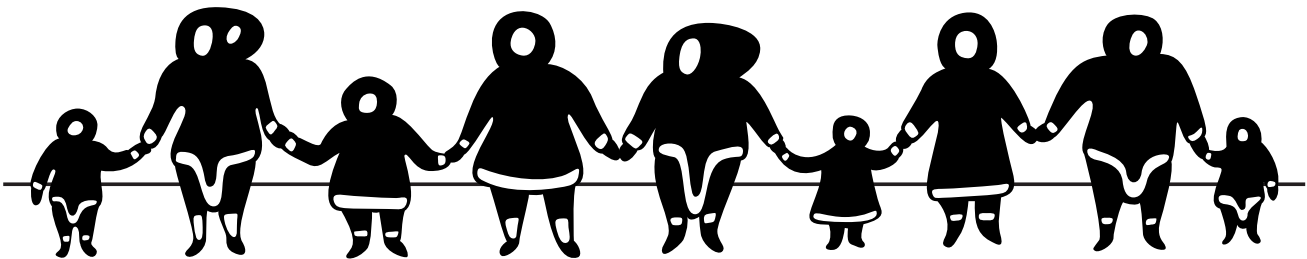




# NARF Legal Review

Native American Rights Fund

## Regionalization By Any Other Name is Termination



Thirty-four years ago, in a Special Message on Indian Affairs, President Nixon stated:

*It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.*

*We have concluded that the Indians will get better programs and that public monies will be more effectively expended if the people who are most affected by these programs*

- ▶ Regionalization By Any Other Name is Termination ..... page 1
- ▶ CASE UPDATES  
Court in Landmark Cobell v. Norton Indian Trust Suit Rules Department of the Interior Must Provide Detailed Notification of Rights ..... page 8
- ▶ CALLING TRIBES TO ACTION!  
..... page 9
- ▶ Indian Law Library ..... page 10

*are responsible for operating them.*

With those words President Nixon repudiated the prior federal policy era of termination and ushered in the new federal policy of Indian self-determination. But recent legislative developments reject the tenet of tribal self-determination as applied to Alaska tribes and threaten to eliminate the sovereign status of tribes in Alaska altogether. This process is being done under

the guise of “regionalization” of tribal funding sources and is being systematically carried out through riders to appropriations bills. Attached to the FY 04 Consolidated Spending Bill (Sec. 112 of HR 2673) were legislative riders that eliminated funds to tribal courts and tribal law enforcement programs in Alaska Native Villages, and authorized the establishment of a joint Federal-State Commission to develop recommendations for bringing Alaska’s 231 tribes ▶



*Peter Captain, First Chief of Louden Tribe at the Tribal Forum on Regionalization. Photo Bill Hess.*

under a unified system of government. And again this year the Senate Appropriations Committee has included in the FY2005 proposed appropriation for the Indian Health Services section 343, a rider that makes permanent a previously temporary moratorium against Alaska tribes operating local health care services under the Indian Self Determination Act. These riders have been authored by the most powerful senator in Congress, Alaska Senator Ted Stevens, Chair of the Senate Appropriations Committee, and a former Department of Interior Solicitor during the 1950s when the federal government terminated the recognized status of some 170 tribes.

Why is Stevens pushing these legislative riders? In recent years the Senator has expressed strong support for regional models of service delivery such as the Denali Commission and the Alaska Native Tribal Health Consortium for the accomplishment of various construction projects and the administration of health care, both in terms

of efficiency and accomplishments. In contrast, Senator Stevens has expressed concern that funding at the village level requires funding for village-level administration, judicial functions, law enforcement, and cultural preservation, among other things. The Senator has also expressed concern that in order to secure grants that are available to the villages, villages have been required to hire grant writers, consultants and/or lobbyists. The Senator said that as a result, he is concerned that villages that lack funding to retain such individuals, but whose needs are great, are unable to secure the funding necessary to meet those needs. He is thus urging consolidation of funding sources to regional corporations as a means of addressing these concerns. But are these concerns legitimately sufficient to justify wholesale regionalization of federal funding to tribes? Tribes across Alaska emphatically say no.

