



NARF Legal Review

Native American Rights Fund

Recently Passed "Indian Tribal Justice Technical and Legal Assistance Act" Expected to Strengthen and Improve Tribal Justice Systems

On December 21, 2000, President Clinton signed into law Public Law 106-559, the Indian Tribal Justice and Legal Assistance Act of 2000. The Act is an important step forward in the strengthening and enhancement of tribal justice systems. It formally authorizes the Attorney General to award grants and provide technical assistance to Indian Tribes to support the development and continuing operation of tribal courts. National and regional tribal justice associations have been working hard, primarily on a voluntary basis, for decades to assist Tribes with the operation of their tribal court systems. This law makes the associations and Native American legal services organizations eligible to apply for much-needed federal funding to assist them in their efforts. Additionally, an important component of the new law is the reauthorization of the 1993 Indian Tribal Justice Act.

The work to implement the Act has only begun, however. Serious efforts must be made to impress upon Congress and the new Administration the critical need for funding of the programs contemplated by the new law and of the Indian Tribal Justice Act that is now over seven years old and has never received a penny of funding. Tribal courts have been underfunded for more than twenty years -- which is a failure of the federal government to meet its trust responsibility to Indian nations. The law is a chance for the federal government to meet its obligations in the tribal justice area.



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The Act specifically calls for Congressional appropriations over the next four years to support:

- Tribal Justice Training and Technical Assistance Grants
- Tribal Civil Legal and Criminal Assistance Grants
- Grants to tribal courts to develop, enhance, and continue operating

tribal justice systems and to develop and implement: tribal codes and sentencing guidelines; inter-tribal courts and appellate systems; tribal probation services, diversion programs, and alternative sentencing provisions; tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

Finally, the enactment of the Act will enable these programs to access critical supplemental funding to assist Tribes and tribal courts in much-needed infrastructure and justice system development and enhancement. There are thirty Indian legal services programs nationwide and these programs have never received sufficient funding from the Legal Services Corporation or other sources. Given the tremendous need of individual Indians and small Tribes for access to legal counsel, the authorization to seek funding from the Department of Justice is a major step forward.

The Native American Rights Fund and the National American Indian Court Judges Association (and its National Tribal Justice Resource Center) were instrumental in securing the passage of the Indian Tribal Justice Act in Congress. In addition, Cindy Darcy and Eric Eberhard of the firm of Dorsey & Whitney in Washington, D.C., provided outstanding *pro bono* assistance to NARF and to the National Association of Indian Legal Services (NAILS).

The Legislative Process Leading to the Enactment of PL 106-559

The bill, S. 1508, was introduced by Senator Ben Nighthorse Campbell of Colorado on August 5, 1999. In introducing the bill, Senator Campbell stated that there was a huge need for legal assistance in Native communities that was not being met and that strong legal systems can effect communities in many ways. Senator Campbell noted that "...there are many factors determining whether or not a Native community can be competitive and attract investment and business activities to boost employment: a

solid physical infrastructure, a skilled and healthy workforce, access to capital, and a governing structure that encourages risk taking and entrepreneurship. Part of such an environment is a judicial system that instills confidence in businesses as well as individuals that disputes can be settled fairly, that contracts will be honored, and that the governed recognize the government's authority as legitimate. A disordered system does not foster that confidence. Whether or not individuals will have access to legal services and well-ordered tribunals is key to development. A strong legal infrastructure is widely recognized in American business circles as a necessary condition for business development whether it be in Russia, Indonesia, inner city America, or on Indian lands."

