

NARF

Native American Rights Fund

LEGAL REVIEW



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NARF OBSERVES 25TH ANNIVERSARY



Looking back over the past 25 years, NARF has represented over 190 Tribes in 31 states in such areas as tribal restoration and recognition, land claims, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides made in achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its availability to bring excellent, highly ethical legal representation to dispossessed Tribes. The survival and strengthened sovereignty of the nation's federally recognized tribes are due, in no small measure, to the battles waged and won by the Native American Rights Fund.

The Need For NARF

In the 1960's the United States government adopted new policies and programs in a widespread effort to address some of the social ills affecting the country. As part of this "War on Pov-



erty," the Office of Economic Opportunity launched government-funded legal services programs throughout the nation to provide legal representation to the disadvantaged. Those programs which were set up on or near Indian reservations and large

Indian communities came to realize that the legal problems being brought forth by their Indian clients were, for the most part, governed and controlled by a little known area of law — "Indian Law" — that was driven by trea-

Continued on page 2

NARF Observes

continued from page 1

ties, court decisions, federal statutes, regulations and administrative rulings. They also found that few attorneys outside of the legal services system were willing to represent Indians, and those who did generally worked on a contingency basis, only handling cases with anticipated monetary settlements.

During this same period the Ford Foundation, which had already assisted in the development of the NAACP Legal Defense Fund and the Mexican American Legal Defense Fund, began meeting with California Indian Legal Services (CILS) to discuss the possibility of creating a similar project dedicated to serving the nation's indigenous people. CILS had already established somewhat of a reputation for taking on Indian legal cases. As a result of those meetings, the Ford Foundation awarded California Indian Legal Services a planning grant in 1970 to launch the Native American Rights Fund.

The Establishment of NARF

As a pilot project of California Indian Legal Services, NARF was founded in 1970. During this time period the first NARF attorneys traveled throughout the country to find out firsthand from the Indian communities what the legal issues were. They also began

a search for a permanent location for the project which was initially being housed at CILS's main office in Berkeley, California. The site needed to be centrally located and not associated with any Tribe. In 1971, NARF selected its new home and relocated to Boulder, Colorado.

An eleven member all-Indian Steering Committee (now a 13 member Board of Directors) was selected by the CILS Board of Trustees to govern the Fund's activities. Individuals were chosen (as they continue to be today) based on their involvement and knowledge of Indian affairs and issues, as well as their tribal affiliation, to ensure a comprehensive geographical representation.

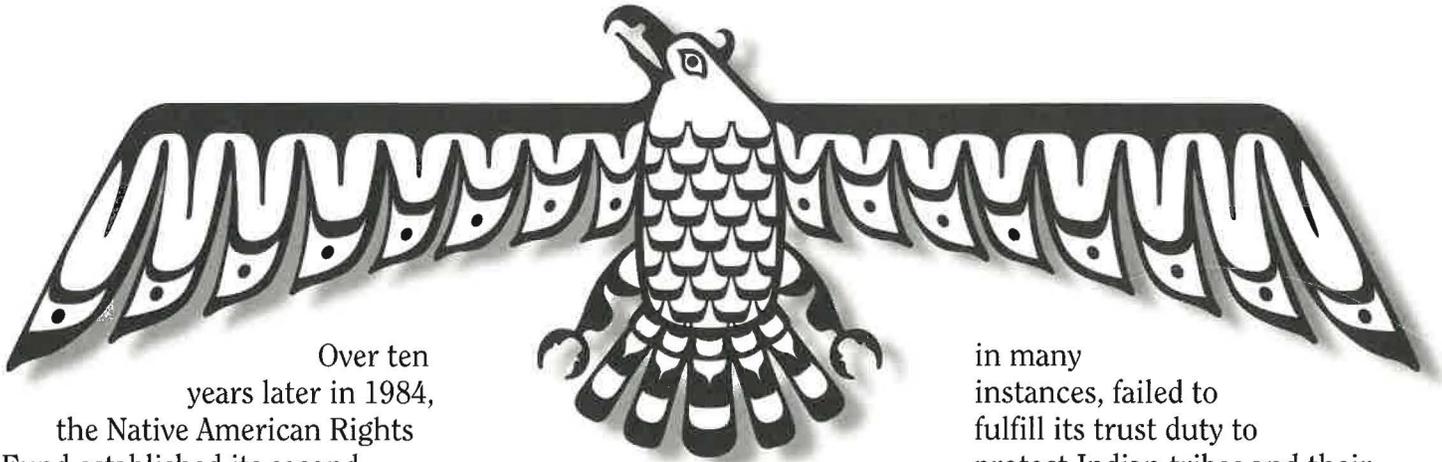
NARF continued to grow at a rapid pace over the next several

years. In 1971, the project incorporated in the District of Columbia and NARF's first satellite office was established in Washington, D.C. An office close to the center of government would prove critical in future interaction with Congress and federal administrative agencies involved in Indian policy. The Carnegie Corporation of New York awarded NARF start-up funding for the creation of the National Indian Law Library, a national repository for Indian legal materials and resources in 1972. The Office of Economic Opportunity came forth to fund the Indian Law Back-Up Center (now the Indian Law Support Center), a project designed to provide support and technical assistance to legal services programs working on Indian issues.



NARF LEGAL REVIEW

- 25th Anniversary page 1
- Indian Law Symposium (25th Anniver-cont'd) page 4
- Religion / Native American Prisoners page 10
- NARF Updates page 16
- New NARF Board Member page 18
- Repatriation Guide page 18
- NARF Attorney page 19
- NARF Resources and Publications page 20
- NARF Limited Edition Shirts page 23



Over ten years later in 1984, the Native American Rights Fund established its second branch office in Anchorage, Alaska, to address the complex legal issues facing Alaskan Natives.

NARF's Mission

One of the initial responsibilities of NARF's first Steering Committee was to develop priorities that would guide the Native American Rights Fund in its mission to preserve and enforce the status of tribes as sovereign, self-governing bodies. The Committee developed five priorities that continue to lead NARF today:

- Preservation of tribal existence;
- Protection of tribal natural resources;
- Promotion of Native American human rights;
- Accountability of governments to Native Americans;
- Development of Indian law.

Under the priority of the preservation of tribal existence, NARF's activity emphasizes enabling Tribes to continue to live according to their Native tradi-

tions; to enforce their treaty rights; to insure their independence on reservations; and to protect their lands. Specifically, NARF's legal representation centers on federal recognition and restoration, sovereignty issues (including tribal jurisdiction and taxation rights), and economic development.

In the protection of tribal natural resources, land, water, and hunting and fishing rights are recognized to be critical factors in the preservation of Indian sovereignty. Through control over tribal lands and resources, Indian tribes can regain a degree of economic self-sufficiency necessary for Indian self-determination. There are approximately 56 million acres of Indian-controlled land in the continental United States which constitutes only 2.3 percent of their former territory. Additionally, there are about 44 million acres in Alaska which are owned by Natives after the 1971 Alaska Native Claims Settlement Act. The federal government, has

in many instances, failed to fulfill its trust duty to protect Indian tribes and their property rights. The Native American Rights Fund concentrates much of its legal representation on cases that will ensure a sufficient natural resource base for tribes.

Under the priority of the promotion of human rights, NARF has utilized much of its resources to protect the First Amendment rights of Native American people, especially prisoners and Native American traditional religious practitioners. It has also worked effectively with tribes in the repatriation of burial remains, preventing the desecration of Indian remains and burial items, and in the protection of sacred sites.

In the past and even today, most federal and state education programs and processes circumvent tribal governments and maintain non-Indian federal and state government control over the intent, goals, approaches, funding, staffing and curriculum for Indian education. For over two decades,

Continued on page 4

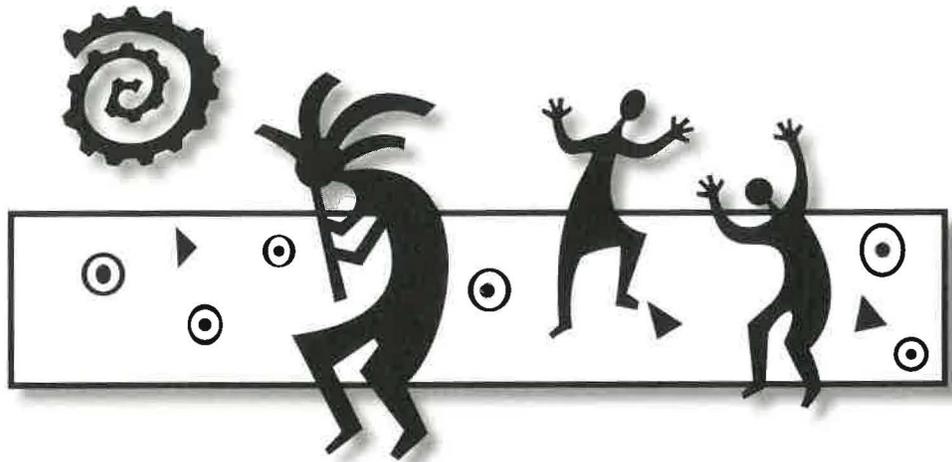
NARF Observes

continued from page 3

the Native American Rights Fund has focused its educational efforts on increasing Indian self-determination and transferring control back to Indian people.

Under the priority of accountability of governments, the Native American Rights Fund seeks to hold all levels of government accountable for the proper enforcement of the many laws and regulations which govern the lives of Native American people.

The systematic development of Indian law is essential for the continued protection of Indian rights. This primarily involves establishing favorable court precedents, distributing information and law materials, encouraging and fostering Indian legal education, and forming alliances with Indian law practitioners and other Indian organizations. The Native American Rights Fund recognizes the importance of the development of Indian law and continues to manage and participate in a variety of projects specifically aimed at achieving this goal.



25th Anniversary Indian Law Symposium

In celebrating NARF's 25th Anniversary, an Indian Law Symposium was held on the campus of the University of Colorado on August 4, 1995. The Symposium attracted over 230 participants, including Indian and non-Indian attorneys, and tribal leaders from throughout Indian country. The Symposium featured panel discussions on tribal sovereignty, tribal natural resources, and human rights issues.

