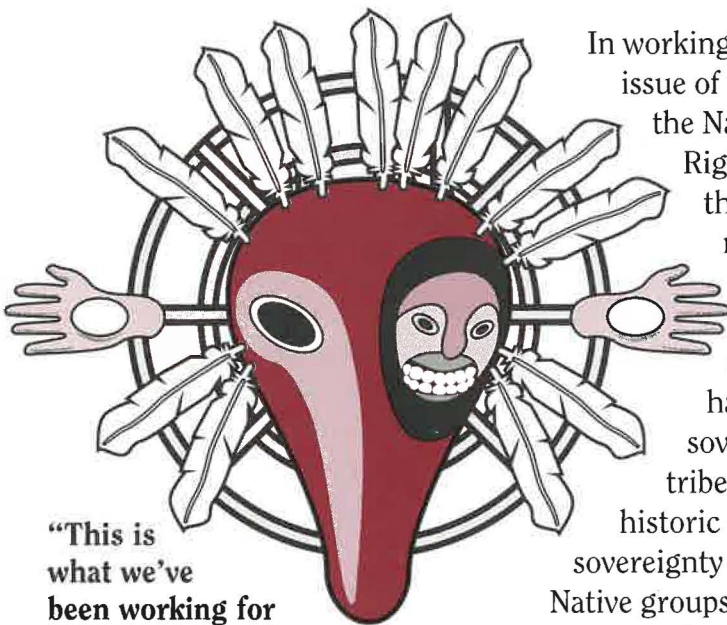


## A MOVE TOWARD SOVEREIGNTY: INTERIOR DEPARTMENT PUBLISHES ALASKA TRIBAL LIST



**"This is what we've been working for for many years ...The acknowledgment by the Department of Interior of the government-to-government relationship that Alaska Native tribes have with the federal government is a significant step towards greater exercise of the right to self-determination."**

Willie Kasayulie, Chairman,  
Alaska Inter-tribal Council/  
Board Member, Native American Rights Fund

In working to resolve the issue of tribal sovereignty, the Native American Rights Fund has taken the lead for the past nine years in assisting Alaska Native tribes to establish that they have the same sovereign status as tribes elsewhere. In an historic move toward sovereignty for 226 Alaska Native groups, Interior Assistant Secretary for Indian Affairs Ada Deer announced the publication of a list of federally-recognized tribes in Alaska on October 15, 1993. Before a crowd of three thousand at the Alaska Federation of Natives Convention in Anchorage, Assistant Secretary Deer effectively called a halt to three decades of federal waffling on the issue of the recognized status of Alaska tribes. Her action was also a critical step toward eliminating thirty years

of overt discrimination against Alaska tribal governments by the State of Alaska.

The State and other opponents of tribal self-determination have consistently maintained that there were no federally recognized tribes in Alaska. The new list is designed to clarify that the anti-Native interest groups are wrong. Publication of the list grew out of years of concerted efforts by Alaska Native villages to assert the same rights and powers held by Indian tribes in the lower forty-eight states. Most often, these claims arose in the context of domestic relations matters, tribal taxation and control over liquor trafficking. These efforts included numerous requests to the Interior Department for a definitive clarification, but all prior administrations avoided confronting the issue. Thus, federal court litigation over the issue ensued.

*continued on page 2*

## Alaska Tribal List

### Alaska Tribal

*continued from page 1*

Three of the leading cases involve domestic relations and tribal taxation efforts by the Native Villages of Venetie and Arctic Village, and Kluti Kaah Native Village of Copper Center. The cases are: *State of Alaska v. Native Village of Venetie* (tribal taxation of non-members on tribal land); *Alyeska Pipeline Co. v. Native Village of Kluti Kaah* (tribal taxation of non-member on Alaska Native Claims Settlement Act corporation land); and *Native Village of Venetie v. State of Alaska* (State refusal to recognize tribal adoption decree). The anti-tribal parties claim that: 1) there are no tribes in Alaska with powers of self-government; and 2) even if tribes exist, any Indian country was impliedly terminated by passage of the Alaska Native Claims Settlement Act in 1971.

Congress has defined Native villages as "tribes" in numerous statutes and has likewise defined Native lands as "Indian country" in some cases. Despite this congressional treatment, the Department of Interior had refused to take a firm stand on the tribal status or powers of Alaska tribes on the

ground that such questions should be left to the courts. Since the Department abdicated its responsibility, the tribes had no choice but to seek a judicial resolution. After almost ten years of hard-fought litigation by NARF and other attorneys representing the tribes, the issues were still not totally resolved, but federal court decisions favored the tribes on both questions.

In a move unquestionably calculated to undercut the legal position of the tribes in the *Venetie* and *Kluti Kaah* cases, former Interior Department Solicitor Tom Sansonetti came forth on January 11, 1993 with a detailed Opinion on these

critical issues. This last minute Solicitor's Opinion from the Bush Administration refused to acknowledge explicitly the tribes' federally recognized status and endorsed the State's claim that there is no "Indian country" in Alaska. The Solicitor accordingly concluded that any tribes that did exist in Alaska lacked governing powers over land or non-members. This Opinion was issued over the strong and unanimous objection of the entire Native community as well as the Clinton transition team, which repeatedly requested that it be withheld in order that the new Administration could make its own decision on these matters.

