



Legal Review

NATIVE AMERICAN RIGHTS FUND

GWICH'IN TRIBES & ARCTIC NATIONAL WILDLIFE REFUGE UNDER SIEGE

The Arctic National Wildlife Refuge is an American treasure that is internationally known for its ecological importance, beauty, and wildlife. It is a breathtaking, untouched landscape—one of very few remaining in the world—and home to 37 species of land mammals, 8 marine mammals, 42 fish species, and more than 200 migratory bird species. Inhabitants include polar bears, caribou, muskox, wolf, moose, mountain sheep, and bow-head whales

While the Refuge is viewed as a vast and remote wilderness to some, the Gwich'in know it only as "The Sacred Place Where Life Begins." The Refuge is part of the ancestral range of the Gwich'in people. The fifteen Gwich'in villages are some of the most northern indigenous peoples of North America. Set back from the coast, the Gwich'in are interior mountain people who depend heavily on caribou for every aspect of life. The Gwich'in people enjoy a close and lasting relationship with the caribou, which are a main source of subsistence as well as a spiritual and cultural treasure for local communities. Their culture relies on and honors the caribou and the ancestral homelands that have provided for them for thousands of years. That culture is under threat.

The Migration & The Coastal Plain

Specifically, Gwich'in communities look to the Porcupine Caribou herd, which migrates annually into and out of the Refuge. The herd of about 170,000 animals travels each spring from their winter range along the Gwich'in lands to the Coastal Plain where they have spring calving and nursery grounds. It is because of the caribou's



Credit: National Park Service

migration that the Refuge is sometimes called the "American Serengeti." Nine thousand Gwich'in people live near the Porcupine Caribou herd's migratory path. As they have always done, each year, the people await the herd's return. The caribou hunt is central to their way of life. The Gwich'in have worked tirelessly to ensure that the Porcupine Caribou are harvested in a sustainable way and that balance is maintained. Injury to the caribou is injury to the Gwich'in. ▶

- ▶ Gwich'in Tribes & Arctic National Wildlife Refuge Under Siege page 1
- ▶ Case Updates page 5
- ▶ National Indian Law Library page 9
- ▶ Call to Action page 10
- ▶ NARF page 11
- ▶ NARF Board page 12



Credit: National Park Service

Although the 19.5-million-acre Refuge covers an area the size of South Carolina, the 1.5-million-acre Coastal Plain serves as the biological heart of the Refuge. In essence, it is the source of the Porcupine Caribou herd. Every spring, the caribou migrate to the Coastal Plain where conditions are less harsh. Being the calving grounds for the Porcupine Caribou herd, the Coastal Plain is known in the Gwich'in language as *Izhik Gwats'an Gwandaii Goodlit*, "The Sacred Place Where Life Begins." It is here that oil and gas development is proposed.

Under Threat

For more than 40 years, the oil and gas industry has tried to gain access to the resources under the Arctic National Wildlife Refuge. Native and non-native citizens have fought to keep the pristine landscape of the Refuge wild. But now, the Trump administration is making progress towards delivering the refuge to their friends in the oil and gas industry.

With the help of Alaska Senator Lisa Murkowski, the oil and gas industry inserted a provision into the Tax Cuts and Jobs Act of 2017 allowing the

Arctic National Wildlife Refuge to be opened to development. And now, the Trump administration is bending over backwards to get oil and gas leases in-hand before the next presidential election. Processes that usually take years—to ensure that facts are known and everyone affected by the proposed action has a chance to be heard—are being pushed through in mere months.

In the face of this politicized process, NARF represents the Native Village of Venetie Tribal Government, Venetie Village Council, and Arctic Village Council, three federally recognized Gwich'in tribes working tirelessly to protect their way of life, secure their cultural preservation, protect their subsistence way of life, and oppose oil and gas development in the Arctic National Wildlife Refuge.

