



Legal Review

NATIVE AMERICAN RIGHTS FUND

Protecting Bears Ears National Monument



Bears Ears Fall Sunset. Credit Tim Peterson

Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, or "Bears Ears." For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.

- Presidential Proclamation – Establishment of the Bears Ears National Monument (Dec. 28, 2016)

Bears Ears has been home to Native peoples since time immemorial and is cherished by Native peoples for its cultural, spiritual, and archaeological importance. Our presence, much in evidence today, covered the whole region and is manifested in migration routes, ancient roads, great houses, villages, granaries, hogans, wickiups, sweat lodges, corrals, petroglyphs and pictographs, tipi rings, and shade houses. Bears Ears contains hundreds of thousands of objects of historic and scientific importance, many traditional cultural properties, and many sacred sites. ▶

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Kids and Secretary Jewell at Bears Ears Summer Gathering 2016. Credit Blake McCord

Tribes in the region continue to use the Bears Ears region to collect plants, minerals, objects, and water for religious and cultural ceremonies and medicinal purposes. Native people hunt, fish, and gather within Bears Ears, and they provide offerings and conduct ceremonies on the land. In fact, Bears Ears is so culturally and spiritually significant that some ceremonies use items that can only be harvested from Bears Ears. Bears Ears is in every way a home to the region's Native people.

Sadly, as they began planning to protect this landscape to which they hold such a deep connection, many Native Americans in the area also expressed a fear that speaking out about the significance of the land would lead to another loss—something else taken away from Native people. However, doing nothing was not an option. Looting, vandalism, and development were well underway. The desecration of these lands already was happening. Something had to be done to protect what was left.

In 2010, the grassroots nonprofit organization, Utah Diné Bikéyah (UDB) was formed to help coordinate the Bears Ears Proposal, which sought protections for the Bears Ears region. UDB spent the next several years developing a

comprehensive cultural mapping of the area. Using that information, detailed maps were prepared to show why 1.9 million acres should be set aside as a cultural landscape. Their work showed that the Bears Ears landscape is one discrete unit, bound together in numerous ways, and blending perfectly with other protected federal and tribal lands.

Around the same time, more tribes in the region began to express their support for the Bears Ears Proposal. The Hopi sent a letter of support, the Ute Mountain Ute Tribe, the Ute Indian Tribe, the Hualapai Tribal Council, the Pueblo Council of Governors, and others expressed support for the Bears Ears Proposal and the protection of the sacred landscape. And, in late 2014, after a series of town hall meetings and open houses, the Bears Ears Proposal won 64% of support from San Juan County residents. The San Juan County Commissioners, however, chose to adopt an alternative proposal that received less than 1% of support.

In January 2015, the San Juan County commissioners refused to work with UDB. So, tribal representatives contacted Utah Congressmen Bishop and Chafetz, explained their exclusion, and requested to be included in Representative Bishop's ongoing Public Land Initiative. Subsequently, in February, the San Juan County Commissioners did agree to a series of meeting with the Navajo Nation, Ute Mountain Ute Tribe, and UDB. However, only one month later, the San Juan Commissioners urged the Utah State Legislature to pass HB 3931, which undermined the Bears Ears Proposal by designating large areas of the region as "Energy Zones" that would be fast-tracked for grazing, energy, and mineral development. Although the meetings between the county and Tribes did continue, they did not produce any results. And, for the final meeting, tribal representatives were told that they did not need to attend because the county commissioners did not require any further information from them. A final proposal was adopted by the county commissioners in August 2015, without input from the Tribes.

Having been completely frozen out of the local land management process, the Hopi Tribe, Navajo

Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe, formally united to create the historic Bears Ears Inter-Tribal Coalition to protect and preserve the homeland area they all care so deeply about. This was the first time that a coalition of sovereign, Native tribes had worked together for land protections. The Coalition proposed a National Monument designation for 1.9 million acres of ancestral land. With more than 100,000 archaeological sites, 1.9 million acres of land, and only one full-time law enforcement officer, the area represented the country's most significant unprotected cultural landscape.