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The Solicitor's Opinion concluded that most Native villages could be "presumed" to have tribal status, but declined to determine which specific villages had recognized tribal status. This failure would have required each of the 226 tribes to bring separate lawsuits to prove their tribal status, or as the Ninth Circuit Court of Appeals put it, prove they are the "modern day successors to historically sovereign bands of Native Americans." There is little doubt they could provide such proof, but the expense of hiring the lawyers, historians and anthropologists required would have been utterly prohibi-

tive for virtually all tribes. Nor were the few organizations that provide legal aid to the tribes capable of representing 226 tribes in 226 federal lawsuits. Thus, in the absence of Executive action, the tribal status of Alaska tribes would have remained in a state of limbo — precisely where the Interior Department's equivocation had left them for the past three decades.

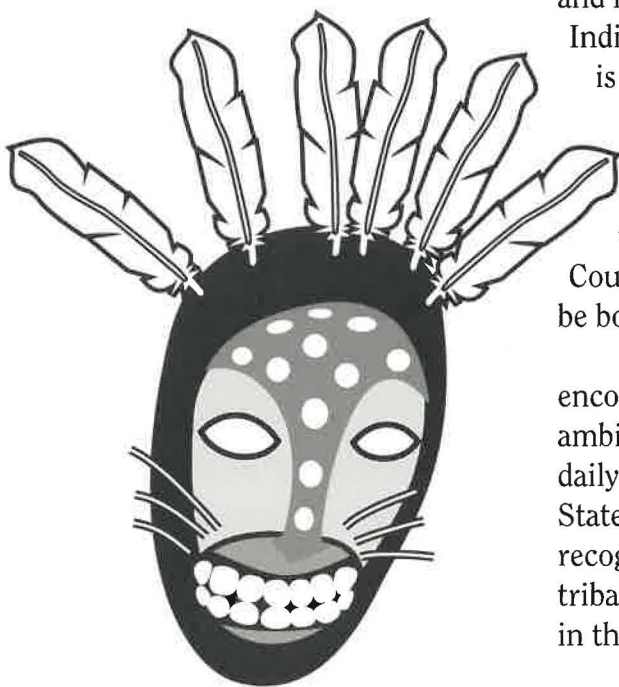
The Department's equivocation had a devastating effect upon the tribes in the state courts. It enabled the Alaska Supreme Court to take the position that aside from Metlakatla "there are not now and never have been tribes of Indians in Alaska as that term is used in Federal Indian Law." Had the Department unequivocally recognized the tribal status of Native villages, even the Alaska Court acknowledged it would be bound by that determination.

The State's position, encouraged by the Department's ambivalence, directly affected daily life in the villages. The State, for example, refused to recognize the validity of existing tribal adoptions, which number in the thousands. As a result,

Native adoptive parents were denied Aid for Families with Dependent Children (AFDC) and other benefits. The State refused to recognize tribal sovereign immunity from suit, thereby subjecting tribes to the threat of bankruptcy, foreclosure, loss of lands, and ultimately their very existence. The State also refused to recognize tribal taxing powers which are indispensable to the provision of critical social services and the effective operation of tribal governments.

In fact, the State maintained that because the villages had not been federally recognized as tribes, they lacked any inherent governing powers whatsoever — even over their own members. Therefore, according to the State, tribal councils have no authority to exercise the most basic power of a civilized community — the power to keep the peace — a power which they have exercised since time immemorial. The State's unceasing hostility to Native tribal status, together with Interior's equivocation, inevitably had a chilling effect upon tribal actions, particularly their exercise of governmental

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## Alaska Tribal List

### Alaska Tribal

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functions. So long as the federal government wavered with regard to their tribal status, the tribes' goal of self-determination was denied.

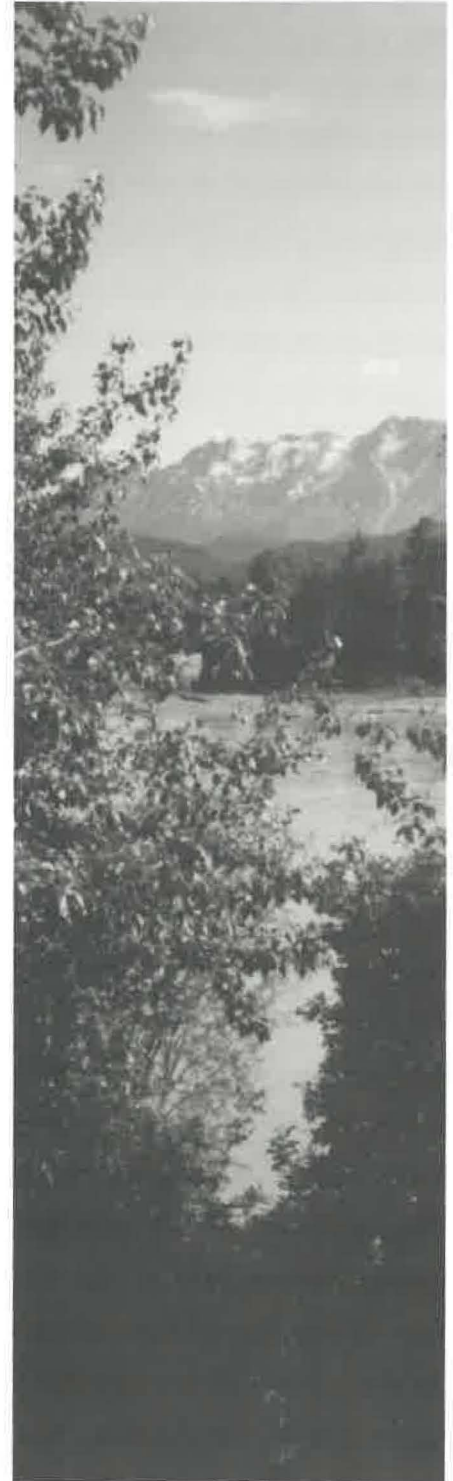
The only alternatives for resolving the tribal status issue, outside of hundreds of court cases, rested with the political branches of government. But as long as the State government and the Alaska congressional delegation remained adamantly opposed to Native tribal status, there was little chance of a congressional resolution. Accordingly, the only practical remedy was Executive action. In order to affirm the villages' tribal status and erase the January, 1993, Opinion's erroneous conclusion with respect to the Tribes' governing powers, NARF urged the Department to publish a list of Federally Acknowledged Tribes that expressly recognized the tribal status of Alaska tribes, and to seek withdrawal of the former Solicitor's Opinion of January 11, 1993 insofar as it denied the existence of Indian country and tribal territorial powers in Alaska.