In introducing the bill in the House of Representatives on November 10, 1999, Representative Tom Udall of New Mexico stated that "...The legislation I introduce today would do three important things. It would authorize the Attorney General to award grants from within existing programs at the Department of Justice. The grants would be used for the purpose of improving tribal judicial systems through training, technical assistance and civil and criminal assistance. Second, the bill would provide that the Attorney General may award grants and provide technical assistance to Indian tribes for the development, enhancement and continuing operation of tribal justice systems. These grants and technical assistance may be used for such activities as code development; the development of intertribal courts and appellate systems; probation services, sentencing and alternative sentencing and diversion programs; juvenile justice services and multi-disciplinary protocols for child physical and sexual abuse; and traditional tribal justice practices and dispute resolution methods. And last, the legislation would amend the Indian Tribal Justice Act of 1993 to extend the authorization for appropriations under the Act from fiscal year 2000 through fiscal year 2007. The Indian Tribal Justice Act of 1993 authorized base funding through the Bureau of Indian Affairs for the more than 250 existing tribal justice systems at a level of \$58.4 million annually. However, no funds have yet been appropriated under the

act. This bill is intended to be a complement to, rather than a substitute for direct federal funding to tribal governments in the area of tribal justice.”

The findings stated in the bill reflected the concerns of the legislative sponsors. Among other findings, the bill emphasized that (1) there is a government-to-government relationship between the United States and Indian tribes; (2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands; (3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole; (4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth; (5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments; (6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands; (7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency; (8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation; (9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems; (10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and (11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

Accordingly, the purposes of the bill were as follows: (1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance; (2) to strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes; (3) to strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services; (4) to encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems; and (5) to assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

These purposes were to be achieved by authorizing the Department of Justice to use appropriated funds to award grants to national and regional organizations, whose members are tribal justice system personnel, to provide training and technical assistance for the development of tribal systems; and, to award grants to non-profit legal services providers to provide civil and criminal legal assistance to tribal members or judicial systems.

History of Tribal Judicial Systems and Their Funding

Many Native Americans continue to live in abject poverty and as with similarly situated groups, crime rates are high and access to civil legal assistance is poor. Along with other factors, stable tribal governments and healthy tribal economies depend on strong and well-ordered tribal courts and judicial systems. For many Indian communities, Indian Legal Services (ILS) providers fill the void by providing basic civil legal assistance to qualifying individuals. In addition to this assistance, ILS entities assist tribal governments in developing their justice



systems by providing a variety of services including training court personnel, and strengthening the capacity of tribal courts to handle both civil and criminal matters. Together with tribal governments, ILS organizations work to establish and maintain confidence in tribal justice systems. Adequate funding has long been recognized as one of the key ingredients for the development of effective Indian tribal justice systems. In 1941 John Collier, then-Commissioner of Indian Affairs, stated that “[t]he lack of adequate appropriations for the support of the courts and for the maintenance of an adequate police force have handicapped the administration of justice.” In its final report issued in 1977, the American Indian Policy Review Commission noted the importance of tribal justice systems and urged that Congress provide sufficient funding for the establishment and development of justice systems.

In 1991, the United States Commission on Civil Rights issued its report on the implementation of the Indian Civil Rights Act of 1968 noting the need for adequate funding for tribal justice systems. In 1993, the Indian Tribal Justice Act was enacted to provide support for Indian tribal courts and for other purposes, but funding appropriated under the Act has not been sufficient to meet the needs across Indian country. For years the Committee on Indian Affairs has focused its attention on tribal courts, juvenile justice, gang activity, and law enforcement on Indian lands. In 1997, the U.S. Department of Justice published a report showing that while crime rates generally have fallen throughout the nation, federal and tribal law enforcement agencies reported that crime in Indian communities is rising. In October, 1997, the Executive Committee for Indian Country Law Enforcement Improvements issued its Final Report to the Attorney General and the Secretary of the Interior. In response to these reports, the Administration proposed its “Law Enforcement Initiative for Indian Country,” which stressed the need for more law enforcement and justice resources. In 1997 through the current fiscal year, Congress responded by increasing funding to provide for additional FBI agents, tribal law enforcement officers, juvenile detention centers but provid-

ing only small amounts to tribal courts. \$5 million for DOJ’s tribal courts initiative was appropriated in FY 1999 and FY 2000 which was increased to \$8 million in FY 2001.