In 2002 an inter-organizational work group was organized to compile information related to each concern articulated by Stevens as necessitating consolidation of funding. In general, the data showed that three of the Senator's concerns – high overhead costs, lack of accountability and “phantom” villages – were largely myths. Overall the existing service delivery of federal programs in Alaska was deemed to be a resounding success. Although the information and data was provided on a continuing basis to Senator Stevens' office in an effort to maintain the status quo, the information was largely ignored. More recently it has become clear that Stevens is pushing regionalization not for reasons of efficiency of service delivery but because he believes that tribal sovereignty poses a threat to statehood.

In shocking remarks made to the press on October 2, 2003, Stevens made clear that his opposition to Alaskan tribes is not about funding multiple tribal governments, but about tribal sovereignty, stating the following:

The road they're on now is the road to destruction of statehood because the Native population's increasing at a much – much greater rate than the non-Native population. I don't know if you realize that. And they want to have total jurisdiction over anything



*Tribal leaders sign Tribal Position Statement in Opposition to Regionalization. Photo Bill Hess*

that happened in a village without regard to State law and without regard to federal law.

The Senator's remarks were later qualified by his staff to mean that increasing numbers of Natives would lead to additional cases and confusion over sovereignty. In his October 24, 2003 address to the annual Convention of the Alaska Federation of Natives, Senator Stevens did not apologize for his prior statement but explained:

The problem I raised in that press conference was the same problem... that developed because the former director of BIA, Ada Deer, decreed that every Alaska Native village was a tribe...<sup>1</sup> Now the claim is there are 231 [sovereign tribes in Alaska]. If those villages are recognized as sovereign

nations, the future of Alaska as a state is in jeopardy; Alaska would ultimately encompass a huge collection of independent tribal nations left unconnected by a state government and unprotected by the federal system... Tribal sovereignty is not the answer to the problems Alaska Natives face. It merely brings authority to some, power to others, and legal fees to advocates that bring incessant litigation.

Senator Stevens concluded his speech by calling for the formation of a "new form of government ... as a political subdivision of [the State of] Alaska."

To accomplish this goal Senator Stevens included language in the FY 04 Consolidated



*Tribal leader speaks at Tribal Forum on Regionalization.  
Photo Bill Hess.*

Spending Bill that restricts Tribal Justice monies to those tribes that reside outside existing borough governments. The categorical exclusion of tribes from eligibility for tribal justice monies based upon their location within a borough makes no sense. The Alaska Constitution requires a unitary court system; therefore, borough governments may not maintain independent court systems from that already established by law. Because borough governments do not operate courts, they cannot hear Indian Child Welfare Act (ICWA) or other cases that are typically handled by tribal courts. By limiting the ability of tribes to exercise jurisdiction over their own members, the tribal exclusion encourages cases to be brought within an already back-logged state system.

Stevens also included language in the FY 04 Consolidated Spending Bill which established a Federal-State “Justice Commission”<sup>22</sup> and tasked it with the job of reviewing:

Federal, State, local and tribal jurisdiction over civil and criminal matters in Alaska [but outside existing boroughs, and] make recommendations to Congress and the Alaska State Legislature no later than May 1, 2004, [now January 1, 2005] on options which shall include.... creat[ion of] a unified law enforcement system, court system, and system of local laws or ordinances for Alaska Native villages and communities of varying sizes including the possibility of first, second, and third class villages with different powers.

