mining and grazing pose a threat to rural Nevada sage grouse habitat or else open the land for those possible uses. [Click here to read the full story...](#)

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**Cancer-Free? The American Cancer Society Wants You**

Public News Service-NV

<http://www.publicnewsservice.org/index.php?/content/article/25334-1>

Join the discussion: [facebook.com/PublicNewsService](https://www.facebook.com/PublicNewsService) Twitter: [@pns\\_news](https://twitter.com/pns_news) [@pns\\_NV](https://twitter.com/pns_NV) Google +: [plus.to/publicnewsservice](https://plus.to/publicnewsservice)

(03/14/12) LAS VEGAS - The American Cancer Society is looking for men and women from ages 30 to 65 who never have been diagnosed with cancer to help out with a historic study.

"Cancer Prevention Study-3" is being launched to better understand the lifestyle, behavioral, environmental and genetic factors that may prevent or cause cancer.

The Cancer Society wants 300,000 adult volunteers from various backgrounds to participate, says spokeswoman Liddy Hora, and would like to see a few hundred Nevadans sign up.

"The study is open to anyone who is willing to make a long-term commitment to the study, which involves completing periodic follow-up surveys at home for the next 20 to 30 years."

Hora says volunteers should view this as an opportunity to help eliminate cancer.

"A lot of people have come to me and said, 'You know, I'm a caregiver. What can I do to help support my loved one who is dealing with cancer?' and I look at them and I say 'This is a great opportunity to become involved in the Cancer Prevention Study-3.' "

This is the third major study of cancer undertaken by the Cancer Society, Hora says. Previous study results have been used to help health professionals develop guidelines for prevention.

Those interested can sign up at the American Cancer Society website, [cancer.org/cps3](http://cancer.org/cps3). If a volunteer is chosen, an appointment will be made to have a blood sample drawn.

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**Chad Williams** (1963 - 2012)

[Visit Guest Book](#)

Cassidy (Chad) Williams, 48, passed away March 8, at Carson Tahoe Hospital. Chad was born in Schurz, NV on Nov. 28, 1963 the son of Alvery Dale and Darlene Williams. He graduated from the UNR. Chad married Marla L. McDade on Dec. 19, 1992 in Lee, NV. Chad was an avid hunter and fisherman. He was an athlete having played baseball, basketball, football and softball, he also was a boxer, and most recently was playing golf. He shared special times with his uncles and their race cars, which fostered in him an enthusiasm for modifying whatever vehicle he had in one way or another. He was a rancher, rode saddle bronc and did some team roping. His family was the most important thing to him and he was proud of his daughter and his niece and nephew. Chad was the Tribal Liason for the Nevada Department of Health and Human Services and also served as the Chairman of the Statewide Native American Coalition. He was a past Chairman of the Walker River Paiute Tribe and the National Tribal Environmental Council where he was very proud of his work for Native American Tribes. The job that he most cherished while he worked for the Tribe was that of Fisheries Coordinator/Game Warden. He is survived by his wife, Marla; his daughter, Sydney Williams; his sister, Kimberly and her husband Donnie Quintero; his nephew, Jeremy Means and Niece, Karmen Quintero; and his Father, Alvery Williams. A visitation will be held 6 - 8:00 pm Wed., March 14th at the Freitas Rupracht Funeral Home, 25 Hwy 208, Yerington. Chad's funeral service will be 11:00 am Thursday, March 15th at the Walker River Tribal Gym in Schurz with burial at the Schurz Cemetery. Family and Friends are invited to sign his online guest book at [www.FRFH.net](http://www.FRFH.net), also Sympathy Cards may be sent to the family from this site. Arrangements are under the direction of Freitas Rupracht Funeral Home, Yerington (775) 463-2911