

NARF

Review

Native American Rights Fund

Tribal Courts: Forums for the Future

By Melody L. McCoy

In many respects, today's Indian tribal governments are on a level equal to that of the federal and state governments. Despite their poverty, tribal governments have largely regained control over their own territories, treaty rights and resources. Tribal courts have also struggled to attain recognition as an equal branch of government. The courts have advanced under the guidance and expertise of dedicated tribal judges. This leadership, combined with the general strength of tribal governments, has created a new era for tribal courts.

There are about 150 tribal courts in operation today. This is almost double the number that existed in 1970. These courts exercise jurisdiction over nearly 70 million acres, an area roughly ten times the size of New England. Most tribal courts are located in Western states, but tribal authority exists in all parts of the country from Maine to Florida, California to Alaska. This article provides an overview of tribal courts, their structure and operation, and the special roles that the history, sovereignty, and culture of tribal Indians play in their courts. It will also briefly discuss some current issues facing tribal courts.

Structure and Operation

A typical tribal court system today consists of at least one trial court and one appellate court. Many tribes have long had separate juvenile and traffic courts; some are now contemplating other specialty courts such as tax courts. Most tribal courts have several divisions, including civil, criminal and probate. There is a wide range in the caseloads of tribal courts. In 1985 the Navajo tribal courts processed over 45,000 cases. Some small tribes heard less than 100 cases. Most tribal courts handle 1,000-10,000 cases per year. The caseloads are split evenly between civil and

criminal actions. About 10-25% of the civil cases involve non-Indians.

Tribal courts are courts of general jurisdiction, meaning that they can hear all types of actions and proceedings. As economic and leisure activities in Indian country increase, tribal courts handle more and more contract, property and tort cases in addition to domestic disputes and probate cases. Tribes today regulate zoning, water rights, game management, taxation, buildings, health care, environmental management, and most other subjects customarily covered by state or municipal law. Thus, tribal courts review and enforce many regulatory actions and administrative decisions. Generally, anyone can file a suit in tribal court, although a few courts restrict access to tribal members or reservation residents only.

The territorial jurisdiction of tribal courts generally extends to the boundaries of their reservation or tribal lands. In contrast, state courts generally lack jurisdiction over these areas. In some instances, tribes may exert jurisdiction over activities occurring outside their reservations. Some tribes (in South Dakota, Oklahoma and Washington) have recently experimented with

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regional inter-tribal judicial systems designed to serve more than one reservation.

Tribal court staffs are comprised of chief judges, associate judges, juvenile judges, magistrates, court clerks, prosecutors, probation officers, secretaries, administrators, paralegals, and assistants. Most staff members are Indian and tribal members. More and more courts are requiring the lawyers who practice before them to be members of a tribal bar. This may entail a tribal bar examination, which requires familiarity with the tribal constitution, code and traditional law. Very few tribal courts prohibit any legal representation of parties in proceedings, but some tribes allow lay advocates to represent parties. Many tribes provide free or low-fee public defender advocates in criminal cases, and some do the same in civil cases. Jury trials are permitted in criminal, and sometimes in civil cases.

Thus, today's tribal courts tend to look and act much like the non-Indian courts of states, counties and municipalities. This is not surprising. Many similarities are the result of federal Indian policies which for so long have suppressed tribal self-determination. The legal and political history of Indian tribes is crucial to understanding modern tribal courts.

History and Sovereignty

Historically, the United States has recognized Indian tribes as separate sovereign governments. This sovereignty is rooted in their pre-Columbian existence as Indian nations. The federal government has repeatedly affirmed "the right of reservation Indians to make their own laws and be ruled by them." Williams v. Lee (U.S. 1959). Tribal courts are part of this well-established legal and political institution of Indian self-government.

But in reality Indian tribal sovereignty has never amounted to complete autonomy. Before contact with whites, tribes exercised their own systems of justice among their people. Throughout the nineteenth and early twentieth centuries, the federal government imposed anglo-american systems of justice on some tribes to keep "order" among Indians. In many instances, the federal government assumed total control of reservation courts. Other tribes voluntarily patterned their governments after anglo-american ones.