Assessing the Environmental Impact

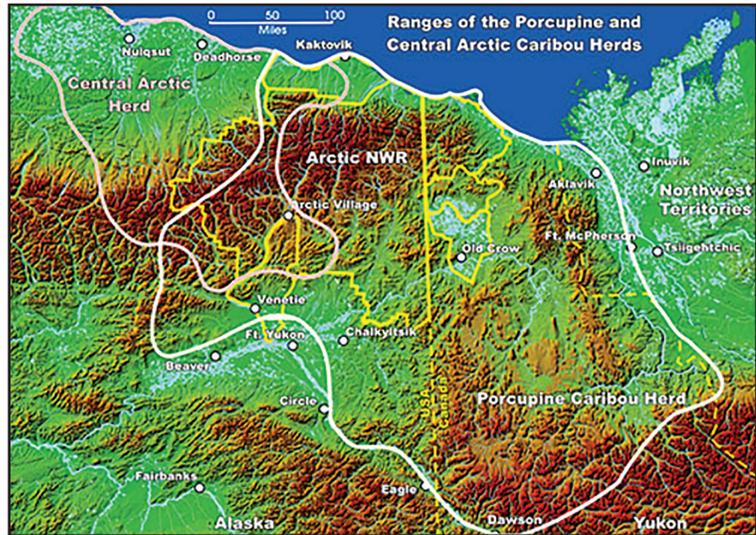
Congress enacted the legislation opening the Arctic National Wildlife Refuge to oil and gas development in 2017. The Bureau of Land Management immediately began the process to

review the environmental impacts of oil and gas development in the area and set a political timeline that seeks to complete leasing sales in the region before the next presidential election.

In less than a year, the Trump Administration slapped together an Environmental Impact Statement (EIS), based on pre-existing data and research from other regions in Alaska. The draft EIS is far from adequate and does not comply with legal requirements. It brushes aside the subsistence and cultural resources of the local tribes. According to the law, an EIS is supposed to consider all potential impacts on the environment and local communities, but this document falls well-short of that requirement. For example, it does not include an adequate analysis of the effects on the Porcupine Caribou Herd or the Gwich'in tribes who depend on them; the analysis fails to include Native knowledge from the people most intimately familiar with the region; and, as it compares outcomes for alternative scenarios, it does not even consider the option of NOT opening the Coastal Plain to leasing.

The draft goes so far as to boldly declare that oil and gas development in the caribou calving grounds will have no impact on the Tribes' subsistence hunting practices. Even as it acknowledges that oil and gas development could change migration patterns and lower calving rates, it's narrow and incomplete analysis incorrectly concluded that Gwich'in subsistence use would not be affected. Other problems with the draft EIS include:

- The analysis is based on incomplete and outdated scientific information about the effects of energy development on the Coastal Plain. The agency did not take steps to obtain more information or even identify the missing information—both of which are required by law.
- A thorough analysis requires participation of all affected parties. BLM has not consulted with all of the Gwich'in tribes (as required by law). The BLM must allow all community members to have a voice in this process.
- The agency cannot gauge the effects on the



Credit: USFWS

Porcupine Caribou Herd without complete and accurate information. This includes addressing gaps in current Western scientific data and incorporating the traditional knowledge of the peoples who have practiced subsistence living in the area since time immemorial.

- The Arctic National Wildlife Refuge was established in part to conserve wildlife and protect subsistence uses. If the refuge is opened to oil and gas development, how will those goals be met?
- The Refuge also fulfills US-Canada treaty obligations related to the conservation of the Porcupine Caribou herd. The agency must detail how exactly it will fulfill those treaty obligations if it allows oil and gas development in the region.
- The draft statement fails to include the potential effects of seismic activity of related oil and gas exploration. Seismic exploration is part of the oil and gas development process and should be included in the full analysis.

Native Voices

The draft EIS was released on December 20, 2018. The manner in which it was released was a reflection of the lack of respect or care that the administration holds for its tribal counterparts.