The Symposium was opened by NARF Executive Director John Echohawk who gave an overview of NARF's history and significant cases. John explained that termination was still alive as federal Indian policy when NARF first opened its doors. NARF played a lead role in defeating this policy by helping Indian country understand law and policy and the use of lawyers to make changes or enforce these laws. He went on to say that if was a frightening time

for a young Indian organization but it was magic to see the courts rendering decisions in NARF's favor that validated the theories and arguments of Indian law and treaties. John assured everyone that NARF has faced many challenges in the past and is prepared to face them in the future.

Charles Wilkinson, a former NARF staff attorney who is currently a law professor at the University of Colorado and a leading Indian law scholar, gave the keynote address for the Symposium. He spoke on the importance of tribes to recognize what terminationist policy is all about. Termination is not a specific program but rather the result of an impulse that is always present in this society to pursue a rapid and extreme assimilationist policy towards Indian people. He went on to say that termination was not just a specific package of the 1950's, but is any substantial

assault on the cluster of special sovereign and trust rights that tribes possess. He also warned that there is a strong terminationist element in the current Congress.

The first panel discussed sovereignty and the status of tribes in the federal system. The panelists included Doug Nash, Tribal Attorney for the Nez Perce Tribe; Judy Shapiro, Attorney for Hobbs, Straus, Dean & Walker; and, Wilma Mankiller, former Principal Chief of the Cherokee Nation.

Doug Nash reviewed federal court decisions on tribal civil jurisdiction and on the ever-evolving status of Indian tribes. He explained how the relationship between tribes, local governments and the federal government impact the amount of civil jurisdiction that tribes have over state officials. Judy Shapiro spoke on the implications of sovereignty and sovereign immunity in Indian gaming. Judy spoke specifically on the *Seminole v. Florida* case pending in the U.S. Supreme Court and the 11th Amendment issues associated with gaming and tribal sovereignty. Wilma Mankiller said that tribes have always had to fight the same fights over and over again. Twenty-five years ago we were fighting for tribal sovereignty and recognition of treaties and here we are in 1995 still fighting for the preservation

“Termination is not a specific program but rather the result of an impulse that is always present in this society to pursue a rapid and extreme assimilationist policy towards Indian people.” - Charles Wilkinson

and protection of our tribes and people. She advised the participants that the next 25 years should be a time period when “we are not going to give up one more inch.”

The Symposium luncheon featured a speech by Ada Deer, Assistant Secretary for Indian Affairs under President Clinton’s Administration, and past leader of the Menominee Tribe who led the Tribe’s restoration fight in 1973. Ms. Deer spoke on the Congressional atmosphere in regard to future appropriations for tribes. She warned that the proposed budget reductions are extremely unfavorable to Indian tribes and can be interpreted as termination by appropriation.

Panel two dealt with the issue of natural resources. David Lester, Executive Director, Council of Energy Resource Tribes, provided an overview of the natural issues facing Indian country and of tribal involvement in resolving these issues. Robert Anderson,



Associate Solicitor, Department of Interior, and former NARF staff attorney, spoke on subsistence hunting and fishing rights in Alaska. He reviewed key subsistence cases in Alaska that will determine what lands and waters in Alaska are subject to the federal reserved water rights doctrine and will protect Alaska Natives rights to hunt and fish. Janice Whitney Annuniziata, Special Assistant to the Deputy Administrator, U.S. Environmental Protection Agency, spoke on environmental issues in Indian country. As principal

Continued on page 6

Indian Law Symposium

continued from page 5

author of *Haudenosaunee Environmental Restoration: An Indigenous Strategy for Human Sustainability*, Janice addressed the participants on the importance of indigenous people getting involved with environmental issues locally and internationally. She spoke in depth on the philosophy of the seventh generation view of all decision making and offered this quote ... "Think not of yourselves O Chiefs nor of your own generation. Think of the continuing generations of your families. Think of our grandchildren and those yet unborn whose faces are coming from beneath the ground...".

The third panel discussed human rights issues. B.J. Jones, Attorney, Dakota Plains Legal Services, made a presentation on the Indian Child Welfare Act; Melody McCoy, NARF staff attorney, made a presentation on Indian education; and, Frank Dayish, Jr., President of the Native American Church of North America, and Walter Echo-Hawk,

"Twenty-five years ago we were fighting for tribal sovereignty and recognition of treaties and here we are in 1995 still fighting for the preservation and protection of our tribes and people... The next 25 years should be a time period when, we are not going to give up one more inch." - Wilma Mankiller

NARF staff attorney, spoke on religious freedom issues that NARF has been addressing for many years.

B.J. Jones gave an overview of the Indian Child Welfare Act and stated that Congress continues to make serious efforts to weaken the Act. If Congress gets its way, ICWA will be relegated to block grants to the states and states have a history of withholding funds because of jurisdictional issues. He emphasized that we must continue to work together in order to protect our future gen-

erations. Melody McCoy provided an historical view of Indian education. Tribes have been historically shut out when it has come to the governance of Indian education. Churches, states and the federal government have all had their shot at controlling and determining what Indian education should be and they have all failed miserably. It is time now that tribes be empowered to take control of Indian education and determine what direction it must go. Tribes and only tribes must define Indian education and we must not accept



definitions from anyone else.

Frank Dayish gave a historical perspective of the Native American Church and its struggle to preserve and maintain their way of worship. For this they turned to NARF. He thanked NARF for their hard work and dedication on getting Congressional legislation passed in 1994 that protects the religious use of peyote. Frank talked about how NARF is still assisting them in negotiating with the Mexican government for the importation of peyote and in working with the State of Texas on changing the language in their law so as to allow for the cultivation of peyote. Walter Echo-Hawk told the participants that these human rights issues, in particular religious freedom, is what gives meaning to everything else that we do. Walter went on to say that many of our contemporary problems are not recent in origin but are problems that have evolved through the centuries since white contact. Our way of life is what has given us strength to survive and to endure in order to overcome this historical intolerance for our religions.

A reception and dinner was held the evening of the Symposium at which time NARF was honored for their 25 years of service to Indian people. The highlight of the ceremony was the pledge to NARF made by Richard Hayward, Chairman of the

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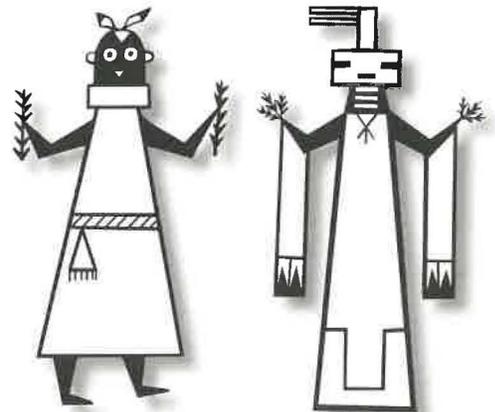
Mashantucket Pequot Tribe and Chairman of NARF's National Support Committee. Chairman Hayward, on behalf of the Mashantucket Pequot Tribe, pledged a monthly revenue of \$60,000 from their monthly charity bingo night and other fundraising assistance from the Tribe to bring their contribution to \$1 million per year. This contribution to NARF was very well appreciated as NARF, which receives 40% of its funding from federal sources, is facing cuts in federal funding in 1996 and beyond.

NARF's 25th Anniversary activities ended on August 5, 1995, with a 5K run with Billy Mills, 1964 Olympic Gold Medalist and NARF National Support Committee member. That afternoon, NARF hosted the 25th Anniversary Pow Wow. We were pleased to have Verna Williamson Teller, former NARF Board member and W. Richard West, Jr., Director of the National Museum of the American Indian, participate as

dancers. Both are members of NARF's National Support Committee. The Pow Wow was NARF's time to honor friends and donors who joined us to celebrate this very special occasion and to recognize the thousands who could not join us.

With all of the wisdom shared during the 25th Anniversary activities, the Native American Rights Fund looks toward the next twenty-five years with renewed vigor and strengthened dedication to our tribal peoples.

Continued on page 8



Indian Law Symposium

continued from page 7

At the conclusion of his keynote address at the Indian Law Symposium, Professor Charles Wilkinson had these closing comments:

“We are drawn here to this common effort by one main, uniting force, the idea of tribal sovereignty. For me, and I think for each of you as well, it is the most luminous idea that my mind has ever encountered, more so even than the ideas of freedom and justice, in part because those two ideas are so glorified and fulfilled by a vibrant tribal sovereignty. It pays to know, in the final analysis, what value a person will sacrifice most for, lie across the train tracks for. For us, that is the idea of tribal sovereignty.

“Indian lawyers can be enormously proud of their work over the course of this past quarter century. Back then, there barely was Indian law, barely was a great and luminous idea to fuel it. The idea existed, really, only in the minds and memories of the elders. They said, “Help us get that idea back.” Most of us had only glimmerings of what they meant, but we believed in them and did the best we could. It turned out that our best was very good indeed.

“Indian lawyers have the finest, the most worthy, clients. Most of them lack a full understanding of this commercial



world, but they know another and better world, and they in fact are very sophisticated people, able to make right and true decisions. And they are fighters.