Every year, Indian tribal courts and courts personnel handle large caseloads: the Navajo Nation court system processed over 25,000 cases; the Gila River Indian Community (AZ) handled more than 3,000; the Colville Tribal Court (WA) dealt with nearly 2,000 cases; and the Ft. Peck Tribe (MT) processed over 3,100 cases in 1997. Though the 1993 Indian Tribal Justice Act authorized nearly \$50 million dollars to support tribal justice systems, adequate funding under the Act has not been requested or appropriated. Stepping into this breach, civil legal assistance to individuals and other forms of legal aid are often provided by non-profit ILS organizations, which receive their funding from the federal Legal Services Corporation (LSC).

Since 1945, the United States has spent billions of dollars in overseas assistance to boost foreign economies and cultivate democracy around the world. These funds have included assistance for physical infrastructure, education, health care and private sector development. The U.S. has also recognized the importance of well-functioning justice systems. A major component of the U.S. foreign development strategy is “Rule of Law Assistance” provided to assist in the development of foreign judicial and justice systems. The General Accounting Office (GOA) reports that from 1993 to 1998, Congress appropriated \$970 million for foreign “rule of law programs,” with \$75 million slated for foreign courts. Funding made available under this program is for legal, judicial, and law enforcement purposes in both the civil and criminal contexts. The United States can no longer ignore the needs in Indian country. It is time that they meet their trust obligation here at home.

The Indian Tribal Justice and Legal Assistance Act of 2000 not only had the support of tribes and tribal courts, it also had the full support of the Legal Services Corporation, the Department of Justice’s Office of Tribal Justice, and the Assistant Interior Secretary for Indian Affairs as all testified in favor of the bill. ☉

CASE UPDATES

Another Victory for Indian Trust Beneficiaries

In a precedent-setting opinion, a federal appeals court on February 23, 2001 affirmed that the federal government has a legally-enforceable duty to properly manage and account for Indian trust assets. The unanimous ruling of the U.S. Court of Appeals, D.C. Circuit, represents a major court victory for over 300,000 individual Indians whose trust funds have been egregiously mismanaged by the federal government for over a century. According to John Echohawk, Executive Director of the Native American Rights Fund, the decision also represents "one of the strongest judicial affirmations of the United States' trust responsibility to Native Americans."

In rendering its decision, the D.C. Circuit concluded that "The Interior Department has failed to discharge the fiduciary duties it owes to IIM [individual Indian money] beneficiaries for decades. Despite the passage of the 1994 [Trust Fund Management Reform Act], the Department is still unable to execute the most fundamental of trust duties B an accurate accounting."

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The historic ruling comes in *Cobell v. Norton* (formerly *Cobell v. Babbitt*) - the landmark class action lawsuit filed nearly five years ago by the Native American Rights Fund in conjunction with outside counsel. The suit alleges that the federal government has breached its fiduciary duties to individual Indian trust beneficiaries, and seeks a full and accurate accounting of all funds held in trust by the government on behalf of individual Indians. Following a lengthy trial,

U.S. District Court Judge Royce C. Lamberth ruled on December 21, 1999, that the government has indeed breached its duties, calling the mismanagement of Indian trust funds "fiscal and governmental irresponsibility in its purest form." In what he characterized as a "stunning victory" for the Indian plaintiffs, Judge Lamberth affirmed the right of Indian trust beneficiaries to an accurate and complete accounting of their funds, and retained jurisdiction over the case for a period of at least five years to ensure that the government follows through with long-overdue trust management reform.

In January 2000, the government appealed to the U.S. Court of Appeals for the D.C. Circuit, claiming that Judge Lamberth had no authority to order government officials to prudently manage and accurately account for Indian trust funds. According to the government, no trust responsibilities were owed to individual Indian trust beneficiaries until 1994, when Congress enacted the American Indian Trust Fund Reform Act. Judicial oversight of the Interior Department's ongoing effort to implement the Act is both unjustified and illegal, the government further argued on appeal.