If the proposals of the Justice Commission become law, such action would amount to the termination of the existing sovereignty of Alaska Native tribes, and the total submission of all Alaska Native peoples to exclusive state law. Moreover, the termination of Alaska tribes would undermine the constitutional foundation for all federal programs and services rendered to Alaska Natives. Federal legislation that singles out Native Americans for distinct treatment constitutes an impermissible racial classification unless it is based upon a political relationship – the federally recognized tribal status – of those being benefitted. The United States Supreme Court in *Rice v. Cayetano*, 528 U.S. 495 (2000), rejected the argument that as a matter of federal law, Native Hawaiians enjoy a status analogous to Indian tribes, striking down a statute authorizing only Native Hawaiians to participate in certain elections. Under *Morton v. Mancari*, 417 U.S. 535 (1974), legislation is upheld if “tied rationally to fulfillment of Congress’ unique obligation” to Native peoples. The Court reaffirmed *Morton v. Mancari* in *Rice* as applied to federally recognized tribes, but held that in Congress’s various enactments for the benefit of Native Hawaiians it had never “determined that native Hawaiians have a status like that of Indians of organized tribes.” 528 U.S. at 518. The elimination of tribes in Alaska would necessarily subject all federal legislation and other federal initiatives in Alaska that are for the benefit of Alaska Natives (including legislation



*NARF Board member Vernita Herdman and Stanton Katchetag listen to testimony at Tribal Forum on Regionalization. Photo Bill Hess*

that benefits ANCSA corporations) to *Rice v. Cayetano* types of challenges.

Earlier Congressional experiments in the 1950s with terminating the federally recognized status of Native American tribes and forcing their assimilation under state law proved to be a disaster, compelling Congress decades later to restore the tribal status of terminated tribes. The recent Congressional developments pertaining to Alaska tribes threaten to deteriorate the sovereign rights of all tribes, denigrate the fundamental importance of federal recognition, and set a dangerous precedent that reflects a new Congressional policy of acquiescing to the whims of Congressional members who favor the termination of federally recognized tribes. Like Felix Cohen’s proverbial canary in the miner’s cave, Congress’ treatment of tribes in Alaska signals the bell-weather for a shift in federal policy – a shift from one that embraced the policy of Indian Self-Determination to one that harkens

back to the termination era and before that the policies of the 19th century.

Fighting against the impending threat of termination of Alaska’s federally recognized tribes has become a priority for Alaska’s NARF office.<sup>3</sup> To educate Tribes about the increasing use of legislative riders to undermine tribal sovereignty and to develop a tribal strategy in response to such use, NARF worked with tribes to organize and facilitate a Tribal Forum on Regionalization<sup>4</sup>. The Forum which was convened in Anchorage, Alaska on August 30 through September 1st, was attended by over 400 participants from 136 Alaska Tribes. The Forum was conducted simultaneously on two tracks: the first enabled tribal leaders to talk about how regionalization will affect tribal status, rights and authorities; the second track included a public hearing which featured testimony about best practices currently used by tribes to deliver public services. Representatives





Former NARF Board member Mike Williams testifies at Tribal Forum on Regionalization. Photo Bill Hess

from Honoring Nations attended the hearing, took testimony and have agreed to compile the testimony into a report that can be used to educate Congress. At the end of the three day forum tribal delegates adopted a Tribal Position Statement in Opposition to Regionalization which was signed by over 80 signatories. After state wide distribution, tribal signatures on the Statement continues to grow daily. Tribal delegates also adopted an action plan as part of an on-going campaign to fight against regionalization/termination. The NARF office will continue to assist Alaska tribes step up the campaign by 1) bringing the issue to national attention both before the National Congress of American Indians (NCAI) and tribes in the Lower '48; 2) educate members of Congress how legislative riders are being used by the Alaska delegation to shift federal policy and terminate the rights of Alaska's federally recognized tribes; 3) build a coalition of tribal and other interest groups to fight against regionalization/termination.<sup>5</sup> \*

<sup>1</sup> The Department of the Interior has annually listed Alaska tribes on its list of federally recognized tribes since 1979. After a decade of listing Alaska tribes, in 1988 the Department oddly published a new list that also included state-charted corporations that were established in 1971 pursuant to the Alaska Native Claims Settlement Act