“Today’s release was done with no prior notification to our Tribal Councils, who have met with the BLM for months on a government-to-government basis,” said Native Village of Venetie Tribal



Credit: USFWS

Government Executive Director Tonya Garnett. “What’s even more disrespectful is to release this just before our villages are gathering together to celebrate the holidays. The total lack of regard to our tribal governments on an issue of such importance really demonstrates how BLM leadership views their trust responsibility to our Tribes. Our people and the caribou are bound together, and their fate is the same as ours. We will never stop in the defense of our way of life.”

After the slap-dash Environmental Impact Statement was released in December 2018, the federal government was shut down from December 22, 2018, through January 25, 2019. When the federal government did re-open tentatively for three weeks, the Bureau scheduled all of the required public hearings (seven in Alaska and one in DC) to happen between February 5 and February 13!

And, the “public hearings” were highly unusual. They consisted of a presentation by the BLM, followed by a court reporter meeting privately with attendees to record their comments. This uncommon procedure served to diminish the force of testimony and deflate public discourse. The regulators didn’t want to hear from the people, they wanted the process done as quickly and quietly as possible.

Regardless of short notice and tight schedules, and with funding from NARF supporters, eight tribal representatives traveled from Alaska to DC in February to testify about the importance of protecting the Arctic National Wildlife Refuge. And, on March 13, NARF and the Tribes filed written comments documenting the shortcomings of the Environmental Impact Statement.

The Fight Continues

Under the National Environmental Policy Act, the BLM must develop and analyze the scientific and technical data required for permit approval. Within this process, tribal governments have the ability to become “cooperating agencies” and sit at the decision-making table as any other government agency would. This process allows tribes to submit scientific and technical data and not have to rely solely on the lead agency to supply the required data. NARF is working with tribal and technical experts who specialize in the Arctic environment to fully represent the Gwich’in interests.

Under the National Historic Preservation Act, the BLM must analyze the impacts oil and gas development will have on “historic properties,” including places of cultural and religious significance. The BLM must consult with affected tribes, which can be a powerful platform and tool to advocate for the protection of cultural, religious, and historic important places and landscapes connected to the Refuge. This process will continue into the summer and NARF is negotiating on behalf of our tribal clients.

Over the years, the Gwich’in have steadfastly maintained their culture, identity, and integrity as traditional indigenous inhabitants of the area around and including the Arctic National Wildlife Refuge. They maintain sacred relationships to the land and caribou. Since time immemorial, the Gwich’in have preserved this special place for future generations. The Gwich’in tribes will continue to fight to protect their home and the Native American Rights Fund is proud to be by their side. 🌟

CASE UPDATES

Beginning the Process: Implementing the United Nations Declaration on the Rights of Indigenous Peoples in the United States

In 2007, after decades of advocacy by indigenous peoples, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples. The Declaration acknowledges indigenous peoples' rights to self-determination, equality, property, culture, and other human rights.

According to CU Law School Dean James Anaya: "The Declaration envisions a future in which the countries of the world embrace and uplift indigenous peoples on fair and equitable terms with effective recognition of their rights to exist as distinct peoples in harmony with the societies that have grown up around them, free from social and economic disparities rooted in histories of mistreatment."

The Declaration can be an impetus for change, but it is only a framework. Implementation will require sustained effort. Laws and policies must change to fulfill the Declaration's promises. To that end, the University of Colorado Law School (CU) and NARF created the Project to Implement the UN Declaration on the Rights of Indigenous Peoples in the United States.

Implementing the Declaration

The first program of the CU/NARF Project to Implement the Declaration was held in March. CU and NARF organized a two-day conference on the UN Declaration on the Rights of Indigenous Peoples. Scholars, advocates, and legal practitioners discussed how to advance the Declaration and strategies for implementing it in the United States.

The conference allowed initial strategic planning for how the Declaration's aspirations can be turned into reality

in the United States. NARF Executive Director John Echohawk explained that:

"[The Declaration] has language in there that basically supports everything we're trying to do in our advocacy work – in the courts, in the Congress, in the administration and agencies. There's something in the Declaration that supports everything we are trying to do. So we need to wrap up that effort and utilize the Declaration more in support of our advocacy work. That's the main purpose why we are here at this conference, is to refine those strategies and find better ways to use the Declaration to make a difference..."