In 1934, federal law urged all tribes to establish anglo-american forms of government. Many tribes chose to adopt governments pursuant to the Indian Reorganization Act. Thus, like the federal and state governments, tribal governments today often consist of three branches: legislative, executive and judicial. The legislative

branch is typically a tribal council. The executive branch is a chairman, governor or chief. The judicial branch usually consists of a tribal court.

Despite their history of federal control and influence, most present-day tribal courts are run by tribes, not the federal government. They primarily serve Indian communities, but they are increasingly affecting non-Indians. Increased tribal control and influence emanates from several factors. The current federal Indian policy is to actively encourage and support Indian self-government and self-determination. Tribes have recently taken the initiative in exercising broader jurisdiction. Federal courts have largely upheld the authority of tribes over on-reservation activities and non-Indians. Finally, there is another, simpler reason why tribal courts are prospering: more people desire to have disputes resolved by them.

While much direct federal control has been eliminated, federal authority lingers. For instance, federal law requires tribes to conform their justice systems in substantial respects to non-Indian legal procedures. Tribal governments, as separate sovereigns predating the U.S. Constitution, were not bound by the provisions of the federal bill of rights and other constitutional guarantees limiting federal and state governments. Some tribes nonetheless adopted statements of individual rights in their constitutions and codes. However, in 1968 Congress enacted the Indian Civil Rights Act, which makes applicable a bill of rights to all Indian tribes.

The blanket imposition of anglo-american civil rights standards on tribes with diverse histories and cultures has been troublesome. For example, the concept of "one person, one vote" conflicts with a tradition practiced by some tribes of "block voting" based on band, clan or religious society affiliation. Complaints about election procedures are often filed in the tribal courts. Nevertheless, tribal courts are bound by the Indian Civil Rights Act, and must accept the non-Indian concepts.

Tradition and Culture

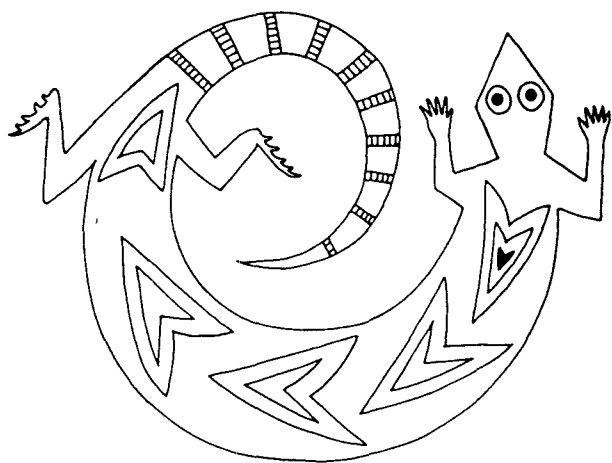
The likenesses of tribal and non-Indian courts can be misleading: in many respects tribal courts are different. Contemporary tribal courts have inherited a great deal of non-Indian influence. They are also heirs to a host of tribal traditions and customs. These practices and beliefs distinguish tribal courts from their non-Indian counterparts.

Traditionally, Indians resolved disputes by consensus, not by an adversary system as do anglo-

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americans. Determinations by a single judge contradicts tribal tradition in many ways. To accommodate this, many tribes have "grievance committees" in addition to their courts. The grievance committee is an administrative body, composed of several high-ranking administrators, that hears and resolves primarily personnel and employment problems.

But even in the courts, important tribal traditions have been maintained. Proceedings in some tribal courts in the Southwest (Navajo Nation, Gila River Indian Community) are often conducted in the tribal language. This is extremely important because many tribal elders speak little English. Translators are available where appropriate. Fishing tribes in the Pacific Northwest have traditional courts which handle only disputes related to rivers. Some of the Pueblos in New Mexico have two courts: a traditional religious court and a contemporary secular court. Defendants may choose which one to go before.



Many tribal judges actively strive to preserve tradition and culture while applying modern policies developed to support the role of tribes as legitimate governments. Tribal courts usually operate under a written constitution and a law and order code. A few courts operate under a code embodied in federal regulations. But in the courtroom, these are mixed with unwritten traditional tribal law. Traditional law is especially likely to be applied in the important areas of child custody and property distribution.