(ANCSA). Through ANCSA Congress extinguished aboriginal title based on Native use and occupancy and vested newly-created corporations with the assets from the settlement. Importantly, however, Congress left in place the preexisting village tribes. Since the ANCSA corporations are not tribes, the listing of such entities on the 1988 list created great confusion. To resolve the confusion, in 1992 Interior Solicitor Thomas Sansonetti issued an exhaustive analysis concluding that Alaska's Native villages were self-governing tribes. Relying on this analysis, the following year the new Clinton Administration published a list that included tribes but removed the ANCSA corporations. The preamble to the list explained that its purpose was to "expressly and unequivocally acknowledge" that the Department has determined that the villages and regional tribes listed... are distinctly Native communities and have the same status as tribes in the contiguous 48 states. The following year Congress passed legislation that withdrew the Secretary's authority to take tribes off of the list once recognized, while also adding one Alaska tribe that had been omitted from the list.

<sup>2</sup> The representation of the "Justice Commission" consists of 9 members, only one of which will be a tribal representative. The membership thus excludes the very people who have the most to lose if tribal governments are forced to relinquish tribal powers to the State. With no tribal co-chair, and a state co-chair to be appointed by an Attorney General who is on record opposing tribal jurisdiction in Alaska, the Commission structure skews the process away from objectivity and from meaningful tribal input.

<sup>3</sup> NARF opened its Alaska office in 1984 with two attorneys who were directed to prioritize issues of tribal sovereignty and subsistence. In the past twenty years the Alaska office has represented numerous Alaska Native Tribes in such important cases as *Alaska v. Native Village of Venetie Tribal Government*, 856 F.2d 1384 (9th Cir. 1988), reversed by 522 U.S. 520 (1988)(loss on establishment of Indian country); *Alaska v. Babbitt*, 72 F.3d 698 (9th Cir. 1995), cert denied, 516 U.S. 1036 (1996), on renewed appeal from final judgment 247 F.3d 1032 (9th Cir. 2001) (*en banc*) (federal litigation against the State of Alaska and United States involving the scope of the federal government's obligation to implement the priority for subsistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act); *Alakayak v. State*, Case No. 3DI-99-4488 CV (consolidated with No. 3DI-99-12 CV) (facial challenge to the English -Only law); *Native Village of Eyak v. Daley*, Case No. A95-063 CIV (JWS) (assertion of aboriginal hunting and fishing rights on behalf of Alaska Native tribes to the Outer Continental Shelf (OCS) in the Gulf of Alaska).

<sup>4</sup> The Tribal Forum on Regionalization was made possible by a very generous grant from the Alaska Conservation Foundation, a public foundation for the environment that receives and awards grants throughout Alaska to protect the integrity of the environment.

<sup>5</sup> For more information on how you can help or contribute to the campaign, contact the NARF Alaska office at (907) 276-0680. \*

## CASE UPDATES

### ***COURT IN LANDMARK COBELL V. NORTON INDIAN TRUST SUIT RULES DEPARTMENT OF THE INTERIOR MUST PROVIDE DETAILED NOTIFICATION OF RIGHTS BEFORE THE SALE OR TRANSFER OF LAND***

*For the first time in history, individual Indian landowners will be informed of their rights as trust beneficiaries and class members before the sale of their land; Court rules that each beneficiary who decides to sell trusts assets has an absolute right*