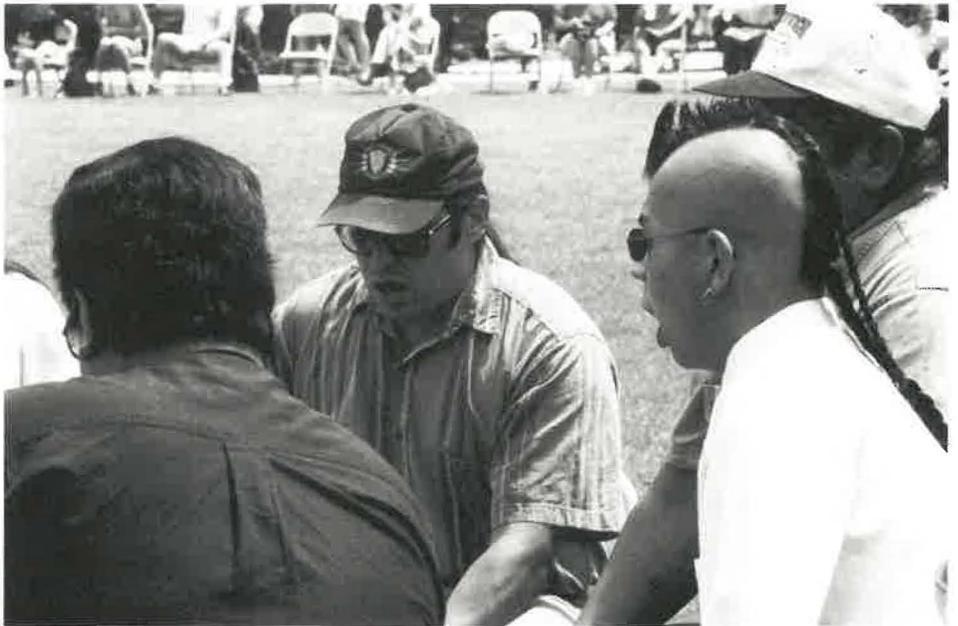
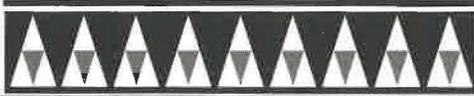
“Nobody has given Indian people anything over the past twenty-five years, not anything. Indian people insisted on every acre, salmon, Sun Dance, and sovereign right and achieved them out of their own wisdom, persistence, and courage, not anyone else’s. And so in that fundamental sense the next twenty-five years will be like the past twenty-five.

“Please, all of you, in a tough and troubled time, take some moments now, during this weekend, and then when you get back home, to appreciate and honor what you and many others have done in the name of a great idea, over this quarter of a century.

“What do Indian lawyers do for the next twenty-five years? There probably is no better answer

than to do what we have learned to do in the past twenty-five: listen hard and long to our clients; present all the options, and the pluses and minuses of each, for their informed choice; revere the great, age-old idea of tribal sovereignty; and fight. And when the going gets hard, which it will, remember that it has always been that way and always will be, and keep remembering always that the idea is right, that the people are right, and that we lawyers are blessed, not burdened, by the gift of being a part of the noblest effort there ever could be.”





NARF's 25th Anniversary *(from top left clockwise)*

- Fun Run - *(left to right)* Mildred Cleghorn, Billy Mills, Kathryn Harrison
- NARF Staff
- Pawnee Singers
- Pow Wow Participants
- NARF Staff
- Frank Dayish Jr., *President*, Native American Church of North America



FREE EXERCISE OF RELIGION BY NATIVE AMERICAN PRISONERS: A Plan of Action

by Chris LaMarr

Today, Native American prisoners are engaged in a struggle to protect their religious and cultural practices which began in 1492. Since the coming of Christopher Columbus, Native people have had to struggle against European expansionists to maintain their traditional cultures, religions and way of life. In the shadows of American prisons, this human rights struggle continues.

For those Natives who are imprisoned, the freedom to follow the religion of their fathers is a longstanding struggle which has worsened in recent years. As stated by Lenny Foster, Director of the Navajo Nation Corrections Project, "the paramount Native American human right in American prisons today is the denial of their right to practice tribal religion." Today, the National Congress of American Indians (NCAI) has designated this growing concern as a major human rights problem and Indian Country has embarked upon a major human rights initiative to address the problem.

Prison policies directly implicate all Indian tribes. It is of utmost importance to Indian country that tribal members

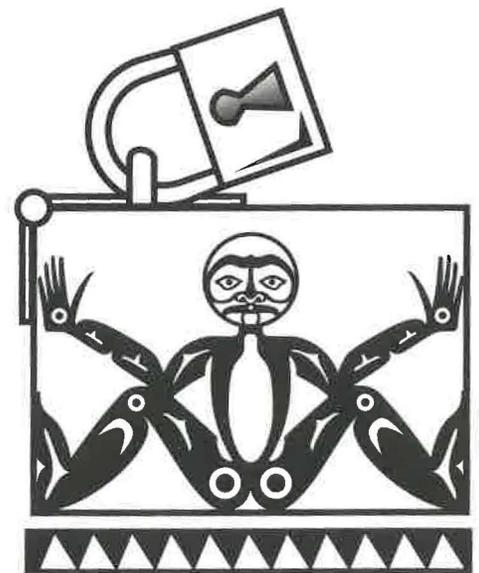
Since the coming of Christopher Columbus, Native people have had to struggle against European expansionists to maintain their traditional cultures, religions and way of life.

return to reservation communities as productive members of their Native cultures and societies. The ability to practice traditional tribal religions while incarcerated is the single most important factor in this rehabilitative process.

This Native concern is compatible with fundamental corrections principles as articulated in the American Correctional Association's (ACA) *Manual of Correctional Standards* (1971). "From its very inception in 1870, the American Correctional Association has recognized and emphasized the role of religion in the correctional process." Because the ACA feels religion plays such an important role in the correctional process, it is ironic that Native inmates continually have had to struggle to exercise their religious freedom rights.

This battle has prompted over 50 lawsuits since 1970, many of which are pending today.

Among the religious freedom rights Native inmates seek to protect are: 1) the establishment of, and access to a sweat lodge; 2) access to, and use, of the sacred pipe, sacred herbs, medicine bags, eagle feathers; 3) access to medicine men and spiritual leaders; and 4) ability to wear longhair and headbands pursuant to religious beliefs. Native inmates who may



possess religious items face continual disrespect toward these sacred objects by insensitive, and untrained prison officials exemplified by the interruption of ceremonies, disrespectful searches, and the mishandling of religious items.

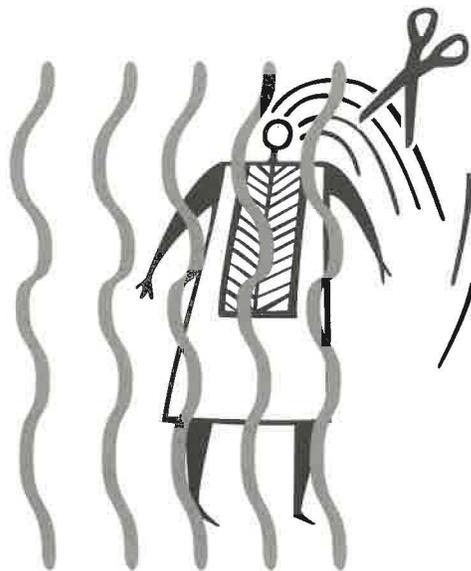
In response to public concern and pressure over declining constitutional protection afforded religious beliefs set forth in a series of Supreme Court rulings in *O'Lone v. Estate of Shabazz*, *Turner v. Safely*, *Lyng v. Northwest Indian Cemetery Association*, and *Employment Div. Oregon v. Smith*, Congress passed the Religious Freedom Restoration Act of 1993 (RFRA).

In 1987, the *O'Lone* and *Turner* cases greatly weakened the religious freedom rights of inmates by exempting prisons from the traditional "compelling government interest" test. This test prohibits state restrictions on religious liberties, unless justified by a proven compelling government interest, which cannot be protected by any less restrictive

means. The new test provides that, "When a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interest" (*Turner v. Safely*). This far more lenient standard for prisons allows restrictions on worship upon only a minimal showing of need. The new test gave prisons greater opportunity to infringe upon Native inmates' religious freedom rights, which many wardens quickly took advantage of.

The result of this change in law was devastating for inmates. Almost any restriction on worship can be argued to be related to some legitimate penological interest, however remote or speculative. Thus, the courts allowed inmates' worship to be denied under broad and vague security or safety concerns of correctional institutions.

In the Indian context pre-*O'Lone* cases were reversed, allowing wardens to prohibit Native inmates from wearing long hair pursuant to their religious



beliefs. Sweat lodge ceremonies were denied. Prisons prohibited or severely restricted prayer with the sacred pipe.

In 1990, the Supreme Court took the next step when it decided the infamous *Smith* case, which abandoned the "compelling government interest" test for the rest of society. History thus shows that weakening prisoners' religious freedom rights, which had been accomplished in *O'Lone*, was the first step in weakening the religious freedom rights of those in the greater society. The stripping away of well established prisoner freedoms should therefore concern the greater society, because our treatment of prisoners is like the treatment of the "miner's canary," who, when allowed to die, signals a dangerous atmosphere for everyone. In this

Continued on page 12

Lenny Foster, Director of the Navajo Nation Corrections Project, "the paramount Native American human right in American prisons today is the denial of their right to practice tribal religion."

A Plan of Action

continued from page 11

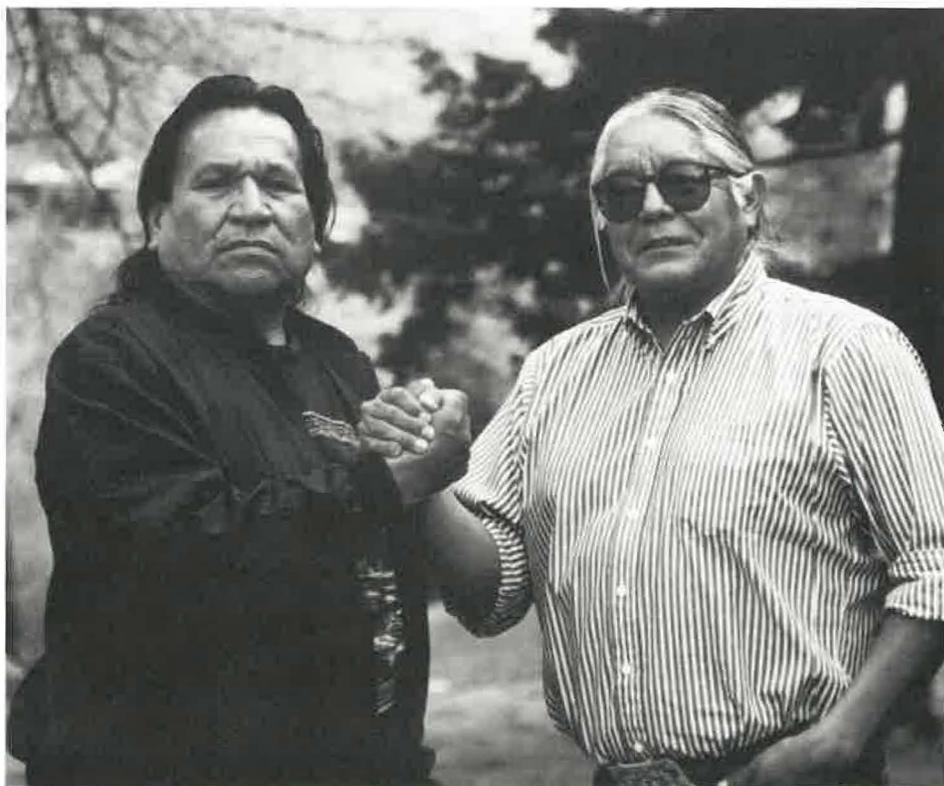
case, the lack of a free atmosphere in which to practice one's chosen religion.