The Supreme Court has repeatedly held that when either

the Executive or the Congress has recognized a tribe, the judiciary must defer to their judgment.

In reference to all matters of this kind, it is the rule of this court to follow the action of the executive and the other political departments of the government, whose more special duty it is to determine such affairs. If by them those Indians are recognized as a tribe, this court must do the same. *United States v. Holliday*.

The courts have never deviated from this position. No Congressional or Executive determination of tribal status has ever been overturned by the judiciary. Accordingly, to resolve the tribal status issue once and for all, the Department needed only to publish a list that expressly and unequivocally recognized that Alaska tribes have the same recognized tribal status as tribes in the lower 48 states. To her everlasting credit, Assistant Secretary of the Interior Ada Deer did precisely that on October 15, 1993. The list is preceded by an introduction which makes it crystal clear that





## Alaska Tribal List

Alaska tribes have the same sovereign status as tribes in the lower 48 states:

**The purpose of the current publication is to publish an Alaska list of entities conforming to the intent of 25 C.F.R. § 83.6(b) and to eliminate any doubt as to the Department's intention by expressly and unequivocally acknowledging that the Department has determined that the villages and regional tribes listed below are distinctly Native communities and have the same status as tribes in the contiguous 48 states. Such acknowledgment of tribal existence by the Department is a prerequisite to the protection, services, and benefits from the Federal Government available to Indian tribes. *This list is published to clarify that the villages and***

***regional tribes listed below are not simply eligible for services, or recognized as tribes for certain narrow purposes.***

***Rather, they have the same governmental status as other federally acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States; are entitled to the same protection, immunities, privileges as other acknowledged tribes; have the right, subject to general principles of Federal Indian law, to exercise the same inherent and delegated authorities available to other tribes; and are subject to the same limitations imposed by law on other tribes.***

The list and its preamble have had the intended effect. The State of Alaska and the oil companies opposed to the tax in

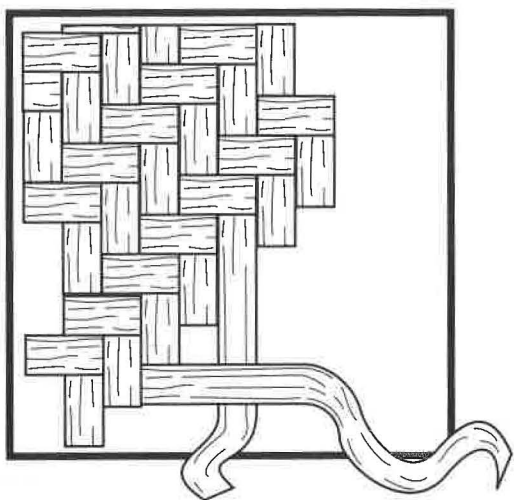
*Alyeska Pipeline Co., et al. v. Native Village of Kluti Kaah*, have dismissed their claim that Kluti Kaah lacks tribal status.

With the issue of tribal status for Alaska tribes resolved, NARF now turns its resources to the question of whether the tribes are "Indian Country" and thus have the same powers as tribes on reservations in the lower 48 states. The publication of the list did not resolve the issue of "Indian Country" and did not withdraw or reverse the Solicitor's Opinion. NARF currently has two federal cases pending which should go a long way towards resolving the issue for virtually all Alaska tribes. The Venetie tax and adoption cases were the subject of trial before the federal district court for Alaska in November of 1993. That week-long trial was conducted by Bob Anderson of NARF and Judy Bush of Alaska Legal Services. The Kluti Kaah tax case was tried before the same court in January of 1994 by Lare Aschenbrenner and Heather Kendall of NARF. Rulings in these cases, which are expected late next summer, will have a great impact on the future of tribal sovereignty in Alaska.



