



# Legal Review

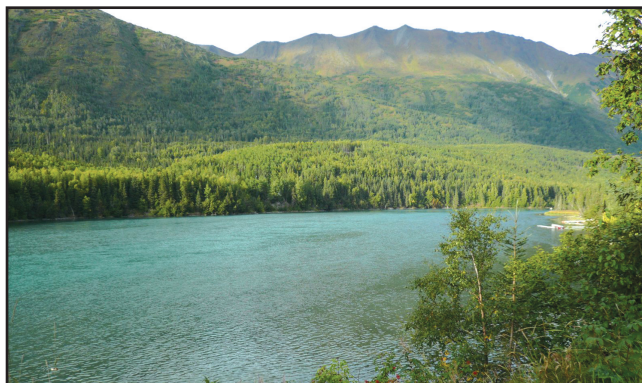
NATIVE AMERICAN RIGHTS FUND

## The right to vote for Alaska Natives

*"Sometimes I wonder if my votes count. Poll workers speak to me in English, but I don't understand. I didn't understand any of the ballots but I still voted. We go to vote and vote, but we don't know what to do and how to vote." (Fred Augustine, Village of Alakanuk)*

With the passage of the Indian Citizenship Act (ICA) in 1924, American Indians and Alaska Natives could vote. Technically, this was true, but in practice it was not. Because as soon as the ICA passed, jurisdictions started looking for ways to restrict the right to vote. One way to do this of course was through literacy tests. Alaska had a very famous one that required the Native applicant to read aloud and then write sections of the U.S. Constitution. Alaska's literacy test lasted until 1970 when it was repealed – just barely – by a ballot proposition.

The Voting Rights Act (VRA) had been passed in 1965 to protect racial and ethnic minorities from discrimination at the polls, and in 1975 Congress amended the VRA to protect language minorities. To do so, Congress outlawed literacy tests and mandated that voting materials made available in English also be made available in the minority languages spoken in a given jurisdiction. The law covers jurisdictions where more than 10,000 or more than 5 percent of the voting-age persons in that jurisdiction (usually a county, borough, or city) speak the same minority language, have literacy rates lower than the national average and have limited proficiency in English (which is defined as having less than a fifth grade education). In this way, Congress does not require ballots and materials in every language spoken, a group has to meet a minimum threshold, and it does not require them for groups that are also fluent in English. To determine which jurisdictions



must provide language assistance under Section 203, the Census Bureau relies upon returned census forms that indicate (1) location, (2) language spoken and (3) proficiency in English.

Jurisdictions throughout rural Alaska had been covered by Section 203 since the law first passed in 1975. Moreover, the Department of Justice had regularly notified the State of Alaska, Division of Elections (DOE) which jurisdictions within the State were covered and for which language. Since Native languages are, and have been, alive and well in rural Alaska, the DOE was routine- ▶

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ly notified that it had to translate all election materials into Yup'ik, Cup'ik, Siberian Yup'ik, Inupiaq, and Gwich'in among others. Despite this very clear mandate and very clear direction, the DOE had conducted elections in English only since 1975 – exactly as it had done when the literacy test was law.

One critical feature of Section 203, and the one that would feature most prominently in the DOE's policies for the next 40 years, was the so-called Stevens Proviso. In 1975, when the VRA Amendments and Section 203 in particular were being debated, Senator Stevens (R-AK) argued against its blind application to Alaska because he argued the very low literacy rates at the time meant that simply providing materials in Native languages would not necessarily help voters understand the ballot. Instead, he argued that Alaska Native languages were "historically unwritten" (a term Congress invented) and therefore their language assistance should be provided orally, translator to voter. Senator Stevens did not intend, however, that Alaska Native voters receive no materials written in their languages. On the contrary, he inserted letters and com-

*Group photo: second from left is Mike Toyukak (lead Plaintiff), third from the left is Frank Logusak (tribal representative for Plaintiff Togiak Traditional Council), on the far right is Moses Kritz (president of Plaintiff Togiak Traditional Council). Mike and Frank testified in the case.*

ments into the legislative history indicating that the intent was to provide oral language assistance and to provide written sample materials such as ballots and candidate statements that could be posted in public places and read by literate persons to those who were not. In other words, the Stevens Proviso created supplementary language assistance for Native languages to account for the fact that literacy levels were so low. But the intent was clearly not to deprive Alaska Native language speakers of any information in writing – it just wasn't supposed to be the only means of compliance with 203 as it was for other languages.