In overturning *Smith* and *O'Lone*, RFRA provides that government may "substantially burden" a person's exercise of religion only if it demonstrates that the burden is (1) in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that interest.

RFRA clearly provides a ray of hope for Native inmates seeking to practice their Native religions as a strong legal test. However, the implementation of the RFRA is not automatic. It requires litigation. Thus, Indian Country has not seen an immediate resurgence of Native inmates' religious freedom, because much of the present case law concerning their rights was decided under the *O'Lone* and *Turner* standard and remains current law until overturned.

Indeed, Native prisoners and organizations have observed an increase in free exercise problems since the passage of RFRA in such frequency that is best described as a growing human rights crisis that can no longer be ignored.

RFRA provides Indian Country with the opportunity to overturn bad prison caselaw rendered under the *O'Lone* standard and establish positive legal



Prisoner Rights meeting at NARF, Leonard Crow Dog and Lenny Foster

precedents. However, the challenge is great. Currently, RFRA has been applied to five cases involving Native American inmates' free exercise of religion claims. In *Hamilton v. Schriro*, the Eighth Circuit Court recently interpreted RFRA to allow a Missouri prison to prohibit a Native inmate's right to wear his traditional Native hairstyle for religious purposes, access to a sweat lodge, and possession of numerous sacred objects. Thus, passage of RFRA does not automatically guarantee that all cases

in this area of the law will be won.

One *pro se* case, *Diaz v. Collins*, did apply the RFRA standard and upheld a Texas prison's policy of denying long hair and headbands, access to the sacred pipe and the possession of medicine pouches. Relying upon a pre-RFRA case, the Magistrate rejected the claims under the "compelling government interest" test in the particular facts of the case and found that the prison had a "compelling interest" and that the policy was the "least restrictive means" of meeting its security and

safety interests. The inmate in the *Diaz* case acted without the aid of legal counsel and represented himself. As a result of the inmate's inexperience and lack of legal knowledge, many mistakes were made which resulted in a bad caselaw decision.

Diaz greatly illustrates the need for competent legal counsel to be deeply involved in cases of this nature to furnish sound legal advice and to avoid making bad caselaw under the new statute which could lead to the further denial of religious freedom rights to Native prisoners. RFRA has sparked hope for greater legal protection for Native inmates. However, much costly litigation may be necessary to implement this new law in federal courts.

Proposed U.S. Attorney General Directive

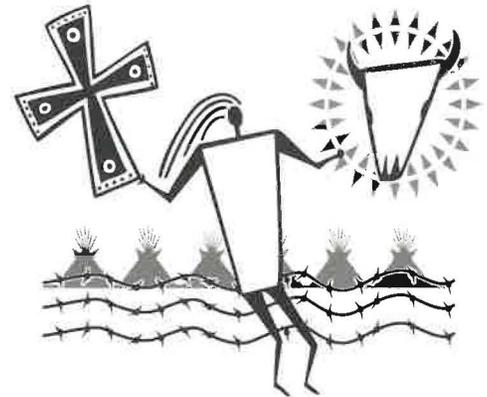
To avoid unnecessary litigation regarding the numerous infringements of Native inmates' religious freedoms, a coalition of local and regional Native organizations who work in the field of corrections have created the National Native American Prison Rights Advocates Coalition (NNAPRAC). Founded in 1995, NNAPRAC includes groups such as the Native American Rights Fund, the National Congress of American Indians, Association of American Indian Affairs, and the American Indian Movement. It is co-chaired

by President Albert Hale of the Navajo Nation and President Ron Allen of the National Congress of American Indians.

A primary purpose of NNAPRAC is to advocate that the Attorney General of the United States issue a directive to protect the free exercise of religion by Native American prisoners. The proposed directive addresses primary issues that are at the heart of Native inmates' free exercise problems and provides sound remedies for these problems. This directive, if signed by the Attorney General, would more fully protect Native religious freedom in American prisons and obviate unnecessary litigation by clarifying such rights.

The Attorney General has the constitutional authority to issue a Directive to carry out equal protection and free exercise mandates, including affirmative steps to implement the RFRA on behalf of Indian people to whom a federal trust duty is owed.

Sections 1-3 of the Directive mandate steps necessary to afford Native federal prisoners with "equal access" to their religion, comparable to that which prisons afford to prisoners who practice Judeo-Christian religions. Section 4 implements these equal protection provisions by instituting a system-wide and mandatory training program for correctional and parole staff, and by mandating



federal prison consultation with Native leaders to identify improved ways to obtain, possess and use sacred objects in the correctional setting. In addition, the directive calls for an Attorney General study regarding the free exercise of Native American religion in American prisons and the development of necessary recommendations. The directive also asks that the Civil Rights Division identify a section responsible for bringing litigation to protect the free exercise of religion of Native Americans incarcerated in state and local prisons.

This directive can be an important step towards securing, at long last, the lawful practice of Native religious freedom rights in American prisons. This proposal is presently under Justice Department review pursuant to the Department of Justice's Indian Policy of June 1, 1995. With strong Indian country support, it is hoped that this initiative can be accomplished in 1996.

Continued on page 14

A Plan of Action

continued from page 13

Conclusion: Future of RFRA and Society's Religious Freedom Rights

Based on recent activity in the 104th Congress regarding RFRA and various anti-prisoner bills, the future of religious freedom in American prisons remains in doubt.

In 1993, during the passage of RFRA by the 103rd Congress, an amendment was offered to strike prisoners from the scope of the Act. The intent of this effort was to target inmates as the sole class of American citizens without adequate legal protection in the area of worship. This amendment was narrowly defeated by a 58-41 vote. However, a resurgence of efforts of this kind have arisen in the 104th Congress.

For example, the Religious Freedom Act of 1993 Amendment Act of 1995 (S. 1093) would exclude prisoners from RFRA protection. The sponsor's remarks, in support of this bill, starkly state:

"Have we become so concerned with prison rights that we have forgotten the rights of society? Remember these people are in jail because they have been convicted of felonies. They are not there because we are trying to check to find if they are good or bad.

They are felons. And we are spending 40 percent of the court's time on this trash."

Further backlash reactions to the human and legal rights of American prisoners include the Legal Services Appropriation Act (H.R. 2076), which prohibits legal services attorneys from providing prisoners with any representation whatsoever. Moreover, the passage of various provisions of the so-called Stop Turning Out Prisoners Act (S. 400 and H.R. 667), which were incorporated into Title III of the Commerce, Justice, States and Judiciary Appropriation Bill (H.R. 2076), limit the power of federal courts to remedy prisoner rights and would retroactively terminate favorable consent decrees previously entered into by prisons and inmates. While H.R. 2076 was vetoed, we can expect efforts to revive legislation of this nature in the second session of the 104th Congress.

Legislative attempts to strip prisoners of basic legal protection and to single them out for punitive treatment is troubling. Treatment of prisoners is an indicator of society's humanity that mirrors its human rights value system.

To look proudly into this mirror, there is pronounced need for an Attorney General Directive and a national litigation strategy to protect the religious freedom rights of Native prisoners. The

support of Indian Tribes and practitioners of federal Indian law is imperative in this effort.

Let us never forget that the weakening of prisoner's religious freedom rights in *O'Lone* foreshadowed what *Smith* did to the rest of society, when the latter decision weakened religious freedom rights for all. Constant vigilance by the public interest is required to prevent such lapses in our constitutional protection, which often begins in the dark corners on the margins of our society.

As Senator Daniel K. Inouye once wrote, history has shown that when the fundamental human rights of one group are taken away, the rights of others soon follow. Let us reaffirm our commitment to protecting all people's human rights, including prisoners, in order to better secure our own rights. A good start is to support present efforts to protect the free exercise of religion by Native American prisoners in 1996.

About the Author: Chris LaMarr is a Paiute/Pit River Indian from Susanville, California. He has recently graduated from the University of Colorado at Boulder School of Law, Fall 1995. Chris externed for the Native American Rights Fund's Prison Project and is the Director of the Native American Prison Project and the Denver Project for the Indian Law Clinic at CU-Boulder. Chris is also lead singer for the Native American rap group, "WithOut Rezervation" and has started an all-Native record label called WithOut Rez Productions.

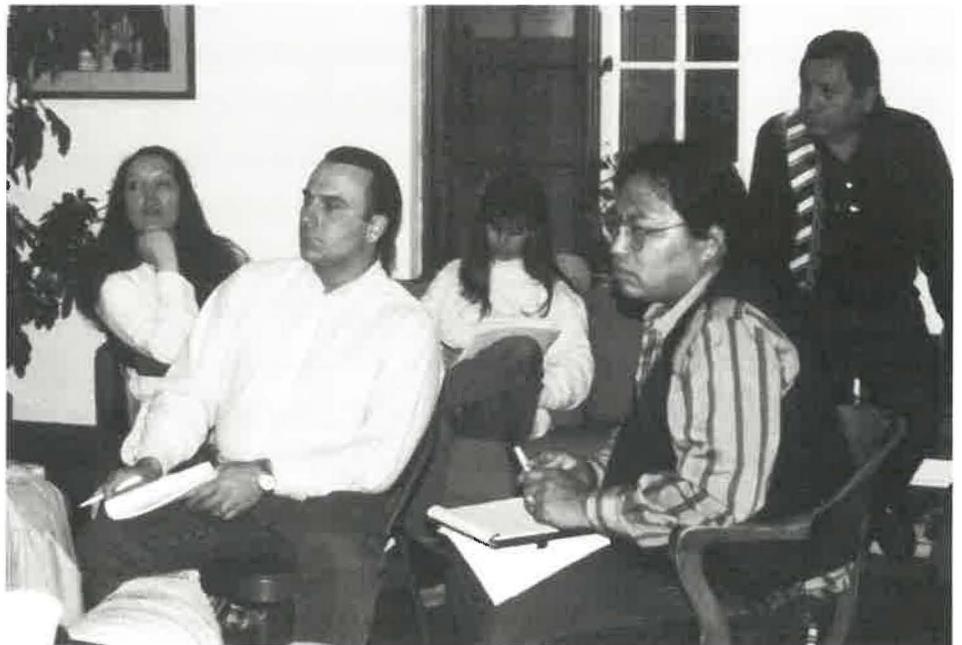


Prisoner Rights meeting at NARF, Walter Echo-Hawk, Leonard Crow Dog

For further information on the Attorney General Directive, contact Lenny Foster at (520) 871-7106.