# PRESIDENT CLINTON SIGNS

## Catawba Land Claim Settlement and Tribal Restoration into Law



On October 27, 1993, President Clinton signed into law Public Law No. 103-116, the "Catawba Indian Land Claim Settlement Act of 1993." The signing of this Act formally ended 153 years of conflict between the Catawba Tribe and the State of South Carolina. In addition to settling the Tribe's 1763 Treaty land claim, the Act restores the government-to-government relationship between the United States and the Catawba Tribe which had been terminated by Congress in 1959. In addition to \$30 to \$40 million in benefits and contributions, the settlement provides for payment to the Tribe of \$50 million over five years from federal, state, and local governments and private contributors. These funds will be placed in trust funds for land acquisition, economic development, education, social services and elderly assistance, and per capita payments. Finally, the settlement act effectuates a comprehensive jurisdictional compact between the Tribe and the State and local governments. NARF has represented the Tribe on this case since its inception in June, 1975.

**The following is the text of remarks prepared by NARF Attorney Don Miller, who has served as lead counsel in the Catawba case since it began in 1975. Don Miller delivered these remarks to the Catawba Tribe at a banquet held on the Catawba Reservation on November 26, 1993, in celebration of the enactment of Public Law No. 103-116.**

As a preliminary matter, I would like to introduce four people who have contributed greatly to the cause of the Catawba Tribe. Without the support and understanding of my family, it would not have been possible for me to meet the time and travel requirements of the case. My wife Cynthia Pemberton Miller. My eldest son Zachary, who was 18 months old when we began the case and who now, at 19, stands six foot four and blocks out the sun. My second son Aaron, born a year after the case was begun, now a junior in high school. And finally, Master Samuel Robertson Miller, age six.

This weekend marks the close of one very long, very difficult chapter in the history of the Catawba Tribe. It also marks the beginning of a new,



## Catawba Land Claim

more hopeful chapter of Catawba history. Lots of people worked hard to bring us to this point. Many of them are here with us tonight — many are not. I am sure that each of us remembers a relative or close friend who contributed to the Tribe's effort over the years. Personally, I am especially saddened by the fact that Sam Beck is not with us tonight. No one worked harder than Sam Beck did to bring about a just resolution of this claim.

But it is not my purpose tonight to attempt to relive or recount the struggles of the last eighteen years. Everyone here is aware to some degree of the effort involved. Instead, I would like to look to the future and in so doing would like to say a few words primarily to the members of the Catawba Nation.

I am sure that most of you feel a sense of joy, a sense of accomplishment, perhaps relief, and for most, I imagine, there is a sense of anticipation. And in anticipating what lies ahead, I'm sure many of you have experienced a feeling of uncertainty — for the Catawba Tribe is now in unfamiliar territory. No longer can the Catawba Indian Tribe be perceived by you or by others

mainly in terms of what you have lost and what has been taken from you.

Eighteen years ago, for the first time in over 200 years, you as a people decided to take a firm stand — you said to the dominant society: "Enough! You must give back at least some small measure of what you have taken from us." And you, the Catawba people, for the first time in a very long while, took the offensive. And although you didn't always agree among yourselves, you made difficult decisions to press on under conditions that were at best very risky, and which at times seemed hopeless. And although you honored your centuries-old tradition of making concessions when necessary for survival — you persevered — **AND YOU PREVAILED.**

So in the very near future, when you are called upon to make decisions about what this Tribe will strive for — what it will seek to accomplish — to decide whether you dare to dream grand dreams — I urge each of you to remember that if you stick together, you can move mountains.

What I am saying is that  
*continued on page 8*



## Catawba Land Claim

### Catawba Land Claim

*continued from page 7*

for this Tribe to “turn it around” and achieve genuine and lasting economic and governmental success — it will require a fundamental, basic, change in the way you perceive of yourselves as a Tribe. No, I am not suggesting that anyone forget the past. The painful lessons taught by the loss of your ancestral lands and the ravages of termination must never be forgotten. But the defining events that shape your tribal existence are no longer to be found exclusively in the record of promises broken and opportunity denied.

You, and each of you, must realize that in one very important way, you have already redefined the Catawba Nation. The settlement and restoration has become the event that will define, in many ways, what you as a Tribe will become. And that defining event, for the first time in a very long time, is a positive and hopeful one.

The Catawba Tribe has won a major victory. In the near future, you will possess the economic resources and governmental tools with which you may forge and shape your own destiny. It will be up to you — and it almost certainly will be

the final opportunity. I doubt that there will be any more opportunities like this one — any more second chances. But in order for you as a Tribe to seize control of your future, you must believe and understand in your hearts that you — the Catawba People — are winners. You must know in the very fiber of your being that victory and success is possible. You must believe in and trust in yourselves and each other. The potential of the settlement and restoration will never be realized unless each of you has the patience, the determination, and the will to put the interests of





your children, and their children, and their children, first and foremost.

I suspect that many among you have wondered privately whether the Catawba Tribe can successfully manage success. Change is difficult — it is threatening. It threatens our established ways of looking at ourselves and the world around us. Change often demands of us new methods of problem solving, new approaches to old relationships. And even the changes that are brought about by the most favorable of events are in many ways disruptive and unsettling.