Certain anglo-american concepts such as "monetary judgment," "pleading not guilty," and "contributory negligence" are foreign to traditional Indian ideas of justice. They may not be recognized by tribal courts. But tribes have their own unique legal remedies; for instance, non-members can be "excluded" from the reservation.

This is an ancient tribal power which is recognized by modern tribal governments, and usually vested in the tribal courts. It is an extreme remedy, usually imposed only after a hearing. The grounds for exclusion generally involve non-members who flagrantly violate tribal law or pose a threat to the community.

Inner cultural values also manifest themselves in subtle ways. Humility, compassion, and respect for a cohesive community may be trans-fused into the courtroom by Indian judges and attorneys. For instance, prisoners may be granted special leave to attend funerals in the community. Ironically, many tribal judges would like to incorporate more tradition into their court-rooms but they feel bound by the tribal codes, which are extremely comprehensive but which were drafted with little attention to tribal tradition and culture. Thus, the potential for re-instilling tradition and culture into the administration and substance of tribal court functions is great, but some effort is required.

Issues Facing Tribal Courts

The following discussion of issues is not meant to be an inclusive study. It is intended to show how the issues facing tribal courts today are grounded in the historical relationship among federal, state and tribal governments. It also shows how tribal court efforts to resolve these issues affect the continuing evolution of federal-state-tribal relations.

Unlike federal and state governments, there is little "separation of powers" between the branches of some tribal governments. As discussed above, many tribes today operate under governments established under the 1934 Indian Reorganization Act. These governments vest power largely in the tribal councils. In fact, many tribal courts were created by the councils. In the past, and to some extent today, tribal judges are appointed by the councils. Some councils and chairmen question whether their actions can be reviewed by the tribal courts. In short, tribal courts are not always independent from the other branches of government.

Some tribes are moving towards a more independent judiciary. Tribal constitutions have been amended to provide for this. Code law has changed too. Tribal members may elect judges at large. Or judges may be appointed by the council, but for longer terms. One tribal judge in Arizona noted that, "separation of powers evolved naturally in our government—there is no provision for it, but it just happened." On other reservations, tribal judges do not feel independent enough.

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Interference with the courts is a legal and practical problem, in the same way as it was for the government of the United States in its early years. The tribal courts are attempting to resolve this by developing their own body of written law on the issue.

Another important issue is that of criminal jurisdiction. Tribal courts do not have full criminal jurisdiction. They generally may prosecute and punish Indians for criminal offenses on the reservation. But federal law dictates that they may not criminally punish by a fine larger than \$5,000 or a jail sentence longer than one year for any one offense. In 1978 the U.S. Supreme Court decided that tribes, without a federal delegation of authority to do so, may not exercise any criminal jurisdiction over non-Indians. Such jurisdiction would be inconsistent with their "dependent" status. Oliphant v. Suquamish Indian Tribe (U.S. 1978).

The civil jurisdiction of Indian tribes over non-Indians is not similarly restricted. National Farmers Union Insurance Companies v. Crow Tribe of Indians (U.S. 1985). But non-Indians continue to resist tribal court jurisdiction. The Native American Rights Fund represents the Turtle Mountain Band of Chippewa Indians and its tribal court in a suit challenging the tribal court's jurisdiction over a non-Indian construction company that built a tribal high school on the

reservation. Twin City Construction Company of Fargo, North Dakota v. Turtle Mountain Band of Chippewa Indians. In August, 1987, a federal district court overturned the tribal court of appeals' decision that the tribal court had jurisdiction over a suit by a tribal member against the construction company for breach of contract. The case is being appealed to the United States Court of Appeals for the Eighth Circuit.

The extent of tribal civil jurisdiction over off-reservation activities also remains a pressing issue. Generally, tribes may exert jurisdiction over their members off-reservation, but this jurisdiction may be concurrent with state jurisdiction. Federal or tribal law may limit their jurisdiction over non-members off-reservation.