For further information on litigation efforts to protect free exercise of Native Religion, contact Walter Echo-Hawk or Laura West at (303) 447-8760.

For further information on prisoner legislation in the 104th Congress, contact Robert Peregoy at (202) 785-4166, or Kathy Westcott at (202) 234-4830.



Prisoner Rights meeting at NARF, participants



NARF UPDATES

NARF LOSES GRANT FROM THE LEGAL SERVICES CORPORATION

The Native American Rights Fund will not be awarded a grant from the Legal Services Corporation in 1996. The United States Congress has enacted appropriations legislation for 1996 which prohibits the Corporation from funding "national support." Since 1971 NARF has operated the Indian Law Support Center (ILSC) with funds from Congress, first from the Office of Economic Opportunity, and subsequently from the Corporation, upon its creation by Congress in 1974. ILSC is one of sixteen national support centers, funded in whole or in part with LSC funds. NARF has funded the Center primarily with LSC funds over the years.

The NARF Board of Directors has approved an interim plan of operations for the Indian Law Support Center for fiscal year 1996. Under the plan, NARF will provide partial funding to continue overall support activities to Indian Legal Services Programs and will continue to plan fundraising efforts during the year with Indian Legal Services.

In addition to eliminating funding for national support, the Congress has substantially reduced overall funding for LSC, cutting it by 30 percent, from \$415 million in 1995 to \$278

million for 1996. Only about two and one-half percent (2.5) of this funding is allocated to serve Native Americans. As this edition of the Legal Review goes to print, President Clinton has threatened to veto the appropriations bill through which LSC is funded. If the President and the Republican leadership are unable to break the government appropriations impasse, much of the government, including Legal Services, may be funded on a continuing resolution for the entire Fiscal Year 1996. There is some thought that the actual funding for LSC may improve, to close to \$300 million, in the event of a veto and further negotiations between the Congress and the White House.

There are 34 Indian Legal Services Programs funded by the Corporation. These programs will sustain the 30 percent cut for 1996, with the rest of the LSC funded programs. NARF and the leadership of these Indian Legal Services Programs worked jointly on a national advocacy campaign to preserve the Legal Services Corporation. NARF will again work in the coming year to preserve a federal funding mechanism to keep Indian Legal Services and the Indian Law Support Center alive beyond 1996.

The future of NARF's other federal funding from the Bureau

of Indian Affairs and Administration for Native Americans is still uncertain at this time as funding for these departments have been caught-up in the budget impasse in Congress. Of particular importance to Western tribes represented by the Native American Rights Fund, the BIA provides funding for water rights negotiations. Without such support, most tribes cannot meaningfully participate in settlement negotiations with the federal and state governments to resolve their claims to reserved Indian water rights so critical to their future livelihood in the West. The Administration for Native Americans in the Department of Health and Human Services funds social and economic development projects of great importance to Native American people that need to be continued.





NARF UPDATES

NATIVE HAWAIIANS VICTORIOUS IN LAND ACCESS CASE

On behalf of a group of Native Hawaiians, the Native American Rights Fund and the Native Hawaiian Legal Corporation has been challenging the State of Hawaii's exchange of ceded lands to a private landowner for the development of a geothermal facility on the Island of Hawaii without protecting Native Hawaiian access rights. The State lands exchanged were ceded lands subject to a special trust under the 1959 Hawaii Admission Act for the benefit and use of Native Hawaiians, and once held by the Hawai-

ian Monarchy. The case, *Pele Defense Fund v. Estate of James Campbell*, went to trial in August, 1994, to establish precedent in determining Native Hawaiian hunting and gathering access rights on those former trust lands held by the State of Hawaii.

On January 4, 1996, Circuit Judge Riki May Amano notified the Pele Defense Fund attorneys that they had prevailed in their lawsuit against the Campbell Estate over access to the Estate land at Wao Kele 'O Puna, an Island of Hawaii rain forest. The ruling will affirm and clarify the traditional access rights of Native

Hawaiians to go on former Monarchy, now private, lands. The ruling will also establish that Native Hawaiians from other areas traditionally and customarily had access rights and will recognize current practices of perpetuators of ancestral traditions.

Attorneys from the Native American Rights Fund and the Native Hawaiian Legal Corporation will draft a decision for the judge's approval. It is not known at this time whether the Campbell Estate will appeal the decision or not.





NEW NARF BOARD MEMBER

Rebecca Tsosie, Pasqua Yaqui, Associate Professor of Law at Arizona State University, was elected to the Native American Rights Fund Board of Directors, replacing John Lewis who completed his six year term on the Board. Rebecca Tsosie received her B.A. in American Indian Studies from UCLA and her

J.D. from the UCLA School of Law. She teaches courses in Federal Indian Law, Property, Indian Cultural Property, and Tribal Environmental Policy. Rebecca has published numerous articles on Indian law and Indian issues. She is a member of the American Bar Association and is admitted to the State Bars in Arizona and California. Rebecca Tsosie will be a valuable addition to the Board of Directors.



GUIDE TO REPATRIATION AVAILABLE

The American Indian Ritual Object Repatriation Foundation is publishing *Mending the Circle: A Native American Repatriation Guide (Understanding and Implementing NAGPRA, the Official Smithsonian and Other Repatriation Policies)*.

A definitive resource, this guide explains the rights of Native Americans and the obligations of federally funded institutions under the Native American Graves Protection and Repatriation Act of 1990.

Writers, editors, and consultants for the Guide include Suzan Shown Harjo (Hodulgee/Muscogee), Jack Trope, Esq., Tessie Naranjo (Santa Clara Pueblo), Dean Suagee, Esq. (Cherokee), Rosita Worl (Tlingit), Clara Sue Kidwell (Choctaw/Chippewa/Creek), Tamara Bray (NMNH), Jackie Rand (Choctaw), Richard Hill, Sr. (Tuscarora), B. Lynne Harlan (Cherokee), Walter Echo-Hawk, Esq. (Pawnee), Elizabeth Sackler (AIRORF), Kate Morris (AIRORF), Denise Bambi Kraus (Tlingit), and Tim McKeown (NAGPRA Program Leader, National Park Service).

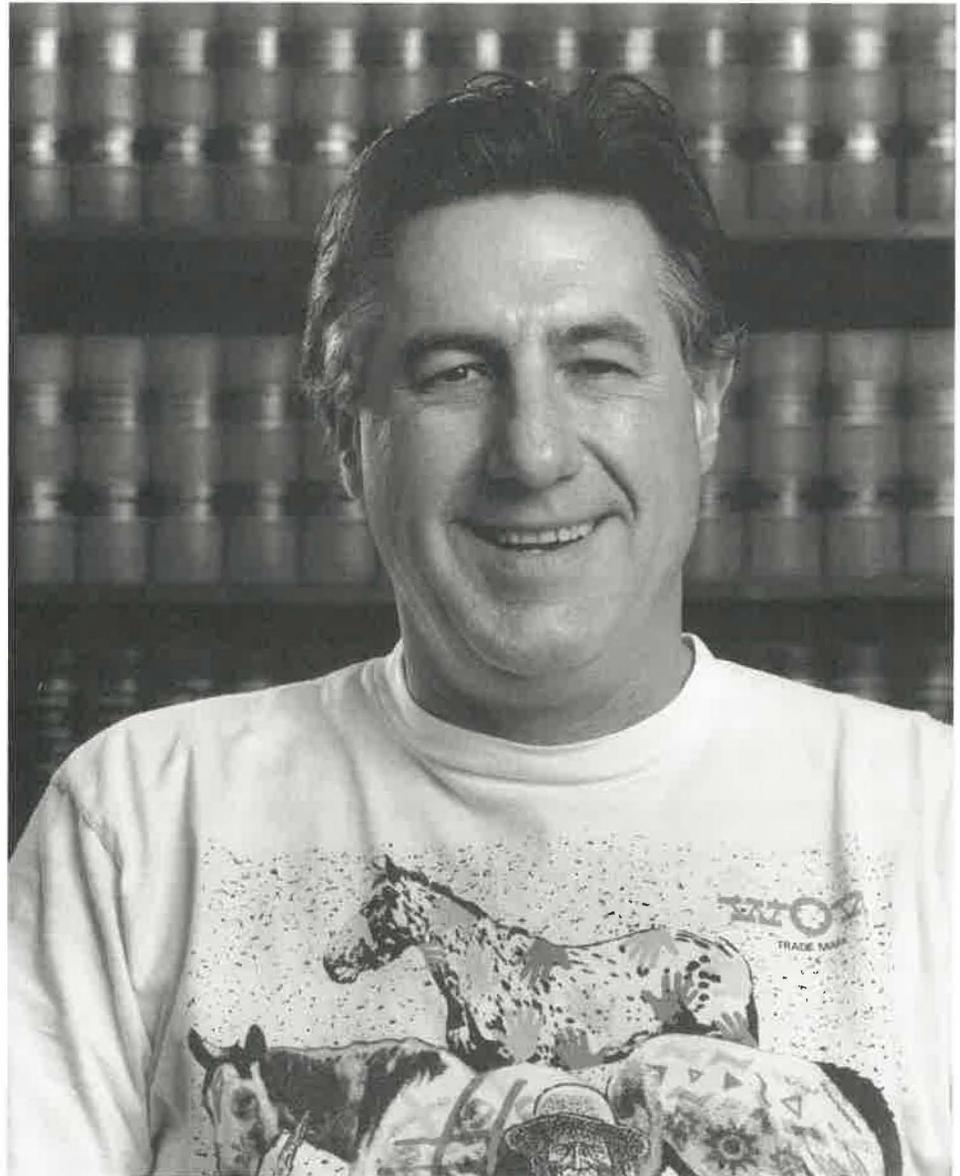
Mending the Circle: A Native American Repatriation Guide will be distributed in February of 1996 free of charge to the First Nations affected by this law, and will also be available for purchase by institutions and interested individuals for \$25 plus shipping and handling. For more information, please contact the Repatriation Foundation by telephone at (212) 980-9441 or by fax at (212) 421-2746. This publication will also be available through the Native American Rights Fund National Indian Law Library. For information call (303) 447-8760 or fax (303) 443-7776.