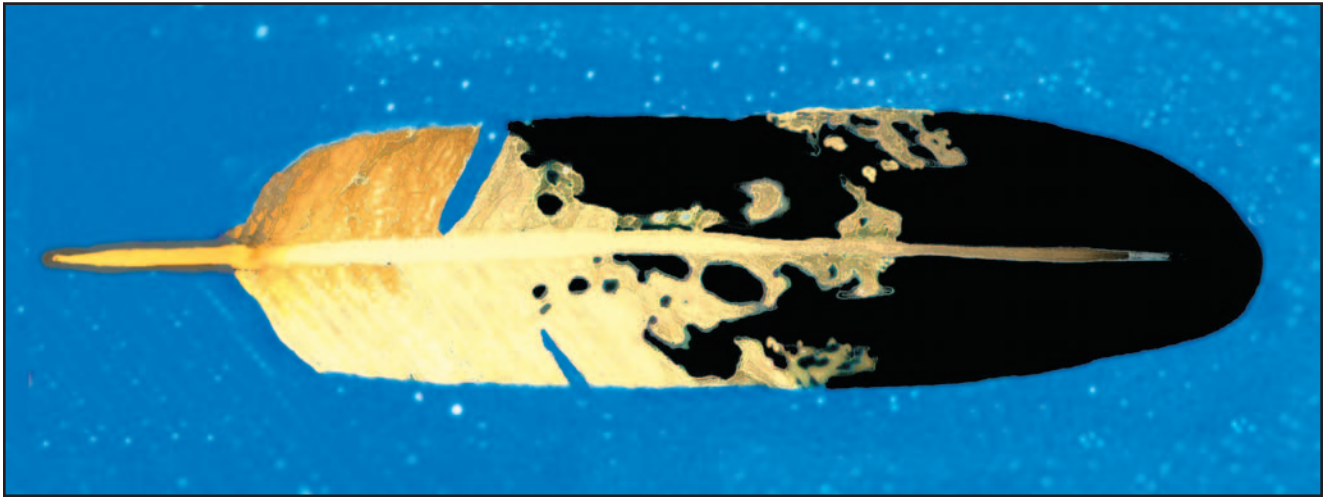
In a major victory for the plaintiffs in the historic *Cobell v. Norton* Individual Indian Trust class action, U.S. federal district court judge Royce Lamberth ruled that all sales and transfers of Indian-owned land by the Department of the Interior (DOI) Bureau of Indian Affairs (BIA) must include a detailed, court-approved notification of the landowner's rights as trust beneficiaries and class members.

In a decision dated September 29, 2004, the Court ruled that an attempted BIA auction of Indian-owned land in Oklahoma earlier this month violated a 2002 court order stating that DOI could not communicate with Cobell class members about matters relating to the trust or the litigation without prior approval of the Court. The Court found that the owners of some of the land that was scheduled to be auctioned were not fully informed of the consequences of such sales with respect to the lawsuit, and "in some cases it seems that the landowners may be fully unaware that their land is up for sale in the first place."

The court's ruling marks the first time in history that such notification has been required of BIA before the agency sells Indian land. At the turn of the century, more than 40 million acres of land were held in trust for individual Indian landowners by the U.S. government. Today, that amount is less than 11 million acres. No one in the U.S. government can explain how the trust assets were lost, or where the proceeds of the sale of the land went.

Elouise Cobell, lead plaintiff for more than 500,000 individual Indian landowners who are plaintiffs in the case, said "For more than a ▶





century, the U.S. government has sold our land out from under us – without consent, without appraisal and without informing us of our rights as trust beneficiaries. That ends today.”

In his ruling, Judge Lamberth held that “any beneficiary who decides whether to sell trust land without being informed about this litigation and the accounting that Interior has been ordered to produce is always and already stripped of the very rights that the accounting was ordered to protect.”

“Trust beneficiaries ought not to have to make the decision to sell trust assets without access to all the relevant information,” Judge Lamberth ruled.

Keith Harper, NARF attorney for the Plaintiffs, said “We now have, in specific detail, rules for the transfer of Individual Indian land that will ensure that the seller understands his or her rights as class members and trust beneficiaries.”

Lamberth’s ruling also clearly establishes the principle that the government cannot compel a beneficiary to sell their land without a “full and accurate accounting, appraisal and other relevant information.” Lamberth ruled that each trust beneficiary has an absolute right to this information from their Trustee-delegate prior to making a decision to sell their trust asset.

“If the underlying rationale... is to facilitate informed decision making,” Judge Lamberth wrote, “then to allow beneficiaries to continue to make decisions that substantially alter their trust interests without information about this litigation and Interior’s obligations is to effectively rob those beneficiaries of the cash value of their rights.”