The Alaska DOE relied on the Stevens Provision, or rather their peculiar interpretation of it, to provide no language assistance at all in the covered communities since 1975. Their view



seems to have been that since they were required to provide only oral language assistance, bilingual people in the villages were all the language assistance that was required. The entire burden for providing language assistance had been shifted from the DOE to individual poll workers in the villages. However, the State never told this to the actual poll workers. So, unbeknownst to them, they were supposed to be translating all election materials for every voter in every election. Not only did the poll workers not know this, even if they had, they could not possibly translate all the complex election materials themselves and do so completely and accurately. Being bilingual in everyday language such as traveling and ordering in a restaurant is one thing, but being able to translate ballots written with legal terms and in college level English is entirely different. Needless to say, election materials including ballots simply were not being translated. The end result is that a lot of people did not know what they were voting for.

NARF brought a lawsuit to enforce Section 203 in 2007 called *Nick v. Bethel*. The plaintiffs were four tribal councils and four individual elders in the Bethel Census Area. A huge swath of Alaska is not organized into any boroughs or counties so the census had made its coverage determinations based on federal census areas. In the Bethel Census Area, the first language spoken in 75 percent of homes was Yup'ik and the illiteracy rate was 17 times the national average. NARF won a preliminary injunction in July 2008 mandating relief for the 2008 election cycle, including sample ballots written in Yup'ik. The case was settled in January 2010 when the DOE agreed to provide some election materials in Yup'ik as well as provide increased training for poll workers, among other relief. Because the census areas above and below Bethel, the Wade Hampton and Dillingham Census Areas respectively, spoke the same language and had nearly identical statistics and needs, the Nick Plaintiffs assumed that the same relief would be afforded to them even though they were not in the actual lawsuit.

Beginning with the 2012 election cycle, NARF began to receive complaints from the adjacent Wade Hampton and Dillingham Census Areas

that they were receiving none of the benefits from the Nick case and indeed almost no language assistance at all. In fact, the DOE appears to have been distributing sample ballots in Yup'ik in all three census areas, but restricting all other Yup'ik election materials to the Bethel Census Area. NARF sued the DOE again in July 2013. This time the Plaintiffs from the adjacent census areas added Fourteenth and Fifteenth Amendment claims under the U.S. Constitution because if you know there are language problems and you have materials you use elsewhere but refuse to provide, you are discriminating.

This second case, called *Toyukak v. Treadwell*, did something very unusual for a Section 203 case: it went all the way through trial. This is not very common for cases brought under this law because jurisdictions usually do not fight their voters on something so simple all the way to the bitter end. It is also generally easy to prove Section 203 cases in that the evidence consists of the materials made available in English and the materials made available in the relevant language. If they do not match one to one, there is liability. However, what made this case drag on through trial was not just the DOE's recalcitrance to change – they wanted a rule of law established that, because of the Stevens Proviso, they just did not have to translate everything. In other words, Native language speaking voters get less voting information than other voters.

*"This case boils down to one issue. English speakers receive a 100-page Official Election Pamphlet before every election and the Yup'ik speaking voters have been receiving three things: the date of the election, the time of the election, and a notice that language assistance will be available at the poll. That's it. That is a very clear violation of the law, and it has to change now." (Natalie Landreth, NARF attorney and counsel for the Plaintiffs)*

During the two-week trial from June 23rd – July 3rd, 2014, it became very clear what the electoral system looked like if you are a Yup'ik speaking voter. Almost no pre-election information was translated. The "outreach workers" ►

in the villages were supposed to be bilingual and they were asked to translate a brief set of facts on a sheet of paper called a “certificate of outreach”: the date and time of the election, the location of the polling place, and the fact that language assistance was available. That’s it. In contrast, English-speaking voters receive in the mail an Official Election Pamphlet (called the OEP) that consists of more than 100 pages of information about the candidates and all ballot measures. So this case boiled down one comparison: the certificate of outreach versus the OEP, and the result was that Native language speakers were receiving less than *one percent* of the information English speaking voters were receiving.