NARF ATTORNEY

Robert M. Peregoy

Robert M. Peregoy, Flathead Tribe, joined NARF in June of 1984 as a staff attorney in the Boulder office. As a NARF attorney, his work has included litigation, legislative and administrative advocacy in state and federal forums in the areas of PL 280 retrocession/jurisdiction, oil and gas trust responsibility, off-reservation land acquisition for trust placement, federal recognition, tribal land claims, Indian education, and repatriation and other religious freedom issues, including Native prisoners' equal protection rights and assisting in securing the enactment of legislation protecting the religious use of peyote by Indians. In 1992, he transferred to the Washington, D.C. office where he coordinates NARF's Legislative and Administrative Advocacy Component. Bob is admitted to practice law in Colorado and the District of Columbia, before the Ninth Circuit Court of Appeals, the United States Court of Federal Claims and the United States Supreme Court. He received a B.A. from the University of California, Santa Barbara in 1969, an M.A. from UCLA in 1971, A doctorate from Montana State University in 1979, and his J.D. from the University of California, Berkeley in 1984. Prior to attending law school,



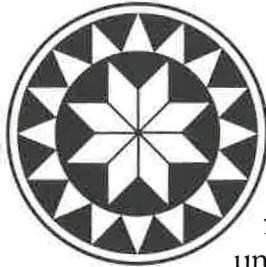
Bob was a tenured associate professor at Montana State University where he served as the founding Director of the Center for Native American Studies from 1975-81. A Flathead Indian, he currently serves part-time as the Chief Justice of the Court of Appeals of the Confeder-

ated Salish and Kootenai Tribes, and also as an adjunct faculty member of Salish Kootenai College.



NARF RESOURCES AND PUBLICATIONS

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 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 currently the best of its kind 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:



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 H. Getches, Charles F. Wilkinson, and Robert A. Williams, Jr., 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



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 develop-

ment 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.)



NARF Resources and Publications

continued from page 21

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

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.

TAX STATUS. The Native American Rights Fund is a nonprofit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax

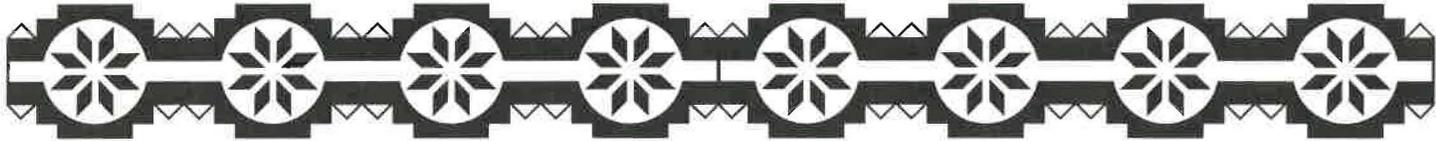
under the provisions of Section 501 (c) (3) of the Internal Revenue Code, and contributions to NARF are tax deductible. The Internal Revenue Service has ruled that NARF is not a "private foundation" as defined in Section 509(a) of the Internal Revenue Code.

MAIN OFFICE: Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302 (303-447-8760).

D.C. OFFICE: Native American Rights Fund, 1712 N Street, N.W., Washington, D.C. 20036 (202-785-4166).

ALASKA OFFICE: Native American Rights Fund, 310 K Street, Suite 708, Anchorage, Alaska 99501 (907-276-0680).

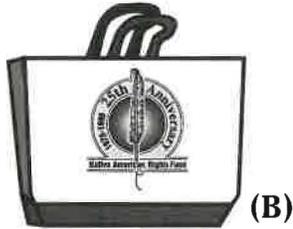




NARF LIMITED EDITION SHIRTS AVAILABLE

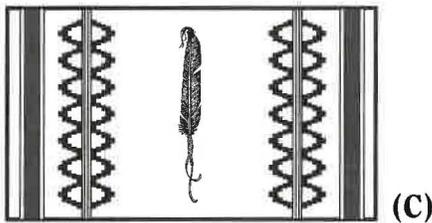


NARF is offering two (A) "Limited Edition" long sleeve shirts designed by artist Stan Natchez. The shirts are entitled (A1) "Save the Women and Children of the World" and (A2) "Indian Wars." The shirts are available in natural in sizes L, XL, XXL. (\$22 plus \$2 shipping & handling) (CO add 4.05% sales tax)



Also available are:

(B) Canvas bags (17"x12") with NARF 25th Anniversary logo in blue on a blue and white bag. (\$10 plus \$2 shipping & handling) (CO add 4.05% sales tax)



(C) A limited number of NARF 25th Anniversary Blankets are still available. These are beautiful Indian design blankets made by Navajo Textile Mills with an embroidered 26" NARF Feather. The blankets are Light Beige with Black NARF Feather or Black with Light Beige with White NARF Feather. Each blanket is 64"x80", 100% virgin wool. (\$125 plus shipping & handling) (CO add 4.05% tax).



A:) Limited Edition Shirt(s) Qty (A1) _____ Size(s) _____ / Qty (A2) _____ Size(s) _____
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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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WAR ON OUR FUTURE... WAR ON OUR CHILDREN

As we continue our struggle we count on you, our *Tiospye, to stand by us in our legal battles.

Over the past 500 years Indian people have endured the mass encroachment of our lands, the desecration of our sacred sites and the extermination of our people. Over the past 200 years we have lived through the many "Indian policies" of the United States, including outright extermination, concentration, assimilation, relocation, and termination.

In 1970, young Indian law students including John Echohawk had a vision to stop the abuses and genocide towards Indian people. That vision became the Native American Rights Fund (NARF). No longer could state, federal, or local government run roughshod over Indian country. NARF used the American legal system, that for so long was a tool against Indian people, to put a stop to the abuses. Where there had been no Indian law, there now was Indian law. Where treaties had been broken, they were now being honored. Where there had been economic hardship, many tribes began finding economic viability.

1996 is now upon us. NARF has just completed commemorating its 25th Anniversary, lauding our accomplishments on behalf of Indian country. One would hope that after 25 years of NARF's victorious struggle for Indian rights the United States government and the individual states would finally honor the treaties that would allow tribes to peacefully co-exist as fellow sovereign nations. Unfortunately the complete opposite is happening. With the election of the 104th Congress, a new war against Native Americans has been declared. Unlike the battles of the last century that were fought with guns and cannons, these battles are being fought with federal and state legislation that is just as harmful to the existence of our people. The men, women and children of proud and independent Indian nations are once again the target.

To balance the budget, Congress has already approved and proposed many cuts that will have an extremely negative impact on Indian people. We are expected to

bear the burden of these cuts more than any other minority group. In just one short year, Congress has taken aim at the Bureau of Indian Affairs with extensive budget cuts. These cuts will have a tremendous adverse effect on the future of Tribes that depend on BIA services. Congress has already cut deep into Legal Services Corporation funding that has consistently funded NARF's Indian Law Support Center. Local Indian legal service offices that have provided representation for many Indians living on reservations may no longer be in existence.

While nonprofit organizations are expected to bear the burden of funding social programs that the federal government monies have previously supported, legislation was introduced that would silence views that are in not in agreement with those of the new Congress. Even as tribes try to sustain themselves through private enterprise, their efforts are being thwarted. A

continued on proceeding page

*Tiospye - Lakota word for extended family



JULY - DECEMBER, 1995 • MEMORIAL GIFTS

In memory of:

by:

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 George Aldakauskas John J. Alder
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William Mitchell	C.K. Terrell	Anthony Shilagi	Ron Ford
Dusty Montgomery	Pamela R. Creekmore	Charles N. Shlenker	Mrs. Lucille C. Shlenker
Alan Montrond	Sandy & Larry Margler	William Davis Shofner	Tony D. Shofner
Buzzy Montrond	Sandy & Larry Margler	Wayne Short	Michele Short
Mary Lou Mosca-Ragona	Josephine & Frank Mosca, Sr.	Clayton Shultz-Klamath	Lee Rengert
Mother and Father, Gladys & John	Valrie Walton	Robert G. Shurte & Family	Bonnie Shurte Britsch
Mother and Grandmother	Evangelyn Lilly	Grace Silva	John & Mary Curran
Mother of Tsion Ben-David	Margie and Gary Bell	Singing Woman, Eea Wea	D.L. DeLaney
Mother's Birthday	Mrs. Loren Walmer	Joseph J. Skinner	Marjorie A. Skinner
Nina Mozzanica	Mr. & Mrs. Andy Beltramello	Barbara Smith	Frank & Josephine Mosca
Daniel Francis Murphy, Sr.	Martin Murphy	Elmer Soles	Marcia Taylor
My Beloved Husband	Mrs. Herta Rapp	Ruth Clark Spencer & Warren Spencer	Sylvia Spencer Petrie
My Husband	Mrs. F.V. Grunbaum	Leo Springman	Mary Ann Springman
My Father	Mary C. Brown	Mr. & Mrs. Anton Stadnik	Anna J. Stadnik
My Father	Julian D. Chazin	Murray Stahl	Joe & Patty Moran
My Father	Andre J. Vogt	Mrs. Winona Quinton-Strange	Mr. Nelson Scott
My Parents, Gunnar & Matilda N.	Ken Nordquist	Swan	James G. Kuykendall
My Wife, Margo	Mr. Malcolm L. Jenne	Donald W. Sweezey	Mrs. Dolores R. Sweezey
Albert & Libby Multz	Zelda Multz	Teddy	Wynne Tapley
Lester Randall Newbold	Christine Dwyer Newbold	Kevin & Arleen Terry	Oscar & Marilyn Williams
James W. Noblitt	Anonymous	Nancy Wilma Thomas	Mr. Irvin D. Thomas
Fritz Nova	Coleta Nova	Ira L. Thompson	Janice Washington
Frank & Mary Odrzywolski	Louise Odrzywolska	Bess Tucker	Ann Sprayregen
Tanquerai Opiperi	Linda Opiperi	Edward Turner	Cleave & Earline Bethea
Olympia Ortiz	James P. MacGruther	Glenn J. Twist	Joe & Carol Bruchac
David Oser	Mary & Donald Fletcher	Barbara Tyler	Stanley Tyler
Our Parents	Mr. & Mrs. Robert H. Stapleton	Harriet Susan Tymus	C. Tina H. Tymus
Mabel L. Overmon, Runabout	John Overmon	Pauline "Freddy" Veverka	Pick & Will Frazier
Paul R. Page, Sr.	Mrs. Paul R. Page	Virginia	Sig Lonegren
Martha Flag Parrish	India McCause	Gilda Bollono	Vincent and RoseMary Daniele
Ida Parson	La Donna Parson	Misty Ann Vosburgh	Mark H. Vosburgh
Evelyn (Gahm) Patrick	Micky G. Wall	Sharon P. Vosburgh	Mark H. Vosburgh
Marguerite Stevens Paul	Art & Cindy Strauss	Tucker M. Vye	John & Mary Curran
M. Claude and Mme. Marie Francoise Perret	Theodora C. Houghton	Mary Wells	Grace M. Harris
Richard H. Phelps	E.J. Phelps	Otto-Wendel	Meta B. Lynch
Israel and Eva Phillips	John & Emily Phillips	John H. Wessells, Jr.	Frances Wessells
Pocahontas	Charles F. Riley	Mary & Peter Widmann	Miss Gertrude Widmann
Helene Pomerantz	Mr. Fred Pomerantz	Robert M. Wilson	James W. Wilson
Kordula Pongratz	Monika Dube	Erik Edward Malone Wind Dancer	Christal Malmgren
Joseph Post	Anne B. Post	Mrs. Eleanor Wisotzki	LaVaughn & Clarence Beard
Joseph Powderly	Patricia Morrow	Melissa Ann Wood	Terri & Pori Tafreshi
Annie Pretty Sounding Flute	Suzanne MacDonald	Max H. Workman	David Workman
Francis William MacGregor Pyott	Audrey MacGregor McDonald, Marc & Simeon	The Wounded Knee Massacred	Mr. Raymond Knight
Crescent Ragona	Myra Borouhgs	James Wymes	Stafan Mantouani
Crescent A. Ragona	Alice G. Cohen	Philip and Mary Young	Ola M. Rexroat
Crescent Ragona	The Decilveos	William F. Young	Mildred Young
Crescent A. Ragona	Beatrice V. Gian	Irma Zember	Marianne Sheehan
Crescent A. Ragona	Lucy E. Kissell	Ray Zemjanis	Ilze Anna Choi
Crescent A. Ragona	Malvina & Benedict Mastropoalo	Zee-Zee	Dolores Ciccarelli
Crescent A. Ragona	Gary Molinari	Mary & Clyde Zimmerman	Dorothy June Carroll
Crescent A. Ragona	Elisabeth Sabbatini	Ethel Welch	Debora Welch
Ralph	Sandy & Larry Margler		
Dr. George Raymond	Janice Raymond		
Chief Red Fox	Blue Sky Franklin		





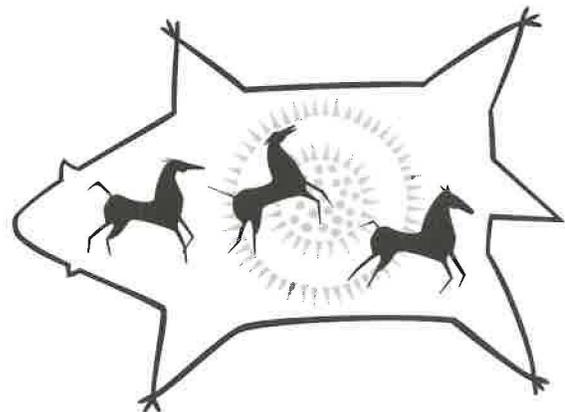
JULY - DECEMBER, 1995 • HONORING GIFTS

In honor of:

by:

All who fight or have died for native rights Monika Dube
 All who seek equality & justice for Native Americans Robert M. Levin
 Amy & Scott Dr. Robert W. Goss
 Mel Atcity P. Bennett
 Mr. and Mrs. Awad Jack C. Awad
 The Birth of a Great-Granddaughter Dorothy S. Hitchcock
 Birthday of New Child William Peery
 Birth of Luke E. Blong Clair K. Blong
 Christie Boulding-Graham Family Mr. Russell Boulding
 Mark Boulding Family Mr. Russell Boulding
 Philip Boulding Family Mr. Russell Boulding
 William Boulding Family Mr. Russell Boulding
 Mrs. Glora Bowen Mary Long Herget
 Dr. Lucien Buck Lis Gianquinto
 Marcie Buffalo Dr. Robert W. Goss
 Bruce Burch Pam Unger
 Marriage of Naomi Goldstein & John Bushman Michael Aronson & Jules Keith
 Marriage of Naomi Goldstein & John Bushman Mary Jo Bane & Kenneth Winston
 Marriage of Naomi Goldstein & John Bushman Herbert G. Graetz
 Marriage of Naomi Goldstein & John Bushman .. Charles & Hawley Manwarring
 Marriage of Naomi Goldstein & John Bushman Vianna Heath & Paul Haulihan
 Marriage of Naomi Goldstein & John Bushman Bella Needleman
 Marriage of Naomi Goldstein & John Bushman Alice Thorner
 Marriage of Naomi Goldstein & John Bushman Martha Toll & Dan Becker
 Marriage of Naomi Goldstein & John Bushman .. Jean Weinberg & Mark Dindburg
 Christmas Joan Kelly Nebel
 Linda Cohen Carla Dimondstein
 Mrs Margaret Collins Lawrence H. Geller
 Patrick A. Compton Chi-Ying Ma
 Kathleen Dailey The Purple Lady
 Paul Dauphinais E.J. Harmony Fund
 Jaime LittleHawk Davies James & Deborah Davies
 The Disenfranchised Paul Frazier
 Tyler Duddy Steve Duddy
 Annaar Eastoak-Siletz Sandy Eastoak
 Bob Ellis Phil Loar
 Monika R. Forndran Eva Forndran
 Gilbert J. Francis Thomas C. Wilde
 Friendship Doris L. Crisson
 LaDonna Geddes Ellen and David Robinson
 Going Home M. Peggy Martin
 Rep. Henry B. Gonzales John J. Murnin
 Mary Susan & Jesse Goss Dr. Robert W. Goss
 Rob & Paula Goss Dr. Robert W. Goss
 Timothy L.M. Goss Dr. Robert W. Goss
 Goulet Family Avis E. Boyd
 Lloyd Greenstreet Jeanne Bogerd
 Hannahville Indian Community John Porter
 Bernard-Hannon Marriage The Morey Family
 Foster Harding Kathy Harding
 Chelsea & Corie Harlan Karan Fairchild
 Paul Harlow Laura Orania-Dahl
 Jaime, Alicia & Lauren Harmon Ellen & David Robinson
 Walter W. Haskew Stephen W. Haskew
 Ms. Gail Hedge Dr. Robert W. Goss
 Hillary Hellerbach Betsey Granda
 Marc W. Hintzman William R. Hintzman
 Dakota Johnson Dr. Frederick S. Johnson
 Tamera Jones Betsey Granda
 Judy Elizabeth F. Moyes
 Artis Jule Ilene and Zoran Mojsilov
 Ellen Kemper and Ken Hughes Linda Keenan
 Carole A. Kendig Patricia L. Collins
 Tikua Frymer-Kensky Helen & Jonathan Frieda
 Cathy Shanley Killion Phyllis Shanley

Ms. Jean King Dr. Robert W. Goss
 The Knights The Dwyers
 Shirly Special K Kostin Grant C. Davis
 Mary Lazzaro Terry & Jerry Lukaszewskij
 Deacon Marlon Leneauh Ray Knight
 Larry Leventhal Dolores K. Speidel
 Kevin Levine Sara Nerken
 Joan Lipsmeyer, Master of Mathematics Ann Graffy
 Elizabeth Loveland & her Grandmother Jane Loveland Frank Loveland
 Donna Maclean, RN Joan Rector Breiding
 T.C. McCarty Frank & Ruth Osborne
 John S. Moody Ralph & Sara Allen
 Beth Moore, M.B.A. Sondra & Sigmund Cohen
 Brook Moore Mary Lillian Moore
 Lessert Moore Marie Nadzan
 Jordan Kyle Musser Tom Musser
 My Birthday Mr. Michael A. Canade
 My Mother Julian D. Chazin
 Native Americans Gladys I. Wilson
 Twylah Nitsch Nancy Lang
 Sara Lou O'Connor Rachel Hegeman
 Raho N. Ortiz Simon Ortiz
 Leonard Peltier Larry Holmes, Jr.
 Joan Pelysger Martha Hoover
 The Rev. Ruth Potter Bruce & Lee Gaede
 Jocelyn Pridemore Betsey Granda
 Elizabeth Rademaker Joe and Lucy Still
 Nicholas Ragona Sally Baines
 Bill Rhodes Joan Rector Breiding
 Rebekah A. Rice Charles F. Riley
 Wilma Roberts Fred Roberts
 Victor Roggio Willie Jacobs
 Jeannette Russo Mary L. Russo
 Mary Roolvink Mary Suzanne Arias
 Jean Scheinman Mr. & Mrs. Alfred D. Egendorf
 Julie Schroeder E. Cozette & Paul Barbour
 Second Chance on Love Shirley A. Kostin
 Voncile Senterfitt Valerie Smith
 Norma Shanley Phyllis Shanley
 Pete Seeger Jerre Brimer
 Jack Spainhour Barbara Spainhour
 Harry and Anita Stein Martin, Ruth and the Children
 Sally Stewart Terry Rainer
 Arnita Strutz Charlotte Bearden
 "Sunbow 5" John and Emily Phillips
 Bertha Swearingen Jeannine & Red St. Peter
 Teachers with phonics training Mrs. Kathleen L. Wheeler
 Dr. George A. Tinker C. Harold & Margaret B. Rickard
 Bob Tom Leonard M. Perkins
 Jesse Trentadue Barbara Ann Reusch
 Cathy & Tubby Troyer Mrs. Morella Johnson
 Dick Trudell W. Richard West, Jr. and Mary Beth West
 Richard Ullman Prescription Processors of America, Local #3950
 Donna Wahwasuck Deb Vanderpoel
 Eea Wea (K.A.) D.L. DeLaney
 Kevin Yazzi Fredrick F. Rinke