The conference included discussions on challenges in Federal Indian Law, the role of international human rights in advocacy efforts, cultural rights, climate change and environmental advocacy, business and entrepreneurship, Indian child welfare, as well as technology and communications.

Recordings of the conference sessions are available from the NARF YouTube channel.



NARF Staff Attorney Heather Whiteman Runs Her Panel Discussion.

Legislating Native American Voting Rights

Voting rights and democracy reform is one of the most important, far-reaching issues currently being addressed in America. It also is a keystone of NARF's work. Only with a functioning democracy are we able to address issues of Native American civil rights, equity, and social justice.

The past decade has seen repeated attacks on voter protections. Voter access, required for a true democracy, has become politicized. When the Voting Rights Act was reauthorized in 2006, it passed easily. According to NARF Staff Attorney Natalie Landreth who testified during that legislative process, "Support for VRA Reauthorization was wide and nonpartisan, Republicans by and large didn't vote against it, it passed something like 96-0. Now Sen. Mitch McConnell is suggesting that the H.R. 1 and other voting bills won't even make it to the Senate floor? The conversation around voting has degenerated so far in so little time." Protecting our citizens' voices should be a priority for all of us. It is a non-partisan issue and a basic tenet of a functioning democracy.

However, since 2010, 25 states have passed laws restricting the vote. The discriminatory voter ID laws NARF has been challenging in North Dakota gained wide-spread attention during the 2018 elections, but North Dakota was not an isolated incident. In 2016, 14 states had new restrictive voting laws in place. In 2018, six states had new laws.¹ And obstacles like these are often magnified in Native communities where geographic and technological isolation, poverty, non-traditional mailing addresses, and deep-rooted racism can compound efforts to stifle democratic access.

Addressing these issues is a top priority for NARF. In 2015, NARF started the Native American Voting Rights Coalition, which coordinates efforts to overcome voting barriers Native Americans face. NAVRC's first actions included a multi-state survey and nine field hearings across Indian Country to better identify and understand the obstacles that Native Americans face in accessing the ballot box. You can read more about their findings at the NAVRC website (<https://vote.narf.org/>). These outreach efforts

identified numerous ways that Native American political participation is being suppressed.

Armed with those findings, NARF is working with legislators at the state and federal level to raise awareness about systemic problems and encourage legislation to combat them. At the federal level, legislation such as HR1 and the Native American Voting Rights Act are under consideration and development. NARF attorneys work to educate legislators about problems that afflict Native American communities. We will be monitoring these bills' progress.

At the state level, a number of actions are underway, but we are most heartened by the Washington State Senate, which recently passed a Native American Voting Rights Act. Washington Senator John McCoy (Tulalip) explains, "Our democracy works best when we all have the opportunity to participate. When entire communities are denied access to the ballot box, lawmakers need to take a look at systemic issues that need to be addressed."

In January, NARF Staff Attorney Jacqueline De León appeared before the Washington State Senate to talk about obstacles to political participation in Indian Country. Soon after giving that testimony, De León also was a guest on *Native America Calling*, talking about Native voting rights. You can listen to that show at (<http://www.nativeamericacalling.com/tuesday-february-5-2019-protecting-native-voting-rights/>).

With significant work still to be done, this fight is on-going. However, the legislative efforts underway are a chance for progress. You can be a part of ensuring the security of our democracy.

Take action to support the Native American Voting Rights Act. Contact your representatives (<https://www.usa.gov/elected-officials>) and let them know that voting rights and democracy reform are a top priority for you.

FN1 <https://www.brennancenter.org/new-voting-restrictions-america>

TRIBAL SUPREME COURT PROJECT

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 in response to a series of US 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 the Project 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 at <https://sct.narf.org>

Indian Law Cases Decided By the Supreme Court

Herrera v. Wyoming (17-532) – On May 20, 2019, the Court ruled in favor of Clayvin Herrera, a Crow Tribe member, in an off-reservation treaty hunting rights case. The majority opinion was authored by Justice Sotomayor and joined by Justices Ginsburg, Breyer, Kagan, and Gorsuch. Justice Alito authored a dissenting opinion, which was joined by Chief Justice Roberts and Justices Thomas and Kavanaugh.