NARF countered that the federal government's fiduciary duties to individual Indians arose not in 1994, but over 100 years ago, following the allotment of some tribal trust lands to individual Indians. As Judge Lamberth noted in his December 1999 decision that the 1994 Trust Reform Act was enacted precisely because the Interior Department had ignored repeated Congressional directives to account for Indian trust funds and to correct longstanding deficiencies in the Indian trust fund management system. In other words, the Trust Reform Act merely reaffirmed and codified existing fiduciary duties. NARF further argued that judicial oversight is essential in this case if individual Indian trust beneficiaries are ever to receive the accounting to which they are entitled.

The D.C. Circuit agreed, unanimously upholding Lamberth's ruling. Writing for the court, Judge David Sentelle held that Lamberth's retention of jurisdiction in the case was well-justified given the "magnitude of government malfeasance" in its management of Indian trust funds, and stressed that "what little progress the government has made appears more due to the litigation than diligence in discharging its fiduciary obligations."

This opinion sets the stage for the next phase of the case - the accounting - which will involve a second trial before Judge Lamberth to determine accurate trust fund account balances. Plaintiffs have requested that the second trial commence by the end of the year. For more information about *Cobell v. Norton*, visit www.narf.org and www.indiantrust.com. ☺

U.S. Supreme Court Decision Threatens Tribal Trust Documents

NARF filed an *amicus curiae* brief in November 2000 on behalf of the Klamath Tribe and many other tribes and intertribal organizations in the United States Supreme Court in an effort to overturn the Ninth Circuit's decision in *Klamath Water Users Protective Association v. United States Department of the Interior*. The decision held that several documents provided by the Klamath Tribe to the Department of the Interior concerning the Tribe's water rights case were subject to disclosure under the Freedom of Information Act.

On March 5, 2001, the United States Supreme Court ruled that tribal correspondence with the federal government falls under the Freedom of Information Act and that the federal government must disclose documents exchanged between the Bureau of Indian Affairs and the Klamath Tribes regarding the Tribe's water rights claims in an Oregon water rights adjudi-

cation. By upholding the Ninth Circuit's decision, the Supreme Court has compromised the federal government's ability to act as an effective trustee for tribal trust resources and has seriously undermined the confidential trust relationship between the tribes and the United States. Many tribes rely on the United States to act in its fiduciary capacity with respect to litigation to protect tribal natural resources like land and water that are held in trust for them by the United States.

The decision creates an immediate problem in many pending matters throughout Indian country. NARF expects that a bill will be introduced in Congress soon to address this problem on an emergency basis. Strong support from Indian country will be needed for this legislative effort. Please contact NARF staff attorney Tracy Labin for additional information. ☺

Federal Trust Relationship for Alaska's Shoonaq' Tribe of Kodiak is Reaffirmed

On December 29, 2000 the Bureau of Indian Affairs issued a determination acknowledging the Shoonaq' Tribe of Kodiak, Alaska to be a federally recognized tribe. NARF has been representing the Shoonaq' Tribe ever since it was erroneously removed by the Interior Department bureaucrats from the list of Alaska Native Villages acknowledged to be federally recognized tribes by the Assistant Secretary in

1993. With about 1,000 members, Shoonaq' was the largest of the few remaining unrecognized tribes in Alaska. The Tribe will now be entitled to the same federal benefits and services and have the same governmental status as other federally acknowledged Indian tribes with a government-to-government relationship with the United States. ☺

United States Takes a Positive Step on the International Rights of Indigenous Peoples