Make no mistake about it: this Tribe's transformation from a small Tribe with few economic resources and even fewer powers of self-government, to a multi-million dollar governmental and economic enterprise will be disruptive and unsettling to each of you in some way. Each of you as individuals, and all of you as a Tribe, will be called upon to at once be flexible and adaptive to new and unfamiliar situations, while at the same time preserving, protecting, and restoring that which is beautiful and unique to the Catawba people

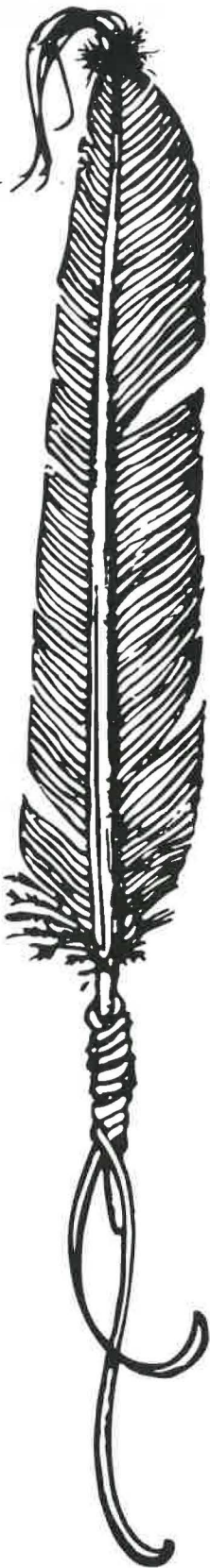
and its culture.

Throughout the last 300 years, the Catawba Nation has risen to each challenge with dignity and perseverance. The challenges of the coming decade will demand a degree of determination, perseverance, flexibility, and trust that far exceeds the demands of the past.

I have no doubt that you will rise to this challenge. You have solid, committed leadership. Your leadership rivals that of any government in this country — federal, state, local or tribal — in terms of vision and integrity. Your Executive Committee has worked tirelessly under difficult circumstances to bring an honorable and just resolution to this centuries-old conflict. And in more than twenty years of representing Indian tribes around the country, I have never met a wiser, more gifted leader than Chief Gilbert Blue.

And finally, please remember that your greatest resource remains the people of the Catawba Nation. I am truly honored to have had the privilege of working for you and with you. It has certainly been one of the defining endeavors of my life. Thank you.





# CASE UPDATES

## Legislation To Protect Native American Religious Freedom

Indian country is gearing up for a critical legislative battle in the Second Session of the 103rd Congress, beginning in January, 1994, for passage of much needed federal legislation to protect Native American religious freedom. As reported in earlier *Narf Legal Review* editions, Supreme Court decisions in the *Lyng* (1988) and *Smith* (1990) cases stripped Native Americans of First Amendment protections for traditional worship in the manner of their ancestors. This lack of American legal protection created a growing human rights crisis in Indian country, which has been the subject of nine congressional hearings in 1992 and 1993.

To combat this injustice, NARF and other native organizations formed the Native American Religious Freedom Coalition (which is presently composed of over 100 Indian tribes, native organizations, religious groups, environmental organizations and human rights groups) to develop and support federal legislation to overturn these Supreme Court cases and restore Native Americans to the protections of the First Amendment. On May 25, 1993, Sena-

tor Inouye and other co-sponsors introduced the Native American Free Exercise of Religion Act of 1993 (S. 1021) ("NAFERA"), which has undergone intensive review by the Clinton Administration during the Summer and Fall. A Senate hearing on September 10, 1993, resolved constitutional issues concerning the bill and another hearing is expected in March 1994, to receive Administration and tribal testimony, as the Senate begins the process of refining and moving the bill. House legislation is expected to be introduced by Representative Bill Richardson early in the Second Session as well.

In a related action, President Clinton on November 15, 1993, signed into law the Religious Freedom Restoration Act ("RFRA"), which was supported by NARF and a wide range of other native, religious and civil libertarian groups. While RFRA is a good first-step in restoring the "compelling state interest" test, recently abandoned by the Supreme Court as the standard for protecting American religious liberty, both the President and Congress are aware that full restoration of Native American



religious liberty is necessarily dependent upon the enactment of additional Native legislation such as NAFERA. As President Clinton stated when he signed RFRA:

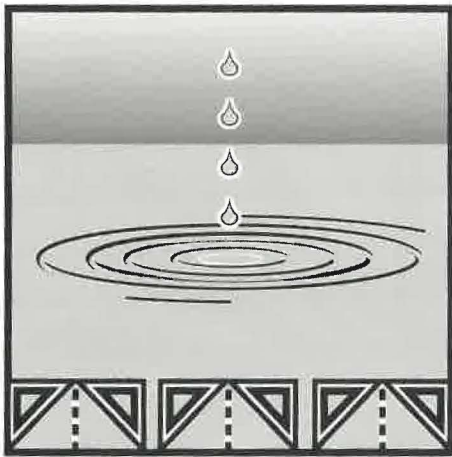
**The agenda for restoration of religious freedom in America will not be complete until traditional Native American religious practices have received**

**the protection they deserve. My Administration has been and will continue to work actively with Native Americans and the Congress on legislation to address these concerns.**

NARF represents the Native American Church of North America in this struggle.