In January 2016, Congressman Bishop released his Public Land Initiative (PLI) that included protection for 1.39 million acres of Bears Ears. While it did include land protections, it did not include tribal management of the area, which was a key tenet of the tribe's Bears Ears Proposal. The Bears Ears Inter-Tribal Coalition did not support the PLI for several reasons, but one of the reasons was that the PLI Bill would have taken Ute tribal land and given it to the state of Utah. The Bears Ears Inter-Tribal Coalition continued to petition for their Bears Ears Proposal, and, in July 2016, federal officials, including Secretary of Interior Sally Jewell, met with Utah Governor Herbert's office and made an official visit to the Bears Ears region. During that visit, Jewell attended a public meeting to hear comments from local residents. At that meeting, thousands of people attended, and more than 50 people commented. A majority of attendees spoke in favor of the Bears Ears designation.

In December 2016, Congress adjourned without voting on Bishop's PLI. With this lack of legislative action, President Obama released his Bears Ears National Monument proclamation on December 28, 2016. The form of Obama's monument was a compromise between Bishop's Public Land Initiative and the Coalition's Bears Ears Proposal. At 1.35 million acres, the Monument's boundaries were closely aligned to those of the PLI, but the proclamation also included a management plan that empowered tribal leaders to provide guidance and recommendations on care of their ancestral lands. The designation was the culmination of local activism, coordinated out-



*2016 Summer Gathering Sunray Tipi.
Credit Tim Peterson*

reach, and collaborative land-use management.

President Obama proclaimed the Monument pursuant to his authority under the Antiquities Act, just as all presidents since Theodore Roosevelt had established national monuments. It was the culmination of more than six years of active effort on the part of five Native nations, local tribal people, and their allies to obtain protections for a region that is a sacred source of spiritual traditions and place of origin.

On April 26, 2017, President Trump attacked this important designation. Trump signed an executive order directing Interior Secretary Ryan Zinke to conduct a review of the Bears Ears National Monument to determine if it was created without "public outreach and proper coordination." However, the suggestion that the monument's designation lacked outreach and coordination is disingenuous. The Bears Ears National Monument was created after years of advocacy and many public meetings in the region and in Washington, DC. The effort to protect Bears Ears was very long, very public, and very robust.

That lengthy process over many years, sits in stark contrast to Secretary Zinke's cursory 3-month review that introduced no new facts or



analysis and completely ignored public sentiment. On August 24, 2017, Zinke submitted to the White House recommendations to shrink monuments, including Bears Ears. Despite Zinke's claim to be giving the people their voice back, his recommendation to shrink the monuments ignored an outpouring of public support for Bears Ears and other monuments. More than 95% of comments received by the Department of the Interior supported keeping the national monuments, including 65% of comments from Utah residents. It did not matter. The only voices that were heard were those calling for increased development, increased exploitation, and reduced protections for a national treasure.

Now, President Trump sits with Zinke's recommendations in hand. However, the recommendations are pointless. Although Trump has stated that he will shrink the Monument, he does not have the authority to take such action. Under the Antiquities Act, the president may create national monuments. That is all. He or she may not diminish or revoke existing monuments—only Congress has that ability. Beginning with Theodore Roosevelt, presidents have designated more than one hundred monuments throughout our country. No president has ever previously sought to abolish one by Executive Order because the Antiquities Act does not authorize the president to do so. If this unprecedented and unlawful action is allowed, the 129 national monuments across the United States will be at risk. The historic and cherished national monument system will be destabilized. Congress clearly did not intend for that result. It enacted the Antiquities Act to preserve America's historic and scientific heritage for the benefit of current and future generations. Congress reserved to itself the authority to revoke or modify those monuments, and granted the President only the power to create them. The Native American Rights Fund (NARF) stands ready to defend that legal reality. NARF represents three of the five tribes in the Inter-Tribal Coalition—the Hopi Tribe, Pueblo of Zuni, and Ute Mountain Ute Tribe.

Currently, members of Congress are trying to push through legislation to give the president the authority he seeks, ignoring standard legislative



*Girl, Bears Ears Summer Gathering.
Credit Blake McCord*

procedure as they maneuver bills through without comment or debate. If the diminishment or abolishment of the Bears Ears National Monument is allowed to proceed, the Bears Ears area will be subject to the devastating damage of oil and gas drilling, uranium and potash mining, mineral exploration, uncontrolled off-road vehicle use, widespread vandalism and looting, and grave robbing. Furthermore, invaluable archaeological, paleontological, and faunal information will be lost to science and history. However, NARF is ready to fight for the Native nations who have spent years to protect their sacred, ancestral lands and the millions of people who declared their support for our national monuments. We will not allow the rights of our Native nations and our local people to be willfully pushed to the side for the benefit of corporate interests. We will stand firm for justice. 🌸

CASE UPDATES

Voting Rights Hearing Documents Voter Suppression



With growing concerns over voter suppression and voting rights violations, the Native American Rights Fund (NARF), along with partners from the Native American Voting Rights Coalition, will be holding several field hearings in upcoming months across Indian Country. The goal of the hearings is to identify and document the obstacles indigenous voters continue to face. On September 5, the Coalition held its first hearing in Bismarck, ND.