A change in United States policy on the rights of Indigenous Peoples will likely clear the way for a more constructive dialogue on the United Nations Declaration on the Rights of Indigenous Peoples and the analog American Declaration on the Rights of Indigenous Peoples (collectively, "Declarations"). While the United States has promoted a measure of self-determination for Indian tribes domestically since the 1970s, the government had steadfastly refused to recognize any right of self-determination for tribes or other indigenous peoples within the international arena. For decades, tribes have urged the United States to abandon its anachronistic and discredited international policy on self-determination. Through a relentless campaign by a coalition of tribes and Indian rights organizations including NCAI, NARF and the Indian Law Resource Center, the United States announced that it was adopting a more forward-looking policy on rights for "Indigenous Peoples" on January 18, 2001.

The new policy, while far from perfect, is a step in the right direction and will set the necessary foundation to begin a more constructive dialogue with the United States and other states on the Rights of Indigenous Peoples during negotiations surrounding the Declarations. The new policy does three things that indicates considerable movement by the United States: (1) it acknowledges a right to "self-determination" (albeit only an 'internal' right); (2) it accepts that certain rights of "indigenous peoples" are "group rights"; and (3) it accepts the use of the term "Peoples." (The use of the term Peoples has important legal significance, since two widely accepted international covenants both expressly provide that "All Peoples have the right to self-determination . . .").

NARF in coalition with NCAI and others will work with the new Administration to further develop this policy. The new policy supports recognition of a right to "internal self-determination ...within the framework of the existing nation-state." Although this conception has

problems that Indian Country will seek to improve, the new policy is more consistent with domestic policy and is far better than the United States' refusal to acknowledge any right of self-determination at all. As described by the Presidential Memorandum that announced the policy,

"Indigenous peoples have a right of internal self-determination. By virtue of that right, they may negotiate their political status within the framework of the existing nation-state and are free to pursue their economic, social and cultural development. Indigenous peoples, in exercising their right of internal self-determination, have the internal right to autonomy or self-government in matters relating to their local affairs, including determination of membership, culture, language, religion, education, information, media, health, housing, employment, social welfare, maintenance of community safety, family relations, economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions."

The new policy also impacts the United States' official position on the collective nature of the rights of indigenous peoples. Prior to this change in policy, one of the major stumbling blocks in the discussions at both the United Nations and the Organization of American States regarding the respective Declarations has been that the United States had taken the position that it would only recognize rights belonging to individuals. But, of course, Indian tribes by definition have always had rights that are exercised by the group. The new United States policy acknowledges this reality. The United States policy directive states: "On the issue of collective rights, international human rights instruments generally recognize the rights of individuals. The United States accepts, however, that some collective rights are appropriate for

indigenous communities. The United States believes that collective and individual rights can co-exist in the indigenous context without undermining the individual rights that are firmly rooted in international human rights law.” Similarly, the new policy sanctions the use of the term “Peoples.”

It is important to note that although the ultimate change of policy occurred in the final month of the Clinton Administration, it was not a decision hastily rendered. Indeed, the policy shift was the result of a decades long discussion with tribes and other nations on these questions and a formal, exhaustive, year-and-half-long interagency deliberative process involving the Departments of State, Interior, and Justice, as

well as the National Security Council. All concerned government parties were heard during this process and a compromise decision was reached - one that will set the stage for more-productive dialogue.

It seems unlikely that the new Administration will have any difficulties with this policy on Indigenous peoples self-determination, since self determination for tribes is something supported by both parties. In fact, President Bush’s Republican Party Platform for 2000 specifically states: “We will strengthen Native American self-determination by respecting tribal sovereignty.” However, the State Department’s legal division is working with the new Administration to reverse this policy. ☉



NARF attorneys and NCAI staff participate in a planning conference in Santiago, Chile for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa in September, 2000. (Left to Right) Keith Harper, NARF attorney; JoAnn Chase, NCAI; Victoria Wright, NCAI; and, Kim Gottschalk, NARF attorney.