Mr. Herrera challenged his Wyoming state court conviction for unlawfully hunting elk in the Bighorn National Forest. The Crow Tribe’s 1868 treaty with the United States reserves hunting rights in ceded lands, which includes what is now the Bighorn National Forest, so long as those lands remain “unoccupied.” However, the state court did not allow Mr. Herrera to assert the Tribe’s treaty hunting right as a bar to prosecution, instead holding that Wyoming’s admission to the Union abrogated the Tribe’s treaty hunting right, and the creation of the Bighorn National Forest constituted an “occupation” of those lands. A state appellate court affirmed, and the Wyoming Supreme Court denied review.

Justice Sotomayor’s majority opinion said that



Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172 (1999) “established that the crucial inquiry for treaty termination analysis is whether Congress has expressly abrogated an Indian treaty right or whether a termination point identified in the treaty itself has been satisfied.” The opinion went on to say that statehood is irrelevant to this analysis, unless a statehood act demonstrates a clear intent to abrogate a treaty or appears as a termination point in the treaty itself. The Court held that neither the Wyoming’s statehood act nor the Treaty of 1868 evidenced clear Congressional intent for the tribe’s treaty hunting right to terminate.

The Court also rejected the lower court’s alternative holding that the land became entirely “occupied” through the creation of the Bighorn National Forest. However, on remand, the Court left open the door for Wyoming to establish that the specific site where Mr. Herrera hunted was used in a manner rendering it “occupied” within the treaty’s meaning. Similarly, the Court stated that Wyoming could, on remand, “press its arguments as to why the application of state conservation regulations to Crow tribal members exercising their off-reservation treaty hunting rights are necessary for conservation.” The Court’s opinion is available at: https://sct.narf.org/documents/herrera_v_wyoming/opinion.pdf.

Washington State Department of Licensing v. Cougar Den (16-1498) – On March 19, 2019, the Court affirmed the Washington Supreme Court’s decision in favor of Cougar Den, a business owned by a Yakama Nation tribal member. In this case, the Washington State Department of Licensing (Department) sought reversal of a



Washington Supreme Court decision, which held that the right-to-travel provision of the Yakama Nation Treaty of 1855 preempts the Department's imposition of taxes and licensing requirements on a tribally chartered corporation that transports motor fuel across state lines for sale on the Reservation.

The Court issued a plurality opinion written by Justice Breyer (joined by Justices Sotomayor and Kagan). The plurality opinion first reasons that the incidence of the tax is a matter of state law, and the Washington Supreme Court determined that the tax is imposed on the "importation of fuel, which is the transportation of fuel" and that "travel on public highways is directly at issue because the tax [is] an importation tax." Additionally, the opinion concludes that the statute, regardless of how one construes it, has the practical effect of being a charge assessed to Yakamas who exercise their treaty right.

In holding that the tax was accordingly pre-empted by the Yakama's treaty, Justice Breyer emphasized that each of the four times the Court has examined this treaty, it has stressed the importance of reading the treaty language as the Yakamas would have understood it in 1855. Reading the treaty in this way, Justice Breyer rejects the argument that the treaty's language guaranteeing travel on highways "in common with citizens of the United States" permits the equal application of general legislation to Yakamas and non-Yakamas alike. Moreover, Justice Breyer found it important that the historical record in this case demonstrated that the right to travel includes a right to travel with goods for sale. Therefore, this tax, which burdens the right to travel with goods, must be pre-empted.