On September 3, 2014 the federal district court in Anchorage found that the Plaintiffs had established violations of Section 203. The Court then asked for a schedule for the parties to file briefs setting forth what remedies they wanted the Court to order. The Defendant DOE actually rose in Court and suggested there be no changes ordered for this election because there simply wasn’t time to do anything. The Court set a briefing schedule anyway and issued a list of remedies to be implemented in the 2014 cycle. It contains 21 items and is eight pages long. Although limited by what could reasonably be completed before the election, it nonetheless orders some highly significant changes: (1) all translated materials must account for dialect variations and understandable to people in the different census areas; (2) translated public service announcements must be made available on a variety of topics including the deadline to register to vote, the deadline to request absentee ballots, the availability of early voting, and specifically listing the name of the person in each village assigned to provide voters with translated materials; (3) posters in the Native language have to be posted both in public places like schools and stores but also in the polling place telling voters they can receive language assistance either from a poll worker or someone of their own choice; (5) the entire OEP had to be translated into the Native languages, and (6) the Court required post-election reporting on how the DOE did in its efforts to meet the terms of the order. The entire order is posted on NARF’s website.



*Eddie Frank, Tribal Administrator (of Plaintiff Venetie Village) and Tribal Council member (Venetie Tribal Government). Eddie also testified in the case. With him in the picture is the famous “blonde wolverine of Venetie”*

*“Juk drin Diiginjik K’yaa geereekhyaa geenjit gaayii gwiriltsaii. Shoo tr’aaadlit ts’a’ hai’ tr’oonyaa. Today we have won a victory for speaking our language. We are happy and thankful.” (Allan Hayton, Representative of the Arctic Village Council)*

The goal of this case (and the one before it), and the goal of the Court’s interim order is equality. A level playing field. Native voters should not be receiving less than their English-speaking counterparts. The whole point of the 1975 Amendments – and the whole point of the 14th and 15th Amendments to the Constitution – is equality. This is especially critical when the subject is voting, because voting is the core right in a democracy and preservative of all other rights. These changes are way overdue. 🌟

# Meet Hunter Cox – Siletz Grant Recipient from the Native American Rights Fund

Each summer NARF hosts the Summer Law Clerk Program, a ten to twelve week program for second year law students. Unlike most law clerk projects that consist mainly of legal research and writing, NARF's projects are extremely challenging because NARF practices before federal, state, and tribal forums, and because most of its cases – whether administrative, trial, or appellate level – are complex and involve novel legal issues.

This summer the Law Clerk Program was supported by a grant from the Confederated Tribes of Siletz Indians through the Siletz Tribal Charitable Contribution Fund. NARF had six law clerks – two in the Alaska office, one in the Washington, D.C. office, and three in the Boulder office. Law Clerk Hunter Cox, Prairie Band of Potawatomi Nation, was chosen to be the recipient of this grant due to his recent and impactful work collaborating with NARF attorney Steve Moore to protect the rights of Native high school students to wear their eagle feathers during their graduation ceremony.

NARF, California Indian Legal Services (CILS), and the American Civil Liberties Union (ACLU) of Northern California advocated on behalf of Native students in Lemoore, California, who wanted to wear eagle feathers at their graduation ceremony. The gift of an eagle feather is a great honor and is typically given to recognize an important transition in a young person's life. Many graduates are given eagle feathers in recognition of their educational journey and the honor the graduate brings to his or her family, community, and tribe.



*Matt Campbell, Hunter Cox and John Echohawk.*

Hunter Cox, along with Steve Moore, CILS, and ACLU sent a letter on the students' behalf requesting the school district to allow the students to wear eagle feathers during graduation. After initially denying the students request, the school district relented once receiving the letter and allowed the students to wear their feathers despite originally denying the student's request.

NARF thanks the Confederated Tribes of Siletz Indians and the Siletz Tribal Charitable Contribution Fund for its grant to further the NARF Law Clerk Program, which allows Native law students to make an impact on Indian law and to Native people during their term at NARF.