Permanent Homeland for Timbisha Shoshone Tribe Established in Nevada and California

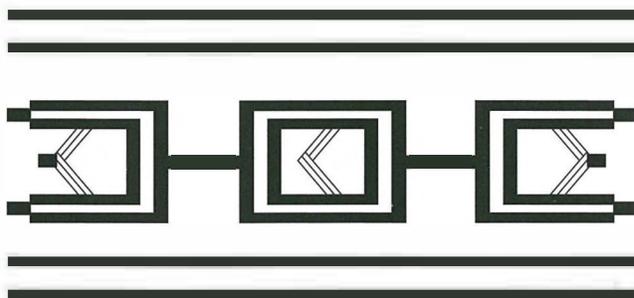
President Clinton signed into law on November 1, 2000 the Timbisha Shoshone Homeland Act, which transfers into trust approximately 7,500 acres of land in and around Death Valley National Park to establish a permanent homeland for the Timbisha Shoshone Tribe. The land being transferred is part of the Tribe's original ancestral homelands and will be used by the Tribe for community and residential development, historic restoration, and visitor-related economic development.

The Timbisha Shoshone Homeland Act comes nearly seventy years after a presidential Executive Order that established a national monument at Death Valley which placed the Tribe's aboriginal lands under the administrative jurisdiction of the National Park Service. As a result, tribal members were treated as trespassers having no rights to any lands. In 1936, the Park Service finally agreed to allow the Timbisha Shoshone to remain on a small 40-acre tract of land at Furnace Creek. However, since then, the Tribe's membership has grown to about 300 tribal members. With no significant land base, the Tribe has been unable to adequately address the housing, educational,

healthcare, economic development, cultural and governmental needs of its tribal members.

With the passage of the Timbisha Shoshone Homeland Act, the Tribe plans to develop up to fifty single-family residences, a tribal community center, an inn, a tribal museum and a cultural center. The Timbisha Shoshone will work on a government-to-government basis with the Bureau of Land Management to ensure that natural resources within the Park are protected and enhanced throughout the development process.

NARF facilitated the Tribe's and the National Park Service's administrative and legislative plan to restore a traditional homeland to the Tribe. ☉



NEW BOARD MEMBER

Jaime Barrientoz, the Vice-Chairman of the Grand Traverse Band of Ottawa and Chippewa Indians located in the Northwest part of Lower Michigan, was elected to the Native American Rights Fund Board of Directors, replacing Gilbert Blue who completed three terms on the Board. Mr. Barrientoz was appointed to the Grand Traverse Band Tribal Council in 1997. In 1998 he was elected to the Tribal Council and appointed Vice-Chairman. The Tribal Council also appointed Mr. Barrientoz as the Chairman of the Grand Traverse Band Economic Development Corporation. Prior to

working with the Tribal Council and the Economic Development Corporation, Mr. Barrientoz worked for the Tribe's casinos for eleven years.

Mr. Barrientoz has devoted his time in developing the Tribe's current businesses and developing future businesses for the Tribe. Mr. Barrientoz is also committed to protecting the rights of Indian people and tribes both locally and nationally. We look forward to having him on the Board of Directors of the Native American Rights Fund. ☉

National Indian Law Library

The National Indian Law Library (NILL) located at the Native American Rights Fund in Boulder, Colorado has announced that its library catalog is now available on the Internet. Over the past twenty-seven years NILL has collected nearly 12,000 resource materials that relate to federal Indian and tribal law. The Library's holdings include tribal codes, ordinances and constitutions; legal pleadings from major American Indian cases; law review articles on Indian law topics; handbooks; conference materials; and government documents. Library users can access the searchable catalog which includes bibliographic descriptions of the library holdings by going directly to: <http://wanderer.aescon.com/webpubs/webcat.htm> or by accessing it through the National Indian Law Library link on the Native American Rights Fund website at www.narf.org. Once relevant materials are identified, library patrons can then choose to review their selected materials, request mailed copies for a nominal fee, or borrow materials through interlibrary loan. In addition to making its catalog and extensive collection available to the public, the National Indian Law Library provides reference and research assistance relating to Indian law and tribal law. NILL serves a wide variety of public patrons including attorneys, tribal and non-tribal governments, Indian organizations, law clinics, students, educators, prisoners and the media. The National Indian Law Library is a project of the Native American Rights Fund and is supported by private contributions. For further information about NILL, visit: <http://www.narf.org/nill/nillindex.html> or contact Law Librarian David Selden at 303-447-8760 or dselden@narf.org. Local patrons can visit the library at 1522 Broadway, Boulder, Colorado.