There were three additional opinions: Justice Gorsuch wrote a concurring opinion, which was joined by Justice Ginsburg; Chief Justice Roberts wrote a dissenting opinion, which was joined by Justices Thomas, Alito, and Kavanaugh; and Justice Kavanaugh wrote a dissenting opinion, which was joined by Justice Thomas. The opinions are available at: https://sct.narf.org/documents/washington_v_cougar_den/opinion.pdf

Petitions for a Writ of Certiorari Granted

The Court has granted review in one Indian law case that has not been decided by the Court:

Carpenter v. Murphy (17-1107) – On May 21, 2018, the Court granted a petition filed by the State of Oklahoma seeking review of a US Tenth Circuit Court of Appeals decision in a *habeas corpus* action, which reversed the District Court and held that the State of Oklahoma was without jurisdiction to prosecute and convict a member of the Muscogee (Creek) Nation because the crime for which he was convicted occurred in Indian country, within the boundaries of the Muscogee (Creek) Reservation. After Mr. Murphy was convicted of murder in Oklahoma state court and exhausted his appeals, he filed a *habeas corpus* petition in federal district court asserting that, because the crime occurred within the Muscogee (Creek) Nation's reservation boundaries and because he is Indian, the state court had no jurisdiction. The federal district court denied his petition, holding that Oklahoma possessed jurisdiction because the Muscogee (Creek) Reservation was disestablished. On appeal, the Tenth Circuit Court used the three-factor Solem reservation disestablishment analysis and not only found that Congress did not disestablish the Muscogee (Creek) Reservation, but also that statutes and allotment agreements showed that "Congress recognized the existence of the Creek Nation's borders." Likewise, the court held that the historical evidence indicated neither a congressional intent to disestablish the Muscogee (Creek) reservation, nor a contemporaneous understanding by Congress that it had disestablished the reservation. Accordingly, the court concluded that (1) Mr. Murphy's state conviction and death sentence were invalid because the crime occurred in Indian Country and the accused was Indian, (2) the Oklahoma Court of Criminal Appeals (OCCA) erred by concluding the state courts had jurisdiction, and (3) the federal district court erred by concluding the OCCA's decision was not contrary to clearly established federal law. The Court heard oral argument on November 27, 2018, and, on December 4, 2018, the Court ordered supplemental briefing. All supplemental briefs have been filed. 🌟

National Indian Law Library (NILL)

Using the NILL Catalog to Find Indian Law Information You Need

Researchers around the world have access to the resources of the National Indian Law Library through online access to our library catalog (<https://nill.softlinkliberty.net/liberty>). The catalog contains information on over 18,000 titles held in the NILL collection. Copies of most resources can be delivered to researchers in a timely way and many catalog records provide links to free resources that are available on the internet.

Locate Items in the NILL collection

At the top of the catalog homepage, use the dropdown list to choose the “Advanced Search” option. This will allow you to search by title, author, subject, etc. You can also choose the type of material you would like to see, such as Article, Book, or Tribal Code. Or, if you prefer, you can use the “Basic Search” and enter a keyword in the large box at the top of the screen. The catalog homepage includes links to several videos that describe the search process in greater detail.

NILL’s collection includes catalog records for approximately 7,000 articles, 4,500 books, and 1400 tribal law resources. Many of these items are freely available online and are easily accessed via a link in the catalog record.

Request Resources

NILL does not loan books from our collection, but we can usually provide a copy of an article, book chapter, tribal code, or other item via email. When you’ve located the catalog record for an item of interest, simply click on the “Request” icon on the right hand side of the screen to request a copy. The request form will automatically include information about the item in the catalog, but the requestor can add



additional information such as chapter number or topic of interest to help the NILL librarians locate the relevant information.

AskNILL for Research Assistance

While the NILL catalog is a good place to start with your research, please do not hesitate to contact us for research assistance. NILL is the only library serving the public with extensive expertise and resources relating to Indian law, providing services that other libraries are unable to provide. If you need assistance with Indian law or tribal law research, please contact us via our website (www.narf.org/nill/asknill.html).

Support the National Indian Law Library

Your contributions help ensure that the library can continue to supply unique and 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 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 been reduced. 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, voting rights, tribal water rights, Indian Child Welfare Act, and tribal sovereignty issues, NARF looks to the tribes to provide the 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.