Tribal court issues are integrally connected with issues of law enforcement. Most tribes maintain their own police departments. But often tribal police authority is in addition to federal or state authority or both, because historically the federal government eradicated tribal authority and replaced it with federal or state authority. The effects of this federal policy complicate the business of tribal courts today. In several states (e.g., South Dakota, Washington) the grant of state authority over Indians and Indian lands constantly raises questions. For instance, if the state police may arrest persons on state highways

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running through Indian reservations, should the offenders be subject to tribal or state court? Ironically, many offenders would prefer to go to tribal court because of the federal restrictions on tribal court remedies. Many tribes are lobbying to amend the restrictions or to restore exclusive tribal jurisdiction.

The overlap of federal, state and tribal jurisdiction affects tribal courts in other ways. Tribal courts have exclusive jurisdiction over certain issues. Suits to determine custody of Indian children, and suits against Indians for activities occurring within reservation boundaries must be brought in tribal courts. Federal or state court review of these decisions is generally unavailable. Likewise, challenges to tribal civil jurisdiction must be brought initially in tribal court. But after the tribal court, including any tribal appellate forum, has decided whether it has jurisdiction, a federal court may decide whether the tribal court properly determined its jurisdiction according to applicable federal law. This is what has happened in the Twin City case discussed above. Only if the federal court decides that the tribal court has jurisdiction may questions involving the merits of the dispute be left exclusively to the tribal system.

A major problem facing tribal courts today is that state courts do not respect their orders and judgments. "The state courts won't recognize our judgments. It's a real problem affecting our people," says one tribal court judge in North Dakota. "It happens all the time," echoes a South Dakota tribal judge. They are right. Federal law requires state and federal courts to honor the decisions of other state and federal courts. In contrast, federal law requires acceptance of only one category of tribal court decisions. A main provision of the 1978 Indian Child Welfare Act mandates that state (and federal) courts accept tribal court decisions involving the custody of Indian children. But this is the exception, not the rule. Moreover, the Act is constantly being challenged or ignored by state courts.

A few states, such as New Mexico and North Dakota have passed legislation requiring state courts to accept tribal court judgments. But the state laws are very narrow; they may cover only tribes within the state, or only one tribe. Most states have left the matter up to their courts. To date, few state courts have been willing to accept tribal court decisions. This in effect renders tribal courts powerless outside their reservations.

Tribal courts are being questioned by the federal government as well. The U.S. Commission on Civil Rights recently launched an investigation of tribal courts. The Commission is investigating



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alleged abuses of fundamental rights. These rights include the right to counsel, the right against self-incrimination, and the rights to jury trial and appeal. The investigation has been very controversial in Indian country. It is especially unclear what the Commission seeks to do with the results of its investigation. It is anticipated that new legislation or amendments to the Indian Civil Rights Act of 1968 will be proposed.

Of course tribal courts are not flawless. But many problems stem from inexperience, inadequate funding and pressures to force tribes to conform to anglo-american molds. For some tribes, active courts run by tribal people are still a recent phenomenon, but the courts are rapidly gaining experience and the respect of their communities. Tribal judges have played a pivotal role in developing the courts. When asked informally why they became tribal judges, the judges overwhelmingly replied, "to create change," "to help individuals reform," and "to improve the system....so tribal courts are respected as monuments to justice."

Training and technical assistance needs of the courts are met by organizations such as the American Indian Lawyer Training Program, the American Indian Law Center, the Legal Services Corporation, the National American Indian Court Judges Association, and the National Indian Justice Center. Still, tribes need money for detention facilities, treatment centers and counseling services. Given increased responsibility and complex cases, tribal courts need larger staffs, and better access to legal resources. Many tribal judges say that more administration and personnel training programs are needed in order that the judges spend less time in these areas.

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Other tribal leaders are contributing to the success of tribal courts by giving them increased priority. Many realize that with limited state and federal jurisdiction, the performance of tribal courts is crucial to the quality of justice in Indian country. Effective tribal courts eliminate the dependence of Indians on foreign, sometimes hostile state and federal forums. Moreover, improvements in their judicial systems will ultimately contribute to the survival of tribes. Tribal sovereignty depends on strong judicial systems, because it is the courts that will apply tribal legislative and administrative decisions.