The hearing, which included testimony from tribal members, elected officials, and community advocates, documented persistent suppression of the Native vote in the Midwestern region encompassing North Dakota, South Dakota, Wyoming, and Montana. Testimony from the hearing identified a number of barriers to equal voting rights—for example, unreasonably long distances to polls and inability to access transportation keep Natives from voting. Panelists also told of a distrust of state, county, and local officials as well as open hostility from poll workers. Additionally, uncertainty about voter eligibility due to recent law changes has chilled Native voting due to fear of being turned away at the polls. As Jacqueline De León, Voting Rights Fellow for the Native American Rights Fund explains, “Tribal members should not have to expend precious resources getting to distant polls all the while doubting whether or not they will be allowed to vote. I was shocked by the wide range of arbitrary and unreasonable requirements that make Native Americans feel unwelcome or keep them from

voting altogether. This is true voter suppression.” In addition to systemic obstacles, testimony detailed more specific examples like:

- Dismal conditions at reservation voting polling locations, one of which included a dirt floor chicken coop that did not have restrooms.
- Restrictions on the number of voter registrations that one can submit to the county clerk’s office, requiring repeated trips to the office.
- County employees chastising organizers submitting voter registrations for being a “nuisance” and “making more work” for the county office by submitting Native American registrations.
- Notifications sent to reservation residents that incorrectly informed them they are no longer residing in the district where they had registered and failing to identify the correct district.
- Being turned away at the polls because a tribal identification card did not include a street address.
- Poll workers who fell silent whenever a Native American entered the polling location.

NARF plans a series of hearings all across Indian Country to highlight these problems and find solutions. If you have experienced challenges or barriers to voting, or experienced voter intimidation or other suppressive tactics, but cannot make it to one of NARF’s hearings, please email your experiences to vote@narf.org, and we will include them in our growing record.



Court Rules No Compensation for Klamath Irrigators Due To Superior Tribal Rights



On September 29, U.S. Court of Claims Judge Marian Blank Horn resoundingly re-affirmed the superiority of the senior water rights of the Klamath Tribes and downriver Klamath Basin tribes over other water interests in the Klamath Basin.

In the case, the Klamath Reclamation Project irrigators sought nearly \$30 million in compensation from the United States government because of the Bureau of Reclamation's curtailment of Project water deliveries during a severe drought in 2001. The irrigators argued that the government's actions constituted a "taking" of their property under the Fifth Amendment to the United States' Constitution, by depriving them of their alleged rights to use Klamath Project water. In accordance with briefs filed by the Native American Rights Fund (NARF) on behalf of the Klamath Tribes, the court denied the irrigators' claims, ruling the irrigators were not legally entitled to receive any Project water in 2001, because the water was needed to fulfill the senior water rights of the tribes. Klamath Tribes Chairman Don Gentry stated, "We are pleased with the decision. This affirmation of the Tribes' water rights should be another positive step towards the healing and restoration of our tribal treaty fisheries." NARF Staff Attorney Sue Noe noted, "The Project irrigators took the position that the tribal water rights were irrelevant to their claims. Thankfully, the Court has made clear that the days of junior water users ignoring the senior tribal rights is over."

In 2001, a massive drought struck California and Oregon's Klamath River Basin. During the drought, the United States government followed federal and Oregon law, which required that water levels be maintained to protect imperiled coho salmon in the Klamath River and two species of sucker fish in the Upper Klamath Lake. The sucker fish, known in the Klamath language as c'waam (Lost River suckers) and qapdo (short-nose suckers), are of enormous importance to the cultural, economic, and spiritual well-being of the Klamath Tribes. Salmon, historically an important treaty resource for the Klamath Tribes, have been blocked by dams from reaching the Upper Klamath Basin since the early 1900s.