*All Americans of good conscience are asked to actively join Native people in support of their legislative struggle for cultural survival during this critical legislative phase, which will be on-going through the Fall of 1994. For more information on how to help, contact NARF staff attorneys Walter Echo-Hawk (303/447-8760) or Robert Peregoy (202/785-4166).*

## Judge Issues Preliminary Ruling In Favor Of Alaska Native Rights



United States District Judge Russel Holland issued a preliminary ruling on January 14, 1994, that will impose federal subsistence law on all navigable waters in Alaska. In *John v. U.S.*, Judge Holland outlined a tentative ruling on the lawsuit of Katie John, an elder from Mentasta who filed suit against the state and federal governments for the right to fish at her family's camp on the Copper River in Alaska. If the U.S. District Court order stands, federal subsistence law would apply on all navigable waterways in the State of Alaska.

In representing Katie John, NARF attorneys acknowledged that the order, if it stands,

will have major ramifications on how fish in Alaska are managed. The ruling takes the tribes back to regulations under the state's old subsistence law, which were ruled unconstitutional by the Alaska Supreme Court, and also makes it clear that customary and traditional uses have to be protected.

In 1984 two women, Katie John and Doris Charles, submitted a proposal to the State Board of Fisheries to allow subsistence fishing at a traditional fishing village at the confluence of the Copper River and Tanana Creek after the board closed the area to fishing with nets and fish wheels. The fish board turned them down and

*continued on page 12*

### Preliminary Ruling

*continued from page 11*

NARF filed suit in federal court on their behalf.

The board later allowed a limited subsistence take that proved to be insufficient. In 1989, the federal court issued an injunction ordering the state to allow full-time fishing at the site. The court ruled that the women's rights to subsistence, granted by Congress when it passed the Alaska National Interest Lands Conservation Act, were being violated.

The Act allowed rural residents, Native and non-Native, subsistence hunting and fishing rights. Subsistence users generally had longer seasons and catch limits than sport fishermen, and under the law, their catch must be ensured above all other users in times of shortages. However, in 1989, the Alaska Supreme Court ruled that the rural preference unfairly denied hunting and fishing rights to urban-dwellers.

Thereafter, the federal government assumed subsistence hunting management from the state on federal land. The new Federal Subsistence Board refused

to take over most subsistence fisheries since they believed that the state legally controlled all navigable waters.

This move forced a new suit to be filed by John and Charles against the federal government. The state, in joining the United States, argued that the federal government has no legal power over navigable waterways.

In his ruling Judge Holland wrote that ... "By limiting the scope of (federal subsistence law) to non-navigable waterways, the (Interior Department) Secretary has, to a large degree, thwarted Congress' intent to provide the opportunity for rural residents engaged in a subsistence way of life to continue doing so."

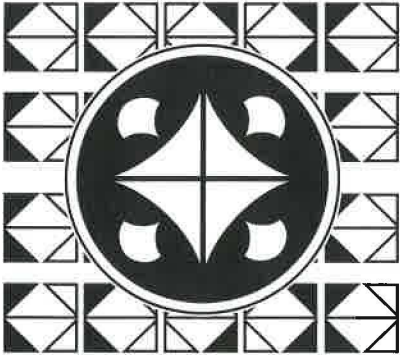
He continued, "Much of the best fishing is in the large navigable waterways where one has access to the most fish. ..." "By their regulations which exclude navigable waters from the jurisdiction of the Federal Subsistence Board, the Secretary abandoned to ... state control the largest and most productive waters used by rural Alaskans who have a subsistence life-style."

The judge has scheduled another hearing for attorneys to make additional arguments. NARF has represented Katie John since 1985.





## Tribal Court Ruling A First



In January, 1994, in *Mustang Fuel Corporation v. Cheyenne-Arapaho Tax Commission*, the Supreme Court of the Cheyenne and Arapaho Tribes affirmed the tribal district court's decision upholding the authority of the Cheyenne-Arapaho Tribes of Oklahoma to impose a severance tax on oil and gas development activities

by energy companies on allotted Indian lands held in trust for individual Cheyenne and Arapaho tribal members. NARF represents the Tribe's Tax Commission in this first tribal court proceeding of its kind anywhere in the country.

## Miami Nation v. Babbitt



The Miami Tribe of Indiana is seeking to restore its government-to-government relationship with the United States. The Miami Tribe makes four claims in this case. The first is that they were recognized in an 1854 treaty and have never been terminated. The other three claims relate to the Department of the Interior's decision on the Miamis' petition for recognition. Both the Tribe and the government moved for summary judgment on the first claim. The motions were briefed and a hearing was held on July 23, 1993. Shortly thereafter, the court dismissed the Tribe's first claim, ruling that it was barred by the statute of limitations.

Although the judge indicated that he thought the Indiana Miamis had been separately recognized in 1854, he went on to say that they should have attempted to sue the government as early as 1897. Unable to appeal that decision until the district court deals with the other claims, NARF has begun the process of discovery on the second and third claims and will move for summary judgment early in 1994.

This case will determine numerous issues for many tribal recognition clients as to challenges to Bureau of Acknowledgment and Research decisions on petitions for acknowledgment.