Conclusion

Tribal courts are a flourishing, promising sys-

tem. Various efforts by tribal leaders have greatly enhanced their effectiveness. Tribal judges especially are demonstrating creative approaches to preserving tradition and culture while facing new issues. For tribal courts to be really influential, jurisdictional confusion must be eliminated, and state and local governments must take affirmative steps to fit them into their systems. There are some indications that this is happening. State-tribal agreements have been formed regarding jurisdiction in police, taxation, zoning and other governmental service matters. These mutual agreements promise more stability in state-tribal relations. Needed are laws or agreements governing the recognition and enforcement of tribal court judgments. Only then can tribal courts truly take their place as forums for the future.



Case Updates

President Signs Settlement Legislation for Gay Head Wampanoag Tribe

On August 18, 1987, President Reagan signed into law a bill which settles the land claim of the Wampanoag Tribal Council of Gay Head, Inc. to the Town of Gay Head, Massachusetts. The Tribe's claim was based upon the 1790 Nonintercourse Act which prohibits the transfer or sale of tribal lands without the approval of the federal government. Land transfers made in violation of this act are void. NARF represented the Tribe in its land claim.

Under the terms of settlement legislation, the Tribe will acquire 178 acres of land suitable for tribal housing. An additional 250 acres of land will be held in trust for the Tribe but will be kept in its natural state. The cost of the settlement is \$4.5 million and is being shared equally by the State and Federal governments.

The settlement lands will be held in trust for the Tribe and will not be subject to town or state taxation unless it is used for commercial purposes. The State retains civil and criminal jurisdiction over the settlement lands.

Congress Restores Federal Recognition of Texas Tribes

On August 18, 1987, the Alabama-Coushatta Tribe and the Ysleta del Sur Pueblo of Texas were restored as federally recognized tribes by an act of Congress, P.L. 100-89. Through restoration, the Tribes attained the same legal and political status and protections as other

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Case Updates

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Indian tribes of this country. They are now eligible for federal health and other governmental services. NARF represented the two Tribes in their restoration process.

Secretary Approves Retrocession of Jurisdiction Concerning Ely Colony Shoshones

The Ely Colony Shoshones in Nevada are now free of state jurisdiction for the first time since 1955. The State of Nevada offered to retrocede civil and criminal jurisdiction to the federal government and the Colony in 1985. Initially, the Secretary of the Interior refused to accept the retrocession offer. NARF assisted the Colony in persuading the Secretary to reverse his decision.

Supreme Court Declines to Review Tribal Court Jurisdiction

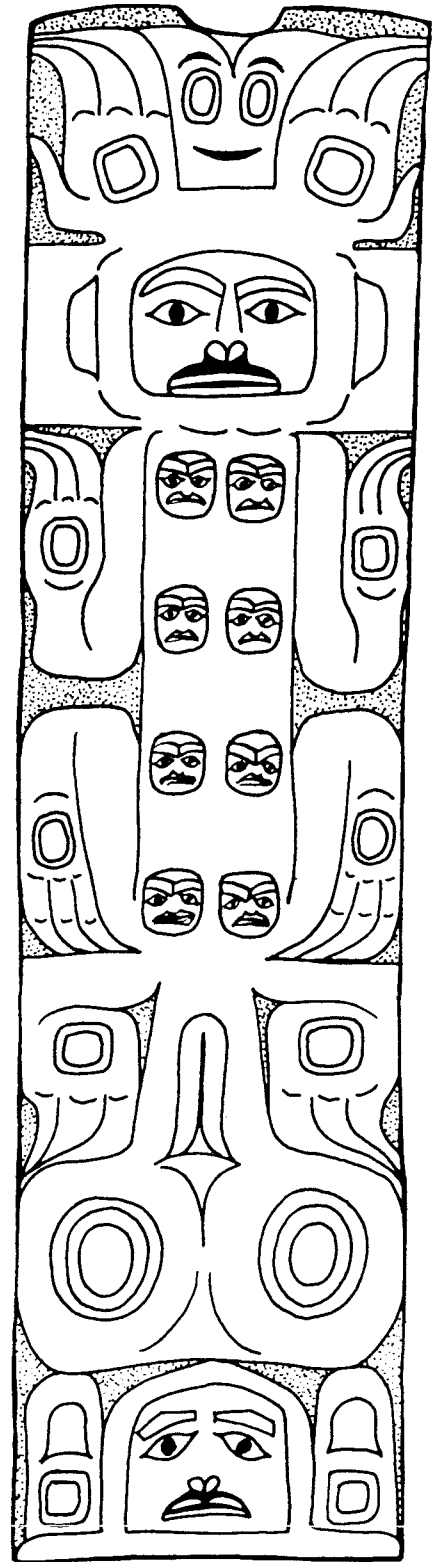
Early this year, the North Carolina Supreme Court decided that tribal courts had exclusive jurisdiction over paternity actions where the mother and father were tribal members. The State of North Carolina asked the United States Supreme Court to review that decision.