The Klamath Tribes have resided in the Klamath Basin for millennia, sustaining themselves upon the Basin's fish and other water-dependent resources. In an 1864 treaty with the United States, the Klamath Tribes relinquished millions of acres of their aboriginal homeland but retained, among other things, a guarantee of their right to take fish in the Klamath Indian Reservation's streams and lakes. The Klamath Tribes' water rights have been previously confirmed to hold a "time immemorial" priority date, which makes them senior to all other water rights in the Basin. The seniority of these tribal water rights has been repeatedly and consistently recognized by the courts and, more recently, this seniority was again recognized by the State of Oregon in its Klamath Basin Adjudication. Judge Horn's decision confirmed yet again the seniority of the rights and their superiority under the Western water law doctrine of prior appropriation in which water users with junior rights are not entitled to receive any water until all senior rights have been fully satisfied—first in time, first in right. "A ruling for the junior Project irrigators would have turned Western water law on its head," declared Noe.

Tribal Supreme Court Project



National
Congress of
American
Indians



The Tribal Supreme Court Project is part of the Tribal Sovereignty Protection Initiative and is staffed by the National Congress of American Indians and the Native American Rights Fund. The Project was formed in 2001 at the request of a number of tribes, in response to a series of U.S. Supreme Court cases that negatively affected tribal sovereignty. The purpose of the Project is to promote greater coordination and to improve strategy on litigation that may affect the rights of all Indian tribes. We encourage Indian tribes and their attorneys to contact us in our effort to coordinate resources, develop strategy and prepare briefs, especially at the time of the petition for a *writ of certiorari*, prior to the Supreme Court accepting a case for review. You can find copies of briefs and opinions on the major cases we track on our website (<https://sct.narf.org>).

On Monday, September 25, 2017, the Court held its long conference, during which the Justices considered nearly two-thousand petitions filed during its summer recess. Included among them were four Indian law petitions pending before the court: *Washington State Department of Licensing v. Cougar Den* (tax), *Hackford v. Utah* (reservation diminishment), *Upstate Citizens For Equality v. United States* (tribal trust land acquisition), and *Williams v. Poarch Band of Creek Indians* (sovereign immunity). On October 2, 2017, the Court held its first session, marking the beginning of October Term 2017 (OT17). At that

time, the Court issued orders denying review in *Hackford v. Utah* and *Williams v. Poarch Band of Creek Indians*. It also rescheduled consideration of the *Upstate Citizens for Equality v. United States* petition for its October 6 conference, and called for the views of the Solicitor General (CVSG) in *Washington State Dep't of Licensing v. Cougar Den*.

On October 10, 2017, the Court issued an order list from its October 6 conference, where three Indian law petitions were considered: *Upstate Citizens for Equality v. United States*, its sister case *Town of Vernon v. United States* (tribal trust land acquisition), and *French v. Starr* (tribal court jurisdiction). It denied review in *French v. Starr*, and held over consideration of the two other petitions.

The October Term 2017 is shaping up to be a potentially significant one for Indian law. In addition to being the first full term of Associate Justice Neil Gorsuch, a number of pending petitions involve important Indian law issues, as well as subjects the Court has not addressed in a long time, such as treaty rights (*Washington v. United States*) and Indian reserved water rights (*Coachella Valley Water District v. Agua Caliente Band of Cahuilla Indians*, and its sister case *Desert Water Agency v. Agua Caliente Band of Cahuilla Indians*).



Petitions for a Writ of Certiorari Granted

Patchak v. Zinke – On May 1, 2017, the Court granted review of a petition filed by David Patchak, a non-Indian landowner seeking review of a decision by the U.S. Court of Appeals for the D.C. Circuit, which upheld the Gun Lake Trust Land Reaffirmation of 2014. That statute reaffirmed the Department of the Interior’s decision to take the land in question into trust for the Gun Lake Tribe and removed jurisdiction from the federal courts over any actions relating to that property. Mr. Patchak, who had previously successfully argued before the Supreme Court in 2012 that he had prudential standing to bring an Administrative Procedure Act action and a Carcieri challenge to the acquisition of trust land for the benefit of the *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians/Gun Lake Tribe*, argues that the statute is unconstitutional. The Court has granted review of Question 1 presented in the petition for *cert*:

Petitioner filed a lawsuit challenging the Department of Interior’s authority to take into trust a tract of land (“the Bradley Property”) near Petitioner’s home. In 2009, the District Court dismissed his lawsuit on the ground that Petitioner lacked prudential standing. After the Court of Appeals reversed the District Court, this

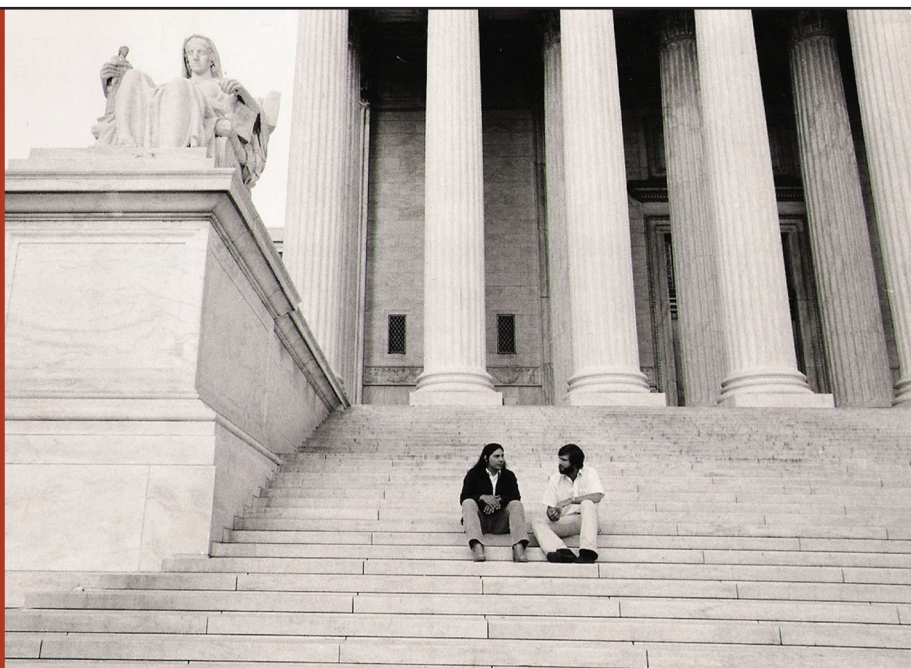
Court granted review and held that Petitioner has standing, sovereign immunity was waived, and his “suit may proceed.” *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 132 S.Ct. at 2199, 2203 (2012) (“Patchak I”). While summary judgment briefing was underway in the District Court following remand from this Court, Congress enacted the Gun Lake Act—a standalone statute which directed that any pending (or future) case “relating to” the Bradley Property “shall be promptly dismissed,” but did not amend any underlying substantive or procedural laws. Following the statute’s directive, the District Court entered summary judgment for Defendant, and the Court of Appeals affirmed.

1. Does a statute directing the federal courts to “promptly dismiss” a pending lawsuit following substantive determinations by the courts (including this Court’s determination that the “suit may proceed”)—without amending underlying substantive or procedural laws—violate the Constitution’s separation of powers principles?

Mr. Patchak filed his brief in July 2017 and the United States and the Tribe filed their response briefs on September 11, 2017. The case will be argued on November 7, 2017. 🌟



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National Indian Law Library

Connecting Researchers with Resources

Providing personal research assistance

Each year, the librarians at the National Indian Law Library (NILL) respond to information requests from individuals and groups throughout Indian Country, Washington, DC, and all fifty states. In Fiscal Year 2017, NILL's librarians answered approximately 850 research questions from the public, including tribal officials, state and federal government officials, attorneys, journalists, students, academics and individuals researching personal legal issues. NILL is the only library serving the public with extensive expertise and resources relating to Indian law, providing services that other tribal and public libraries are unable to provide.



*Library Director
David Selden*

Some recent research projects include:

- Locating sample tribal-state Memorandums of Understanding regarding child welfare for a tribal official
- Assisting a law student with accessing Court of Claims documents for a research paper
- Researching tribal employment and contracting laws for a recruiting start-up company
- Helping an educator locate information on the history and relationship of American Indians and national parks
- Providing literature and sample constitutions to a tribe working to revise their own constitution

Delivering self-help resources via our website

The NILL website has about 20,000 visitors and 45,000 page visits each month. Using our Indian

Law Research Guides (<https://www.narf.org/nill/resources>) on topics such as tribal enrollment and indigenous peacemaking, many patrons are able to find answers to their questions on their own. In addition, our Tribal Law Gateway (<https://www.narf.org/nill/triballaw>) puts researchers in touch with tribal law resources available on our website and elsewhere. Our library catalog (<http://nill.softlinkliberty.net/liberty>) allows patrons to access NILL materials online or by requesting a copy of print materials.