For questions regarding eagle feathers contact Steve Moore, Native American Rights Fund at 303-447-8760. For questions about NARF's Law Clerk Program contact Matthew Campbell, Native American Rights Fund at 303-447-8760. 🌟



# CASE UPDATES

## Tribal Supreme Court Project update



*A Choctaw family in traditional clothing, 1908*

The U.S. Supreme Court's October Term 2014 began on Monday, October 6, 2014. At present, the Court has accepted 40 cases for review, roughly half of the cases that will be decided during the upcoming term. The Court has not granted review in any Indian law cases, but has now requested the views of the United States in response to the petition filed in *Dollar General Corporation v. Mississippi Band of Choctaw Indians*. In *Dollar General*, a non-Indian corporation is seeking review of a decision by the U.S. Court of Appeals for the Fifth Circuit which upheld Tribal Court jurisdiction over tort claims brought by a tribal member based on a consensual relationship between the store owned by Dollar General and the Tribe. The store is located on tribal trust land leased to the non-Indian corporation and the store agreed to participate in a youth job training program operated by the Tribe. A tribal member who participated in the program brought an action in Tribal Court alleg-

ing that he was assaulted by the store manager. In its petition, Dollar General frames the question presented as follows: "The case accordingly presents the issue left open in *Hicks* and the Question the Court granted certiorari to decide in *Plains Commerce*: Whether Indian tribal courts have jurisdiction to adjudicate civil tort claims against nonmembers, including as a means of regulating the conduct of nonmembers who enter into consensual relationships with a tribe or its members." The U.S. Solicitor General will likely file a brief on behalf of the United States before the end of the year.

The Court has held-over the petition filed in *Knight v. Thompson* as it considers the petition filed in *Holt v. Hobbs*. On October 7, 2014, the Court heard oral argument in *Holt*. Both *Holt*

and *Knight* involve challenges by inmates to prison grooming policies under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). In *Knight*, the Alabama Department of Corrections requires all male prison inmates to wear a “regular haircut,” defined as “off neck and ears,” with no exemptions, including Native American male inmates who seek a religious exemption based on wearing long hair as a central tenet of their religious faith. In *Holt*, the Court is considering a RLUIPA challenge by a Muslim prisoner to the grooming policy of the Arkansas Department of Corrections prohibiting beards of any length. Overall, the argument seemed to go well for Mr. Holt, but the question is whether the Court will be able to set forth a legal principle that can be broadly applied through its opinion in this case. The Justices appeared to be struggling to find the right formula to balance the due deference afforded to prison officials under RLUIPA against its least restrictive means requirement in relation to certain grooming policies which on their face (no pun intended) do not raise security or safety issues.

Currently, several petitions for a writ of certiorari have been filed in Indian law and Indian law-related cases and are pending before the Court:

In *MM&A Productions, LLC v. Yavapai Apache Nation*, on October 9, 2014, an entertainment production consultant which produces and markets entertainment programs for Indian casinos filed a petition seeking review of a decision by the Arizona Court of Appeals which affirmed the trial court’s dismissal of a contract action for lack of subject matter jurisdiction based on the doctrine of tribal sovereign immunity. Specifically, the question presented is “whether the authority of a tribal official who signs a waiver of sovereign immunity may be established under the doctrine of apparent authority.”

In *Seminole Tribe of Florida v. State of Florida*, on September 25, 2014, the Seminole Tribe of Florida filed a petition seeking review of a decision by the U.S. Court of Appeals for the Eleventh Circuit which held that state sovereign immunity

bars the tribe’s suit for declaratory relief and its effort to enjoin state officials from unlawfully collecting motor fuel excise taxes from the tribe. The State of Florida has established a pre-collection tax regime whereby exempt entities must petition for a refund of motor fuel taxes. According to the Eleventh Circuit, since any relief would necessarily come out of the state treasury, the tribe’s suit falls outside the *Ex Parte Young* doctrine which permits suit against state officials for prospective relief only.

In *Friends of Amador County v. Jewell*, on September 18, 2014, Friends of Amador County (FOAC), a community organization opposed to the development of additional casinos in the county, filed a petition seeking review of a decision by the U.S. Court of Appeals for the Ninth Circuit which affirmed the district court’s decision that the Buena Vista Rancheria is a required and indispensable party under Rule 19 who cannot be joined under the doctrine of tribal sovereign immunity. In the underlying action, FOAC filed several claims challenging the Tribe’s gaming compact with California, including: (1) whether certain lands qualify as “Indian lands” under IGRA; and (2) whether the federal government erred in granting the tribe federal recognition. Specifically, the Question Presented in the petition is: “Whether in an action by a third party against the Secretary of the Interior under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, a putative Indian tribe may invoke its sovereign immunity to prevent a court from reviewing the lawfulness of the Secretary’s decision to recognize it as a tribe.” 🌟