At the request of the Eastern Band of Cherokees, NARF filed a brief arguing that the state court decision was correct and that there was no need for the Supreme Court to review it. On October 5, 1987 the Supreme Court decided not to review the case in Jackson County N.C., v. Swayney.

The Bureau of Indian Affairs is Ordered to Consider the St. Croix Band of Chippewa's Request to Have Tribal Lands Placed in Trust.

The St. Croix Band of Chippewas asked the Department of the Interior to have off-Reservation lands placed in trust. The Tribe wanted to establish and conduct a bingo enterprise on the land. The Assistant Secretary for Indian Affairs rejected the request on the basis of an illegal rule published in the Federal Register in violation of the notice and comment rulemaking requirements of the Administrative Procedure Act.

NARF filed suit challenging the rejection based on the illegal rule. In St. Croix Chippewa Indians of Wisconsin v. U.S. Department of Interior, NARF asked the court to order the Department of the Interior to review the Tribe's request under the existing, valid regulation which allows for off-reservation trust placement for purposes of conducting tribal bingo enterprises. In late September, the court ordered the Department to review the Tribe's petition under the lawfully promulgated rules and without any recourses to the illegal rule.



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Case Updates

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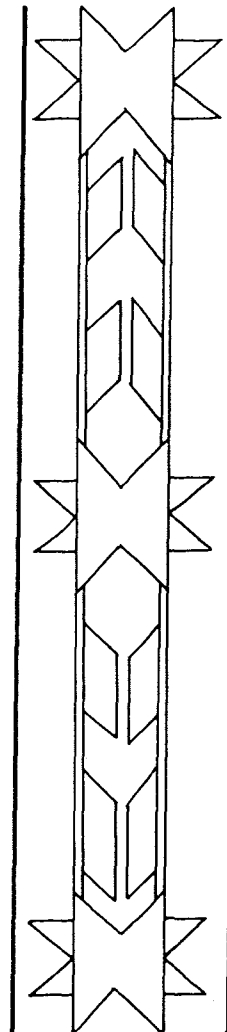
Circuit Court Rules United States has Trust Duty in Management of Oil and Gas Leases on Allotted Indian Lands

Earlier this year, the United States Claims Court ruled that the federal government does not have a trust obligation to individual allottees in the management of oil and gas leases involving Indian lands. Adopting the government's arguments, the Claims Court found the role of the government in such leases was "minimal" and, therefore, no trust relationship existed. On appeal, the Federal Circuit Court of Appeals reversed the decision of the Claims Court and held that the governing statutes and regulations create a trust relationship. The Circuit Court further held that the trust obligation requires the United States to respond in money damages for breach of trust. NARF filed an amicus curiae (friend of the court) brief with the appellate court in Pawnee v. U.S.

Circuit Court Rules that Reservation Boundary Cannot be Adjudicated Without the Consent of the United States

In the continuing proceedings relating to the water rights of the tribes along the southern Colorado River, the Fort Mojave Tribe asserted the right to water for lands that had incorrectly been determined to be outside Reservation boundaries. A non-Indian water claimant filed suit against the United States to adjudicate the Reservation's boundaries. The Quechan and Colorado River Indian Tribes intervened because there are similar issues relating to their Reservations.