Keeping Researchers up-to-date with our Indian Law Bulletins

NILL provides free updates on Indian law through the Indian Law Bulletins. Five thousand patrons receive the free weekly updates by email, while others access them through the NILL blog or NARF's Facebook page. The Indian Law Bulletins are the only regularly published updates on Indian law covering tribal courts, federal and state courts, federal agencies, U.S. legislation, law review articles, and news.

To receive the Indian Law Bulletins by email, please sign up through the NILL website at <https://www.narf.org/nill/bulletins>

Support the National Indian Law Library

Your contributions help ensure that the library can continue 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. We are not tax-supported and rely on individual contributions to fund our services. Please visit <https://www.narf.org/nill/donate> for more information on how you can support this mission.

CALL 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 Alaska tribal sovereignty issues is 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 and Native organizations is crucial in NARF's struggle to ensure the freedoms and rights of all Native Americans. These contributions should be an example for all. We encourage other tribes and organizations 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 the 2017 fiscal year (October 1, 2016 to September 30, 2017):

Aleut Community of St. Paul Island	Penobscot Indian Nation
AMERIND Risk	Poarch Band of Creek Indians
Chickasaw Nation	Ponca Tribe of Nebraska
Choctaw Nation of Oklahoma	Pueblo of Acoma
Comanche Nation	Pueblo of Isleta
Confederated Tribes of Siletz Indians	Quinault Indian Nation
Confederated Tribes of the Umatilla Indian Reservation	Sac and Fox Nation
Cow Creek Band of Umpqua Tribe of Indians	San Manuel Band of Mission Indians
Gila River Indian Community	Seminole Tribe of Florida
Kenaitze Indian Tribe	Seven Cedars Casino/Jamestown S'Klallam
Keweenaw Bay Indian Community	Shakopee Mdewakanton Sioux Community
Little Traverse Bay Bands of Odawa Indians	Sisseton Wahpeton Oyate of Lake Traverse Reservation
Muckleshoot Indian Tribe	Soboba Band of Luiseno Indians
National Indian Gaming Association	Southern Ute Indian Tribe
Nottawaseppi Huron Band of the Potawatomi Indians	Tulalip Tribes
Pauma Band of Mission Indians	White Earth Nation
Pechanga Band of Luiseño Indians	Yocha Dehe Wintun Nation



THE NATIVE AMERICAN RIGHTS FUND

The Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm defending and promoting the legal rights of Indian people on issues essential to their tribal sovereignty, their natural resources, and their human rights. NARF empowers individuals and communities whose rights, economic self-sufficiency, and political participation have been eroded or undermined.

The United States has tried to subjugate and dominate Native peoples, yet we still exist today as independent quasi-sovereign nations, each having a unique relationship with the federal government. Tribes today are governed 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.

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 great strides achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its ability to bring high quality, highly ethical legal representation to dispossessed tribes. This legal advocacy 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 responsibilities of NARF's first Board of Directors was to develop priorities to guide the organization in its mission to preserve and enforce the legal rights of Native Americans. The committee developed five priorities that continue to lead NARF today:

- Preserve tribal existence
- Protect tribal natural resources
- Promote Native American human rights
- Hold governments accountable to Native Americans
- Develop Indian law and educate the public about Indian rights, laws, and issues

Under the priority to preserve 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.

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.

NARF Legal Review is published biannually by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. 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.

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. An adequate land base and control over natural resources are central components of economic self-sufficiency and self-determination, and are vital to the very existence of tribes. Thus, much of NARF's work involves protecting tribal natural resources.

Although basic human rights are considered a universal and inalienable entitlement, Native Americans face the 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 promoting 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 holding governments accountable to Native Americans.

A commitment to develop Indian law and educate 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 at 1506 Broadway, Boulder, CO 80302. NARF's clients are expected to pay whatever they can toward the costs of legal representation. ☛



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