...WAR ON OUR CHILDREN

continued from previous page

number of tribes have been successful in gaining an economic foothold through gaming and gaming related businesses. They have obtained a decent standard of living while rejuvenating a pride in themselves and their communities. Tribal gaming, however, is under constant attack. Even as I write this article, a very serious conflict is arising from the ultimatum given by the United States to the Pueblos of that state, some of which have existed as sovereign nations longer than the United States itself. The ultimatum would have the Pueblos give up their gaming operations. The Pueblos have told the state that any trespass onto reservation lands will be declared an act of war and they will be forced to act accordingly.

My friends, my Tiospye, we need your help now more than ever if we are to survive. The attack on tribes, organizations and Indian gaming is happening for the same reasons that the buffalo were exterminated and our economy was destroyed over a hundred years ago: fear and greed. We need you, our donors, to financially support our work and to spread the truth to your friends and colleagues. We need your continued generous support now more than ever.

NEW BEGINNINGS, NEW STRATEGIES, INCLUDE YOU — OUR TIOSPYE

A new year means new beginnings. For the Native American Rights Fund (NARF) 1996 marks the beginning its 26th year. A year that is filled with funding uncertainties as well as the uncertainty of the survival of Indian

country. NARF is receiving more requests than ever for assistance in battling this new war against Indian country.

While you are probably busy setting new goals for yourself, NARF has one goal in mind. That goal is to assist all Indian people in determining their own futures.

As you make plans for the upcoming year, please take some time to consider the future of NARF and Indian country and the ways you can help secure that future. Gifts to charitable organizations is one of the few ways left to decrease your tax bill.

Cash

Cash is the most popular charitable gift because it is simple to give, immediately effective and readily available for the current needs of NARF. If you itemize your tax returns, you may be able to deduct cash gifts up to 50% of your adjusted gross income. Gifts in excess of 50% can be carried forward for as many as five additional years.

Appreciated Securities

Stocks, bonds, and mutual funds which have appreciated in value since you purchased them are a wise gift choice because they allow you to: avoid capital gains tax; to deduct for the full market value if held for longer than twelve months; to deduct the fair market value of the donated assets up to 30% of your adjusted income; and to carry forward excess deductions into as many as five additional tax years.

For example: Bob and Judy Smith purchased stock in 1990 for \$5,000. The stock has a current value of \$22,000. By giving

this stock, the Smiths make a substantial contribution of \$22,000. In the year of the gift it can be deducted at the full fair market value up to 30% of the couple's adjusted gross income. However, if the gift exceeds 30% of their adjusted gross income, the excess can be carried into as many as five additional tax years. The capital gains tax is avoided when the gift is made.

Lifetime Income

If you would like to make a substantial commitment to NARF but need the income for the remainder of your life, there are a variety of gift plans that allow you to do that. Making lifetime income gifts to NARF gives you the several options including: enjoying a fixed or variable payment during your lifetime, receiving a income tax deduction in the year of the gift, making a current commitment to NARF's future, avoiding capital gains tax when using appreciated securities, saving inheritance and estate taxes on assets that are transferred to NARF; establishing a memorial fund for a loved one; and last but not least, participating in a major way in ensuring the future of NARF and Indian Country.

Bequests

Many of our donors choose to leave a lasting legacy through a bequest to NARF. Bequests are simple and can be made different ways; they can be made as part of a new will or by amending an existing will through a codicil. You can name NARF as the beneficiary of a specific amount of money, a percentage of your estate, or by making provisions for loved ones first and leaving the residue or remainder of your estate to NARF. Bequests can be made in memory of or to

honor a loved one. Donors choosing to include NARF in their estate planning become eligible for membership in the "Circle of Life."

CONTINUED STRATEGIES THAT HAVE ENSURED OUR SURVIVAL — THANKS TO YOU, OUR TIOSPYE.

Over the years friends have chosen to support the work of NARF in various ways some of which we've listed below. Hopefully you will identify one that is most convenient to you.

- **Tsanahwit Circle** - (pronounced "sa na wit") is used by the Nez Perce Tribe to signify "equal justice." For those donors who pledge to make a small donation each month. These gifts provide a regular, predictable source of income.

- **Peta Uha Council** - (Lakota word meaning "firekeeper") You

can become a Silver Feather member by making an annual gift of \$500 or a Gold Feather member with an annual gift of \$1000 or more. The gifts provide a solid funding base that ensure that the critical work of NARF continues to move forward.

- **Otu'han (Memorial/Honoring) Program** - A contribution is made to honor someone on a special occasion or in memory of family, friends and loved ones while supporting NARF's work.

- **Matching Gifts** - This program allows the employer to match their employee's gifts, sometimes doubling or even tripling employee contributions. Check with your employer to participate in an existing matching gifts program or to establish one.

- **Workplace Campaigns** - Allows you to give to NARF through your workplace payroll deduction

program. NARF is a member agency of America's Charities and Community Shares of Colorado. If your workplace does not have an existing employee's campaign, and you would like more information about establishing one, please contact our development department.

- **21st Century Endowment** - To establish a permanent endowment to provide income for the future of NARF, Ford Foundation agreed to commit the first million dollars of a three million dollar endowment campaign for NARF.

Thousands of friends have helped NARF to grow and succeed. Individuals, corporations, foundations, government agencies, religious groups, tribes and tribal organizations support NARF's important work on behalf of its Native American clients throughout the country.

JULY - DECEMBER 1995 In honor of NARF's 25th:

John J. Alder
Charles E. Anderson, Jr.
Mary Suzanne Arias
Jimmy W. Arterberry, Jr.
Stella Avila
Jack C. Awad
Diane G. Badore
Charlotte Bearden
Mr. & Mrs. H. Bentre
Ms. Patricia A. Bilodeau
Gerald L. Black
Helen L. Blaha
Rev. J. O. Blom
Sonia Blue
Jeanne Bogerd
Mr. Russell Boulding
Bernard Boyle
Mr. & Mrs. Arthur S. Brecher
Mr. Robert E. Bullard
Mary Bye
Mr. Michael A. Canade
Dorothy June Carroll
Mr. Julian D. Chazin
Ilze Anna Choi
Dolores Ciccarelli
Beverly Clark
Pauline Coggs
Sondra & Sigmund Cohen
Miss Alice N. Coleman
Laura Delano Condax
Mr. & Mrs. D. Benton Crittenden

Hans E. Dahlberg
Grant C. Davis
Ms. Lois Davis
Tyrone C. Davis
D.L. DeLaney
A. Larry DePaolo
Sarah Dollen
Royal C. Downton
Leslie M. Dozsa
Rita Emmett
M.J. Engel
B. Espersen
Ms. Norma E. Estes
Rita B. Fenton
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Sharon Ford
Eva Forndran
Paul Frazier
Elisabeth Garnett
Mary G. Garrison
Albert Gegenheimer
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Dr. Robert W. Goss
Estelle J. Goulais
Alex Grant
Michael C. Grenata
Luella Gruchalla
Mrs. F.V. Grunbaum
Helene M. Grunewald
Farhim P. Guzewich
Judith Hakam
April L. Harris
Lou Harrison & William Colvig
Stephen W. Haskew
John E. Hazzard
Ms. Barbara H. Heald
Margaret Herz

Fay R. Hinkle
William R. Hintzman
Kirsten Holmquist
Anna L. Howe
Alfred J. Huber
Alfred H. Hudson
James L. Inman
Mr. Judson H. Irish
Willie Jacobs
Dorothy V. Jacobson
Dr. Frederick S. Johnson
Morella Johnson
Robert E. Jones
Dr. & Mrs. Morris J. Karnovsky
Kelly Keller
Muriel M. Kennedy
Raymond I. Knight ("Wanbli")
Shirley A. Kostin
Anna Kubik
Gertrude Lange
Marjorie Langer
Harry J. Lapine
Robert M. Levin
Arthur E. Levy Jr.
Evangelyn Lilly
James S. Lively
Jeannie London
Sig Lonegren
E.R. Loveland
Frank Loveland
Meta B. Lynch
Gilbert J. Lynn
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Sandy & Larry Margler
M. Peggy Martin
Marcelle M. Martin
Jenney Matthews

Virginia S. Mayforth
Isabel Mayhew
Ruth Allan Miner
J. Mueller
A. Mukerjee
Zelda Multz
John J. Murnin
Martin Murphy
Tom Musser
N.W. Economic Associates Inc.
Mr. and Mrs. Chester Nelson
Mr. Harold R. Nelson
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Nancy Newman
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Lt. Col. R. O'Callaghan, Ret.
Louise Odrzywolska
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Kathleen Ann Romberg
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Lawrence C. Salvesen
Karl Schafer
Beverly Schechtman

Kaye Schonbach
Miriam Shea
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Jack O. Shoff
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Valerie Smith
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Robyn Stockton
Lynnette Stover
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Mrs. Helen Travis
Ms. Mary Usenik
Mr. Martin VanHorn
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Micky G. Wall
Mrs. Clara Wallace
Margaret H. Waldecker
Mrs. Loren Walmer
Clarence W. Walton
Valrie Walton
Alfred R. Washington
Virginia Wasson
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Ruth Wender
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Mrs. Thomas Wilson
Donald Woodside
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