## NEW NARF BOARD MEMBER

NARF's newest Board member **Robert McGhee**, an enrolled member of the Poarch Band of Creek Indians, has been involved in and an advocate for Native American issues at all levels of government. Mr. McGhee is currently serving his third term on the Poarch Band of Creek Indians Tribal Council, in which he holds the position of Treasurer. In this capacity Mr. McGhee is honored to represent his people "government-to-government" at the local, state, and federal levels regarding issues of education, health care, economic development and sovereign immunity.

Prior to moving back to Atmore, Alabama, Robert McGhee worked in Washington, D.C. for approximately five years at the Department of Interior-Bureau of Indian Affairs, the United States Senate Committee on Indian Affairs, and Troutman Sanders LLP-Indian Law Practice Group.

Before accepting the position of Governmental Relations Advisor for the Poarch Band of Creek Indians, Mr. McGhee served in several capacities for the Tribe. He was employed by the Tribe as the Tribal Administrator, the governmental entity of the Tribe, and President of Creek Indian Enterprises (CIE), the Economic Development entity of the Poarch Band of Creek Indians.

Mr. McGhee received a bachelor's degree from the University of South Alabama and a BSW from the University of Alabama. He also holds a MSW from Washington University in St. Louis, MO. Mr. McGhee has also completed the Georgetown Executive Leadership Program in Washington, D.C. and a course at American University Public Policy Institute regarding Congress and Effective Lobbying Practices. He recently received his Executive Masters in Business Administration from the University of Tennessee Knoxville. During his tenure in DC and at the Poarch Band



of Creek Indians, Mr. McGhee has had the opportunity to serve on numerous White House Initiatives and boards. Currently he serves on the Tribe's Governmental Affairs/Rules Legislative Committee, the Budget/Finance Committee, the Board of Directors for United South and Eastern Tribes, is a member of Secretary Sebelius' Health and Human Services Tribal Advisory Committee and was recently appointed to the Board of Advisors for the Center for Native American Youth. Civically, he has served as the Vice President of the Atmore Chamber of Commerce and the Vice Chairman of the Episcopal Council of Indigenous Ministries.

The NARF Board of Directors and staff welcome Robert McGhee and look forward to serving with him. ❀



# National Indian Law Library

## Research Support for the Public!

### Advance Justice through Knowledge! Support the National Indian Law Library!

You probably are familiar with the great work NARF does in court rooms and the halls of Congress relating to tribal recognition, treaty enforcement, trust fund settlements, repatriation, and more. Did you know that NARF also is the go-to resource for legal research in Indian law?

Historically, Indian people and advocates fighting for indigenous rights have found themselves limited by their ability to access relevant federal, state, and tribal Indian law resources. In direct response to this challenge, the National Indian Law Library (NILL) was established over forty years ago as a core part of the Native American Rights Fund (NARF). Today the library continues to serve as an essential resource for those working to advance Native American justice. As the only public library devoted to Indian law, we supply much-needed access to Indian law research, news updates, and tribal law documents. To extend the tradition of free public access to these services we ask for your financial support.

**Each year, NILL responds to more than 2,000 individual research requests and receives several hundred thousand visits to its online resources.** Whether it's through updates to the *ICWA Info Blog* or additions to the extensive *tribal law collection*, NILL is committed to providing visitors with resources that are not available anywhere else! Additionally, our *Indian Law Bulletins* and *news blog* deliver timely updates about developments in Indian law and ensure that you have the information you need to fight for indigenous rights. However, we are not resting on our laurels; we are constantly improving our online resources and access to



tribal law materials. With your support, in the coming year, we plan to publish more tribal law and an innovative and a valuable audio directory providing the correct pronunciation for all 566 federally recognized tribal nations.

**The bulletins, research resources, extensive catalog, and personal one-on-one librarian assistance can only exist with your help.** The National Indian Law Library operates on an annual budget of \$240,000—primarily from the donations of concerned and motivated individuals, firms, businesses, and tribes who recognize NARF and NILL as indispensable resources for Native American justice.