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 in the 2019 fiscal year (October 1, 2018 – May 31, 2019).

AMERIND Risk
Cherokee Nation Businesses
Chickasaw Nation
Confederated Tribes of Grand Ronde
Confederated Tribes of Siletz Indians
Fort McDowell Yavapai Nation
Mooretown Rancheria
National Indian Gaming Association
Nome Eskimo Community
Nottawaseppi Huron Band of the Potawatomi
Poarch Band of Creek Indians

San Manuel Band of Mission Indians
San Pasqual Band of Mission Indians
Santa Ynez Band of Chumash Indians
Seminole Tribe of Florida
Shakopee Mdewakanton Sioux Community
Stillaguamish Tribe of Indians
Sycuan Band of Kumeyaay Nation
Tanana Chiefs Conference
Tulalip Tribes
Yocha Dehe Wintun Nation



THE NATIVE AMERICAN RIGHTS FUND

The Native American Rights Fund (NARF) is the oldest and largest nonprofit legal organization defending and promoting the legal rights of Indian people on issues essential to their tribal sovereignty, natural resources, and human rights.

Since 1970, we have provided legal advice and representation to Native American tribes and organizations on issues of major importance. Our early work was instrumental in establishing the field of Indian law. NARF—when very few would—steadfastly took stands for Indian religious freedom and sacred places, subsistence hunting and fishing rights, as well as basic human and civil rights. We continue to take on complex, time-consuming cases that others avoid, such as government accountability, climate change, and the education of our children. We have assisted more than 300 tribal nations with critical issues that go to the heart of who we are as sovereign nations.

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 empower tribes to live according to their traditions, enforce their treaty rights, insure their independence on reservations, and protect their sovereignty.

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 *protects 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 to *promote human rights*, NARF strives to enforce and strengthen laws that protect the rights of Native Americans to practice their traditional religion, use their languages, and 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 laws and regulations applicable to Indian peoples. Because such laws impact virtually every aspect of tribal life, NARF is committed to actions that *hold governments accountable* to Native Americans.

To protect Indian rights, we must *develop Indian Law and educate the public about Indian rights, laws and issues*. This includes 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 NARF's main office at 1506 Broadway, Boulder, CO 80302. NARF's clients are expected to pay what they can toward the costs of legal representation. 🌟

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.

www.narf.org

Boulder, CO (Main) Office:
1506 Broadway, Boulder, CO 80302-6217
(303) 447-8760; FAX (303) 443-7776

Washington, DC Office:
1514 P Street, NW (Rear) Suite D, Washington, DC 20005-1910
(202) 785-4166; FAX (202) 822-0068

Anchorage, AK Office:
745 W. 4th Avenue, Suite 502, Anchorage, AK 99501-1736
(907) 276-0680; FAX (907) 276-2466

Native American Rights Fund

1506 Broadway
Boulder, CO 80302

Non-Profit Org.
U.S. Postage
PAID
Boulder, Colorado
Permit No. 589



PRINTED ON RECYCLED PAPER



NATIVE AMERICAN RIGHTS FUND BOARD OF DIRECTORS

- Robert McGhee, ChairmanPoarch Band of Creek Indians
- Kurt BlueDog, Vice-Chairman.....Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
- Tex G. Hall, TreasurerThree Affiliated Tribes
- Michael C. SmithChickasaw Nation
- Kenneth KahnSanta Ynez Band of Chumash Indians
- Anita MitchellMuckleshoot Tribe
- Rhonda PitkaNative Village of Beaver
- Lacey A. HornCherokee Nation
- Camille K. KalamaNative Hawaiian
- Derek ValdoPueblo of Acoma
- Rebecca A. MilesNez Perce Tribe
- Robert MiguelAk Chin Indian Community
- MaryAnn K. JohnsonPortage Creek
- Executive Director: John E. EchohawkPawnee

NARF LEGAL REVIEW • VOLUME 44, NO. 1 • WINTER/SPRING 2019