Judge Lamberth’s decision comes on the heels

of the issuance of a Temporary Restraining Order (TRO) stopping the BIA auction, which was set to take place on September 1, 2004. The plaintiffs had requested a permanent injunction until the Interior could show informed consent on the part of the landowners. Instead, in his latest ruling Judge Lamberth supplemented his 2002 order “to require that all communications between Interior and trust beneficiaries related to sales or exchanges of trust assets of any kind... include notice to class members regarding this litigation and Interior’s duties as Trustee-Delegate.”

The required notice that the Court ordered be sent to all individual landowners must be approved by the Court. According to Judge Lamberth, his ruling, the notice “might include, for example: (1) reasonable notice to the class members of the pendency of this litigation; (2) an adequate description of the nature of the pending claim; and (3) an adequate description of both the relief that has already been granted and that which the plaintiffs seek at the end of this litigation.”

The judge added “The notice displayed on the communications must advise the class member of his or her right to consult with class counsel before making any decisions that affect his or her trust interest, and must allow the class members sufficient time in which to do so. The notice may also inform class members of their right to waive consultation with class counsel if they chose to do so. These rules shall govern all communications between Interior and class members that affect class members, rights at issue in this litigation until this dispute is resolved.” \*



# CALLING TRIBES TO ACTION!

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects are also being reduced at drastic rates. NARF is now facing severe budget shortfalls. Our ability to provide legal advocacy in a wide variety of areas such as religious freedom, the Supreme Court Project, tribal recognition, human rights, the trust funds case, tribal water rights, Indian Child Welfare Act, and on Alaska sovereignty issues has been compromised. NARF is now turning to the tribes to provide this crucial

funding to continue our legal advocacy on behalf of Indian Country. It is an honor to list those Tribes and Native organizations who have chosen to share their good fortunes with the Native American Rights Fund and the thousands of Indian clients we serve. The generosity of Tribes is crucial in NARF's struggle to ensure the future of all Native Americans. We encourage other Tribes to become contributors and partners with NARF in fighting for justice for our people and in keeping the vision of our ancestors alive. ✨

- 
- Agua Caliente Band Of Cahuilla Indians
  - Akiak Native Community
  - Alaska Rural Partners, Inc.
  - Aleut Community of St. Paul Island
  - Colusa Indian Casino & Bingo
  - Confederated Tribes of the Chehalis Reservation
  - Confederated Tribes of the Colville Reservation
  - Cow Creek Band Of Umpqua Tribe
  - Forest County Potawatomi Community
  - Grand Traverse Band of Ottawa and Chippewa Indians
  - Kodiak Area Native Association
  - Kiowa Tribe of Oklahoma
  - Little Traverse Bay Bands of Odawa Indians
  - Louden Tribal Council
  - Mashantucket Pequot Tribe
  - Mille Lacs Band Of Ojibwe Indians
  - Morongo Band Of Mission Indians
  - Native American Church of Navajoland Inc.
  - Native Village of Eyak
  - Native Village Of Port Lions
  - Orutsararmuit Native Council
  - San Manuel Band Of Mission Indians
  - Shoonaq' Tribe of Kodiak
  - Southern Ute Tribe
  - St. Croix Chippewa Indians of Wisconsin
  - Tanana Chiefs Conference
  - Tlingit and Haida Indian Tribes Of Alaska
  - Viejas Band of Kumeyaay Indians

# National Indian Law Library

## Your Information Partner!

### About the Library

The National Indian Law Library (NILL) located at the Native American Rights Fund in Boulder, Colorado is a national public library serving people across the United States. Over the past thirty-two years NILL has collected nearly 10,000 resource materials that relate to federal Indian and tribal law. The Library's holdings include the largest collection of tribal codes, ordinances and constitutions in the United States; legal pleadings from major American Indian cases; law review articles on Indian law topics; handbooks; conference materials; and government documents.

### Library Services

Information access and delivery: Library users can access the searchable catalog which includes bibliographic descriptions of the library holdings by going directly to: <http://nillcat.narf.org/> or by accessing the catalog through the National Indian Law Library/Catalog link on the Native American Rights Fund website at [www.narf.org](http://www.narf.org). Once relevant materials are identified, library patrons can then choose to request copies or borrow materials through interlibrary loan for a nominal fee.