The district court found that it had jurisdiction to determine the Reservation's boundaries. On appeal, the Tribes argued that the district court did not have such jurisdiction. In Metropolitan Water District of Southern California v. U.S., the Ninth Circuit Court of Appeals accepted the Tribes' arguments deciding that sovereign immunity precluded a suit against the government to decide title to Indian lands. NARF represented the Colorado River Indian Tribes in the appeal.



people heard him.
 38 ¶ And he said unto the scribes, Beware of his doctrine, which love to go in long clothing, and love salutations in the marketplaces.
 39 And the chief seats in the synagogues, and the uppermost rooms at feasts:
 40 Which devour widows' houses, and for a pretence make long prayers: these shall receive greater damnation.
 41 ¶ And Jesus sat over against the treasury, and beheld how the people cast money into the treasury: and many that were rich cast in much.
 42 And there came a certain poor widow, and she threw in two mites, which make a farthing.
 43 And he called unto him his disciples, and saith unto them, Verily I say unto you, That this poor widow hath cast more in, than all they which have cast into the treasury:
 44 For all they did cast in of their abundance; but she of her want did cast in all that she had, even all her living.
 Deut. 24:6

Peter and Andrew asked him privately, Tell us, when shall these things be? and what shall be the sign when all these things shall be fulfilled?
 5 And Jesus answering them began to say, Take heed lest any man deceive you:
 6 For many shall come in my name, saying, I am Christ; and shall deceive many.
 7 And when ye shall hear of wars and rumours of wars, be ye not troubled: for such things must needs be; but the end shall not be yet.
 8 For nation shall rise against nation, and kingdom against kingdom: and there shall be earthquakes in divers places, and there shall be famines and troubles: these are the beginnings of sorrows.
 9 ¶ But take heed to yourselves: for they shall deliver you up to councils; and in the synagogues ye shall be beaten: and ye shall be

him, I kingdom of God after that I durst tion.
 35 ¶ And Jesus said, while he ple, How sa Christ is the
 36 For Day Holy Ghost Lord, Sit till I make footstool.
 37 David eth him then his people
 38 ¶ his d scribe cloth the n
 39 syn roo

After 2,000 years, it's still the same old story.

It's a Bible story, but it could just as easily be from the Torah. Or the Koran. Or the pages of yesterday's newspaper.

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And, with that, we could give our 20th-century story a far happier ending

What you give is five.
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NARF Resources & Publications

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The National Indian Law Library (NILL) has developed a rich and unique collection of legal materials relating to Federal Indian law and the Native American. Since its founding in 1972, NILL continues to meet the needs of NARF attorneys and other practitioners of Indian law. The NILL collection consists of standard law library materials, such as law review materials, court opinions, legal treatises, that are available in well-stocked law libraries. The uniqueness and irreplaceable core of the NILL collection is comprised of trial holdings and appellate materials of important cases relating to the development of Indian law. Those materials in the public domain, that is non-copyrighted, are available from NILL on a per-page-copy cost plus postage. Through NILL's dissemination of information to its patrons, NARF continues to meet its commitment to the development of Indian law.

AVAILABLE FROM NILL

The NILL Catalogue

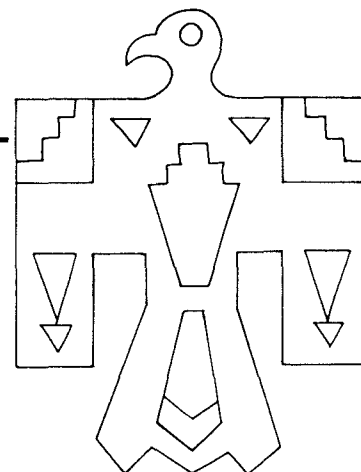
One of NILL's major contributions to the field of Indian law is the creation of the National Indian Law Library Catalogue: An Index to Indian Legal Materials and Resources. The NILL Catalog lists all of NILL's holdings and includes a subject index, an author-title table, a plaintiff-defendant table, and a numerical listing. This reference tool is probably the best current reference tool in this subject area. It is supplemented periodically and is designed for those who want to know what is available in any particular area of Indian law (1,000 + pgs. Price \$75).