**By donating, you stand with the National Indian Law Library in its effort to fight injustice through access to knowledge.** You help ensure that the library continues to supply free access to Indian law resources and that it has the financial means necessary to pursue innovative and groundbreaking projects to serve you better. Please visit [www.narf.org/nill/donate](http://www.narf.org/nill/donate) now for more information on how you can support this mission. 🌟

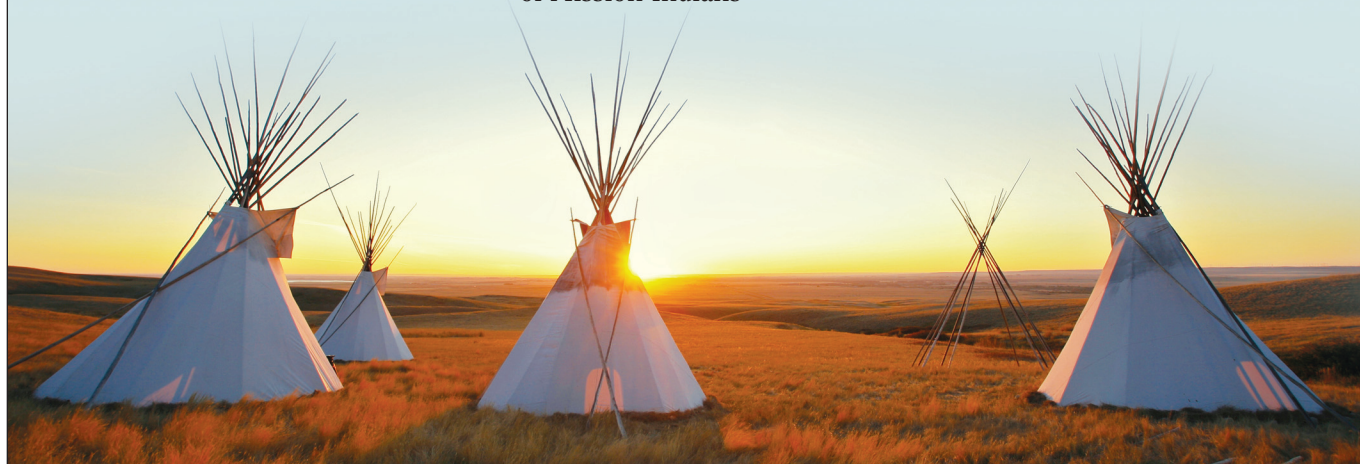
# CALLING TRIBES TO ACTION

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects have also been reduced. Our ability to provide legal advocacy in a wide variety of areas such as religious freedom, the Tribal Supreme Court Project, tribal recognition, human rights, trust responsibility, tribal water rights, Indian Child Welfare Act, and on Alaska tribal 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 have served.

The generosity of tribes is crucial in NARF's struggle to ensure the freedoms and rights of all Native Americans. Contributions from these tribes should be an example for every Native American Tribe and organization. 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. We thank the following tribes and Native organizations for their generous support of NARF for our 2014 fiscal year – October 1, 2013 to September 30, 2014:

- |  |  |  |
|--|--|--|
| • Amerind Risk Management                      | • Muckleshoot Tribe                        | • Seminole Tribe of Florida                    |
| • Bay Bank (Oneida)                            | • Native Village of Fort Yukon             | • Seven Cedars Casino/<br>Jamestown S'Klallam  |
| • Chickasaw Nation                             | • Native Village of Port Lions             | • Shakopee Mdewakanton Sioux<br>Community      |
| • Comanche Nation of Oklahoma                  | • Nome Eskimo Community                    | • Spirit Lake Dakotah Nation                   |
| • Confederated Salish<br>& Kootenai Tribes     | • Nottawaseppi Huron Band<br>of Potawatomi | • Sycuan Band of Kumeyaay                      |
| • Confederated Tribes<br>of Siletz Indians     | • Oneida Tribe of Indians<br>of Wisconsin  | • Tonkawa Tribe                                |
| • Cow Creek Band of Umpqua<br>Tribe of Indians | • Organized Village of Saxman              | • Tulalip Tribes                               |
| • Fort Mojave Indian Tribe                     | • Pechanga Band<br>of Luiseno Indians      | • Twenty-Nine Palms Band<br>of Mission Indians |
| • Lummi Nation                                 | • Poarch Band of Creek Indians             | • Yoche Dehe Wintun Nation                     |
| • Modoc Tribe of Oklahoma                      | • San Manuel Band<br>of Mission Indians    |  |