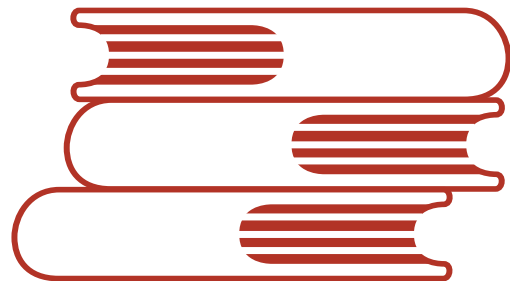
*Research assistance:* In addition to making its catalog and extensive collection available to the public, the National Indian Law Library provides reference and research assistance relating to Indian law and tribal law. The library offers free assistance as well as customized research for a nominal fee.

*Keep up with changes in Indian law with NILL's Indian Law Bulletins:* The Indian Law Bulletins are published by NILL in an effort keep NARF and the public informed about Indian law developments, NILL publishes timely bulletins covering new Indian law cases, U.S. regulatory action, law review articles, and news on its web site. (See: <http://www.narf.org/nill/ilb.htm>) New bulletins are published on a regular basis, usually every week and older information is moved to the bulletin archive pages. When new



information is published, NILL sends out brief announcements and a link to the newly revised bulletin page via e-mail. Send an e-mail to David Selden at [dselden@narf.org](mailto:dselden@narf.org) if you would like to subscribe to the Indian Law Bulletin service. The service is free of charge!

*Support the Library:* The National Indian Law Library is unique in that it serves the public but is *not* supported by local or federal tax revenue. NILL is a project of the Native American Rights Fund and relies on private contributions from people like you. For information on how you can support the library or become a sponsor of a special project, please contact David Selden, the Law Librarian at 303-447-8760 or [dselden@narf.org](mailto:dselden@narf.org). For more information about NILL, visit: <http://www.narf.org/nill/nillindex.html> Local patrons can visit the library at 1522 Broadway, Boulder, Colorado. \*



# 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 is in its thirty-fourth 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 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. Ray Ramirez Editor, [ramirez@narf.org](mailto:ramirez@narf.org).

**The NARF Legal Review** is published biannually by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. Ray Ramirez, Editor, [ramirez@narf.org](mailto:ramirez@narf.org). There is no charge for subscriptions, however, contributions are appreciated.

**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) (FAX 303-443-7776). <http://www.narf.org>

**Washington, D.C. Office:** Native American Rights Fund, 1712 N Street, NW, Washington, D.C. 20036 (202-785-4166) (FAX 202-822 0068).

**Alaska Office:** Native American Rights Fund, 420 L Street, Suite 505, Anchorage, Alaska 99501 (907-276-0680) (FAX 907-276-2466).



# NATIVE AMERICAN RIGHTS FUND BOARD OF DIRECTORS

- E. Ho`oipo Pa, Chair ..... Native Hawaiian
- Jaime Barrientoz, Vice Chair ..... Ottawa/Chippewa
- Mark Brown ..... Mohegan Tribe
- Elbridge Coochise ..... Hopi
- Billy Frank ..... Nisqually Tribe
- John Gonzales ..... San Ildefonso Pueblo
- James Roan Gray ..... Osage
- Vernita Herdman ..... Inupiaq
- Karlene Hunter ..... Oglala Lakota
- Nora McDowell ..... Fort Mojave
- Paul Ninham ..... Wisconsin Oneida
- Anthony Pico ..... Viejas Band of Kumeyaay Indians
- Woody Widmark ..... Sitka Tribe
- Executive Director: John E. Echohawk ..... Pawnee

## NARF LEGAL REVIEW • VOLUME 29, NO.2 • SUMMER/FALL 2004

### NARF Legal Review

1506 Broadway  
Boulder, CO 80302

Non-Profit Org.
U.S. Postage
<b>PAID</b>
Boulder, Colorado
Permit No. 589



PRINTED ON RECYCLED PAPER