Bibliography on Indian Economic Development

Designed to provide aid on the development of essential legal tools for the protection and regulation of commercial activities on Indian reservations. This bibliography provides a listing of articles, books, memoranda, tribal codes, and other materials on Indian economic development. 2nd Edition (60 pgs. Price: \$30.00). (NILL No. 005166)

Indian Claims Commission Decisions

This 43-volume set reports all of the Indian



Claims Commission decisions. An index through volume 38 is also available, with an update through volume 43 in progress. The index contains subject, tribal, and docket number listing. (43 volumes. Price \$820). (Index price: \$25.00). (Available from the Indian Law Support Center).

Prices subject to change

Indian Rights Manual

(Available from the Indian Law Support center)

A Manual For Protecting Indian Natural Resources. Designed for lawyers who represent Indian tribes or tribal members in natural resource protection matters, the focus of this manual is on the protection of fish, game, water, timber, minerals, grazing lands, and archaeological and religious sites. Part I discusses the application of federal and common law to protect Indian natural resources. Part II consists of practice pointers: questions to ask when analyzing resource protection issues; strategy considerations; and the effective use of law advocates in resource protection. (151 pgs. Price \$25).

A Manual On Tribal Regulatory Systems. Focusing on the unique problems faced by Indian tribes in designing civil regulatory ordinances which comport with federal and tribal law, this manual provides an introduction to the law of civil regulation and a checklist of general considerations in developing and implementing tribal regulatory schemes. It highlights those laws, legal principles, and unsettled issues which should be considered by tribes and their attorneys in developing civil ordinances, irrespective of the particular subject matter to be regulated. (110 pgs. Price \$25).

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NARF Resources & Publications

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A Self-Help Manual for Indian Economic Development. This manual is designed to help Indian tribes and organizations on approaches to economic development which can ensure participation, control, ownership, and benefits to Indians. Emphasizing the difference between tribal economic development and private business development, the manual discusses the task of developing reservation economies from the Indian perspective. It focuses on some of the major issues that need to be resolved in economic development and identifies options available to tribes. The manual begins with a general economic development perspective for Indian reservations: how to identify opportunities, and how to organize the internal tribal structure to best plan and pursue economic development of the reservation. Other chapters deal with more specific issues that relate to the development of businesses undertaken by tribal government, tribal members, and by these groups with outsiders. (Approx. 300 pgs. Price \$35).

Handbook Of Federal Indian Education Laws. This handbook discusses provisions of major federal Indian education programs in terms of the legislative history, historic problems in implementation, and current issues in this radically changing field. (130 pgs. Price:\$20).

1986 Update To Federal Indian Education Laws Manual. (\$30.00) Price for manual and update (\$45.00).

A Manual On The Indian Child Welfare Act And Law Affecting Indian Juveniles. This fifth Indian Law Support Center Manual is now available. This manual focuses on a section-by-section legal analysis of the Act, its applicability, policies, findings, interpretations and definitions. With additional sections on post-trial matters and the legislative history, this manual comprises the most comprehensive examination of the Indian Child Welfare Act to date. (373 pgs. Price \$35).

Films and Reports

"Indian Rights, Indian Law." This is a film documentary, produced by the Ford Foundation, focusing on NARF, its staff, and certain NARF casework. The hour-long film is rented from: Karol Media, 22 Riverview Drive, Wayne, NJ 07470 (201-628-9111).

ANNUAL REPORT. This is NARF's major report on its programs and activities. The Annual Report is distributed to foundations, major contributors, certain federal and state agencies, tribal clients, Native American organizations, and to others upon request.

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Native American Rights Fund

The Native American Rights Fund is a nonprofit organization specializing in the protection of Indian Rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.

Our work on behalf of thousands of America's Indians throughout the country is supported in large part by your generous contributions. Your participation makes a big difference in our ability to continue to meet ever-increasing needs of impoverished Indian tribes, groups and individuals. The support needed to sustain our nationwide program requires your continued assistance.

Requests for legal assistance, contributions, or other inquiries regarding NARF's services may be addressed to NARF's main office: 1506 Broadway, Boulder, Colorado 80302. Telephone (303) 447-8760.

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