# THE NATIVE AMERICAN RIGHTS FUND

The Native American Rights Fund (NARF) is the oldest and largest nonprofit national Indian rights organization in the country devoting all its efforts to defending and promoting the legal rights of Indian people on issues essential to their tribal sovereignty, their natural resources and their human rights. NARF believes in empowering individuals and communities whose rights, economic self-sufficiency, and political participation have been systematically or systemically eroded or undermined.

Native Americans have been subjugated and dominated. Having been stripped of their land, resources and dignity, tribes today are controlled by a myriad of federal treaties, statutes, and case law. Yet it is within these laws that Native Americans place their hope and faith for justice and the protection of their way of life. With NARF's help, Native people can go on to provide leadership in their communities and serve as catalysts for just policies and practices towards Native peoples nationwide. From a historical standpoint Native Americans have, for numerous reasons, been targets of discriminatory practices.

Since its inception in 1970, NARF has represented over 250 Tribes in 31 states in such areas as tribal jurisdiction and recognition, land claims, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides NARF has made in achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its ability to bring excellent, highly ethical legal representation to dispossessed tribes. NARF has been successful in representing Indian tribes and individuals in cases that have encompassed every area and issue in the field of Indian law. The accomplishments and growth of NARF over the years confirmed the great need for Indian legal representation on a national basis. This legal advocacy on behalf of Native Americans continues to play a vital role in the survival of tribes and their way of life. NARF strives to protect the most important rights of Indian people within the limit of available resources.

One of the initial responsibilities of NARF's first Board of Directors was to develop priorities that would guide the Native American Rights Fund in its mission to preserve and enforce the legal rights of Native Americans. 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 and educating the public about Indian rights, laws, and issues

**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

Under the priority of the *preservation of tribal existence*, NARF works to construct the foundations that are necessary to empower tribes so that they can continue to live according to their Native traditions, to enforce their treaty rights, to insure their independence on reservations and to *protect their sovereignty*.

Throughout the process of European conquest and colonization of North America, Indian tribes experienced a steady diminishment of their land base to a mere 2.3 percent of its original size. Currently, there are approximately 55 million acres of Indian-controlled land in the continental United States and about 44 million acres of Native-owned land in Alaska. An adequate land base and control over natural resources are central components of economic self-sufficiency and self-determination, and as such, are vital to the very existence of tribes. Thus, much of NARF's work involves the *protection of tribal natural resources*.

Although basic human rights are considered a universal and inalienable entitlement, Native Americans face an ongoing threat of having their rights undermined by the United States government, states, and others who seek to limit these rights. Under the priority of the promotion of human rights, NARF strives to enforce and strengthen laws which are designed to protect the rights of Native Americans to practice their traditional religion, to use their own language, and to enjoy their culture. Contained within the unique trust relationship between the United States and Indian nations is the inherent duty for all levels of government to recognize and responsibly enforce the many laws and regulations applicable to Indian peoples. Because such laws impact virtually every aspect of tribal life, NARF maintains its involvement in the legal matters pertaining to *accountability of governments* to Native Americans.

The coordinated *development of Indian law and educating the public about Indian rights, laws, and issues* 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.

Requests for legal assistance should be addressed to the Litigation Management Committee at NARF's main office, 1506 Broadway, Boulder, Colorado 80302. NARF's clients are expected to pay whatever they can toward the costs of legal representation. ☺



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, 1514 P Street, NW (Rear) Suite D, Washington, D.C. 20005 (202-785-4166) (FAX 202-822-0068).

**Alaska Office:** Native American Rights Fund, 745 W. 4th Avenue, Suite 502, Anchorage, Alaska 99501 (907-276-0680) (FAX 907-276-2466).

**Workplace Campaigns:** NARF is a member of America's Charities, a national workplace giving federation. Giving through your workplace is as easy as checking off NARF's box, #10350 on the Combined Federal Campaign (CFC) pledge form authorizing automatic payroll deduction.

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**NARF LEGAL REVIEW • VOLUME 39, NO. 2 • SUMMER/FALL 2014**