# NARF ATTORNEY

## Don Brantley Miller

Don Brantley Miller is a staff attorney in the Boulder office. Before transferring to the Boulder office in 1977, he was Directing Attorney of NARF's Washington, D.C. office for almost three years. In his 19 years with NARF, Don Miller has represented tribal clients on a variety of issues, including possessory land claims, Congressional restoration of terminated tribes' trust relationship with the United States, water rights, hunting and fishing rights, voting rights, taxation and matters before the Federal Energy Regulatory Commission. In 1985, he argued two cases before the United States Su-

preme Court, and has represented tribes before various Federal Courts of Appeals, district courts and the United States Court of Federal Claims.

In recent years, he has devoted most of his time to the complex federal court litigation and settlement negotiations leading to Congressional resolution of the Catawba Tribe's land claim and restoration.

In 1989, Don Miller was selected by Barrister, the magazine of the Young Lawyer Division of the American Bar Association, as one of 20 young attorneys in the nation whose work is charged with excellence and makes a difference in our

world.

Prior to coming to NARF, Don Miller was the first director of the Organization of the Forgotten American, which provided legal, economic, consumer protection and health services to the Klamath Indians in Oregon. He has a B.S., University of Colorado (1969); J.D., University of Colorado (1972); admitted to practice law in Colorado and the District of Columbia; the United States Supreme Court, United States Courts of Appeals for the Fourth, Fifth, Ninth, D.C., and Federal Circuits and the United States Court of Federal Claims.



photo credit: Nico Toutenhoofd *Boulder Daily Camera*



**Don Brantley Miller**  
Native American Rights Fund  
Attorney



# NEW NARF BOARD MEMBERS

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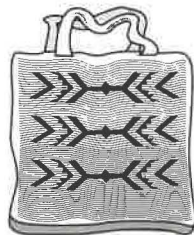


**Rev. Kaleo Patterson** is an ordained minister in the United Church of Christ (UCC) and presently serves as Director of the Hawai'i Ecumenical Coalition. Rev. Patterson is also a national board member of the North American Coordinating Center for Responsible Tourism, and the Racial Justice Working Group of the National Council of Churches, and serves as vice moderator of the Pacific Islander and Asian American Ministries. He has been actively involved in community organizing on Kaua'i over the past several years.

Rev. Patterson received the Master of Divinity from Bangor Theological Seminary in Maine. He previously received an associates degree from Leeward Community College in O'ahu, attended the University of Alaska and received a B.S. from the State University of New York.

In 1992, Rev. Patterson received the Martin Luther King, Jr., Civil Rights and Peace Advocate Award from the Kaua'i MLKJr Commission, and in 1993 he received the Martin Luther King, Jr. Hawai'i Peacemaker Award from the Church of the Crossroads (UCC) on Oa'hu. Recently, he received the 1993 Just Peace Nominee Award for the United Church of Christ Office of Church in Society.

Rev. Kaleo Patterson replaces Mahealani Kamauu, Native Hawaiian, on the NARF Board of Directors.



**Kathryn Harrison** is currently the Vice-Chairperson of the Tribal Council of the Confederated Tribes of Grand Ronde in Oregon. She has served on the Tribal Council since 1981, and previously held the positions of Chairperson and Secretary and is a member of the Molalla Tribe. Kathryn is also a member of the Oregon Commission on Indian Services, a delegate to the Native American Program of Oregon Legal Services and tribal delegate to the National Con-

gress of American Indians.

In the recent past, Kathryn was secretary for the Affiliated Tribes of Northwest Indians, a member of the Oregon State Historic Preservation Committee and Community Organizer for the Confederated Tribes of Grand Ronde. She has been the coordinator for the Inter-tribal Sweatlodge and resource speaker for the Coos Bay Indian Education Program.

Kathryn is an eloquent speaker as she relates Tribal history, culture and traditions to groups and organizations. She is also knowledgeable of the overall process of how government functions and knows the value of diplomacy in dealing with other entities while addressing controversial and sensitive matters. In Oregon's 1992-93 legislative session, Kathryn worked with members of the legislative assembly to pass a law protecting sites pertaining to Native American origin. Kathryn has received much of the credit for the successful conclusion of the legislative effort.

Kathryn Harrison will be replacing Calvin Peters, Squaxin Island, Washington, on the NARF Board of Directors.



## NARF Welcomes New Member to National Support Committee

NARF is pleased to announce

that Michael J. Driver, Attorney at Law, has recently joined our National Support Committee. Mr. Driver is a member of the Environmental Practice Group and the Public Policy Practice Group of the Washington, D.C. and Denver law firm of Patton, Boggs and Blow. Mr. Driver represents and counsels corporate, non-profit and government clients in environmental and public policy matters, as well as state and federal regulatory and legislative matters.

Prior to joining Patton, Boggs and Blow, Mr. Driver was with the Washington and Los Angeles law firm of Wickwire, Gavin and Gibbs, and was a partner in the Washington and Denver law firm of Sisk, Foley, Hultin and Driver.

Mr. Driver has served as a director of a number of corporations, trade associations, and non-profit charitable corporations. He served on the National Executive Committee of Clinton for President and was a member of the Clinton National Finance Committee. He also served on the 1993 Presidential Inaugural Committee and the Natural Resources Section of the Clinton Transition Team.

Mr. Driver graduated from Amherst College, attended graduate school in business and law at the University of Chicago, and received his juris doctor degree from the University of Denver College of Law.

On behalf of the Board of Directors and staff, we would like to welcome Mr. Driver to the National Support Committee of the Native American Rights Fund.