The National Tribal Justice Resource Center (NTJRC) began operations in the National Indian Law Library building last September, and is well on the way to meeting its first year goals.

Created by the National American Indian Court Judges Association and funded by a grant from the U.S. Department of Justice, the Resource

Center was developed to serve the growing needs of tribal justice systems by providing legal resources to tribal court personnel and by assisting with legal inquiries from American Indian and Alaska Native justice systems.

With their web presence now established, the Resource Center, under the direction of CEO Judge Jill Shibles, is working with National Indian Law Library staff on the important project of digitizing tribal codes and constitutions to post online. The partnership is ideal, as NILL has the largest collection of tribal codes and self-governance documents in the nation.

For their website, the NTJRC will utilize select tribal constitutions and code provisions that specifically detail tribal court proceedings and judicial provisions. NILL embraces a larger goal, and has plans to digitize entire tribal codes for the NILL site.

Both projects will be immensely beneficial to tribes that are working both to update their existing materials and to create new self-governance documents. Online access to codes and constitutions will give tribes quick access to sample provisions, and will assist them in developing and revising their codes and constitutions in an effort to strengthen their governments.

NILL has already digitized a number of codes and constitutions, including those of the Turtle Mountain Band of Chippewa Indians, the Yavapai-Apache Indian Community of the Camp Verde Reservation, and White Earth Band of Chippewa tribes, to name just a few.

In addition to the ongoing digitization project, the NTJRC also offers training and technical assistance to tribal court personnel, and is developing a free, searchable, online database of tribal court opinions. The Resource Center is proving to be a vital resource for all tribal court systems and can be found at <http://www.tribalresourcecenter.org>. ☪

The Native American Rights Fund

The Native American Rights Fund (NARF) was founded in 1970 to address the need for legal assistance on the major issues facing Indian country. The critical Indian issues of survival of the tribes and Native American people are not new, but are the same issues of survival that have merely evolved over the centuries. As NARF begins its thirty-first year of existence, it can be acknowledged that many of the gains achieved in Indian country over those years are directly attributable to the efforts and commitment of the present and past clients and members of NARF's Board and staff. However, no matter how many gains have been achieved, NARF is still addressing the same basic issues that caused NARF to be founded originally. Since the inception of this Nation, there has been a systematic attack on tribal rights that continues to this day.

For every victory, a new challenge to tribal sovereignty arises from state and local governments, Congress, or the courts. The continuing lack of understanding, and in some cases lack of respect, for the sovereign attributes of Indian nations has made it necessary for NARF to continue fighting.

NARF strives to protect the most important rights of Indian people within the limit of available resources. To achieve this goal, NARF's Board of Directors defined five priority areas for NARF's work: (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 and educating the public about Indian rights, laws, and issues. Requests for legal assistance should be addressed to NARF's main office at 1506 Broadway, Boulder, Colorado 80302. NARF's clients are expected to pay whatever they can toward the costs of legal representation.

NARF's success could not have been achieved without the financial support that we have received from throughout the nation. 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. ☺

NARF's website awarded "Standard of Excellence" by the Web Marketing Association. Visit NARF's award winning website at www.narf.org

NARF 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. Editor, Ray Ramirez (ramirez@narf.org).

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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.

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