## Honor Bestowed On Member Of National Support Committee

Wilma P. Mankiller, Principal Chief of the Cherokee Nation, was inducted in the National Women's Hall of Fame on October 9, 1993, in Seneca Falls, New York. She was named among 36 distinguished American women to be inducted in the Hall of Fame as part of the largest honors ceremony in its 24 year history. Other honorees include Gloria Steinem and Shirley Chisolm. Congratulations Wilma!

## MASHANTUCKET PEQUOT TRIBE Makes Major Contribution to NARF's 21st Century Endowment Fund



NARF is extremely pleased to have recently received a \$100,000

contribution to

NARF's 21st Century Endowment Fund from the Mashantucket Pequot Tribe of Ledyard, Connecticut.

The NARF Board of Directors established the endowment fund to prepare a firm financial foundation for the future. An endowment will guarantee interest revenue each year to increase the amount of general support moneys now available to NARF through generosity of individuals, foundations, corporations, and tribes.

The Ford Foundation, which played a key role in providing funding to establish NARF 24 years ago, has contributed one million dollars toward the endowment on the condition that NARF raise an additional two million dollars. Money in this fund will be permanently invested, providing a stable and relatively predictable stream of revenue to fund ongoing operations.

In order for NARF to sustain its program of national Indian legal representation into the future, we count on the continued financial support of all those who have assisted us throughout the nation.



# NARF RESOURCES AND PUBLICATIONS

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## THE NATIONAL INDIAN LAW LIBRARY



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, and legal treaties, 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 are non-copyrighted, are available from NILL on a per-page-cost plus postage. Through NILL's dissemination of information to its patrons, NARF continues to meet its commit-

ment to the development of Indian law.

### Available From NILL

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**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) (1985 Supplement \$10; 1989 Supplement \$30).

**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). (NILL No. 005166)

### Indian Claims Commission

**Decisions.** This 47-volume set reports all of the Indian Claims Commission decisions. An index through volume 38 is also available. The index contains subject, tribal and docket number listing. (47 volumes. Price \$1,175). (Index priced separately at \$25).

### Also available from the National Indian Law Library:

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*Top Fifty, a Compilation of Significant Indian Cases*, \$75.00  
*Handbook of American Indian Religious Freedom*, edited by Christopher Vescey, 1991, \$15.00

*American Indian Law: Cases and Materials*, Robert N. Clinton, Nell Jessup Newton, Monroe E. Price, Third Edition, 1991, \$45.00

*American Indian Law: In a Nutshell*, William C. Canby, Jr., Second Edition, 1988, \$16.00  
*American Indians, Time and the Law*, Charles F. Wilkinson, 1986, \$13.00

*Federal Indian Law: Cases and Materials*, David Getches and

Charles Wilkinson, Third Edition, 1993, \$54.00

*Felix S. Cohen's Handbook of Federal Indian Law*, Felix S. Cohen, edited by Rennard Strickland, 1982 Edition, \$85.00  
*The Rights of Indians and Tribes*, Stephen L. Pevar, Second Edition, 1992, \$8.00

**PRICES SUBJECT TO CHANGE**

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## INDIAN LAW SUPPORT CENTER PUBLICATIONS

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The following materials are available from the Indian Law Support Center (all prices include postage and handling). Please send all requests for materials to: Indian Law Support Center, Attn: Debbie E. Thomas, 1506 Broadway, Boulder, Colorado 80302.

**1988 Update to The Manual for Protecting Indian Natural Resources.** The Indian Law Support Center is pleased to announce the availability of the 1988 Update to its Manual for Protecting Indian Natural Resources. The Manual covers the developments in natural resource law over the past six years since the publication of

the original manual in 1982.

**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. (Must be purchased with Update.)

The update is available for the price of \$30.00. The original manual and the update are available for \$50.00.

**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 economics 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 non-tribal entities. \$35.00

**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. (Must be purchased with update.)



**1986 Update To Federal Indian Education Laws Manual.** The Update is available for \$30.00. The price for original manual and update is \$45.00.

**A Manual On The Indian Child Welfare Act And Laws Affecting Indian Juveniles.** 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. (Must be purchased with Update.)

**1992 Update to the Indian Child Welfare Act and Laws Affecting Indian Juveniles Manual.** The 1992 Update provides a section-by-section legal analysis of the Act as well as the developments in Indian Child Welfare Act case law over the past eight years since the publication of the original manual in 1984. The 1992 Update and the original Manual comprise the most comprehensive examination of the Indian Child Welfare Act to date.

The original manual and the 1992 Update are available for \$50.00. If you have the original

manual and require only the Update, it is priced at \$35.00.

**Prison Law and the Rights of Native Prisoners.** This manual focuses on the first amendment religious free exercise rights of Indian prisoners in state and federal penal institutions, with an emphasis in legal forms and pleadings for use by prisoners in *pro se* litigation. \$20.00

The *Indian Law Support Center Reporter* is available to LSC funded programs free of charge. To non-LSC organizations there is a \$36.00 subscription fee for 1 year.

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**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.

**THE NARF LEGAL REVIEW** is published biannually by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. Ray

Ramirez, Editor. There is no charge for subscriptions, but contributions are requested.

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# NATIVE AMERICAN RIGHTS FUND

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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