



NATIVE AMERICAN RIGHTS FUND

ANNUAL REPORT 2025



The Native American Rights Fund Statement on Environmental Sustainability

It is clear that our natural world is undergoing severe, unsustainable and catastrophic climate change that adversely impacts the lives of people and ecosystems worldwide. Native Americans are especially vulnerable and are experiencing disproportionate negative impacts on their cultures, health and food systems. In response, the Native American Rights Fund (NARF) is committed to environmental sustainability through its mission, work and organizational values. Native Americans and other Indigenous Peoples have a long tradition of living sustainably with the natural world by understanding the importance of preserving natural resources and respecting the interdependence of all living things. NARF embraces this tradition through its work and by instituting sustainable office practices that reduce our negative impact on our climate and environment. NARF is engaged in environmental work and has established a Green Office Committee whose responsibility is to lead and coordinate staff participation in establishing and implementing policies and procedures to minimize waste, reduce energy consumption and pollution and create a healthful work environment.

Tax Status: The Native American Rights Fund (NARF) 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. 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. NARF was founded in 1970 and incorporated in 1971 in Washington, DC.

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COVER AND PHOTOGRAPHY



PHOTO CREDIT: Curtis Ray Benally/Turkeyboy Photography

ROY KADY: Roy Kady is a Diné Master Textile Weaver and fiber artist who began weaving and sheep herding at age nine, learning from his mother in Goats Spring near Teec Nos Pos, Arizona. For decades, he has been recognized for his masterful weaving and innovative designs that blend traditional Navajo techniques with a broad range of fiber arts practices.

Rooted deeply in Diné cosmology and teachings, Roy approaches weaving as a living spiritual practice. Inspired by the origin stories of Spider Man and Spider Woman and the gift of weaving in the creation world, he works with natural fibers to center himself in the cosmos and honor his ancestors. He raises Navajo-Churro sheep and Navajo Angora goats, hand processes much of his fiber, and gathers plants for vegetal dyes, ensuring each piece carries the land, stories, and spirit of his community.

Before beginning a weaving, Roy consults elders and community members to faithfully represent the stories he brings to life. His work is not simply visual but an act of preservation, resilience, and cultural continuity.

In addition to teaching and demonstrating regionally, nationally, and internationally, Roy mentors youth through his Kady Youth Sheep Camp Apprenticeship and organizes local community fiber arts spin offs, helping sustain the evolving art of Navajo weaving for future generations.

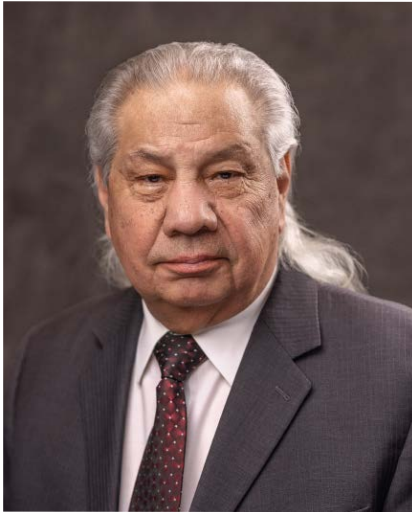
TABLE OF CONTENTS

Executive Director’s Report.....	2
Board Chair’s Message.....	3
Board of Directors and National Support Committee.....	4
Introduction.....	5
Preserve Tribal Existence.....	6
Protect Tribal Natural Resources.....	9
Promote Human Rights.....	15
Hold Governments Accountable.....	23
Develop Indian Law.....	23
FY 2025 Financial Report.....	25
Contributions.....	26
NARF Staff.....	31



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EXECUTIVE DIRECTOR'S REPORT



John E. Echohawk
Executive Director

2025 was the 55th year that the Native American Rights Fund has served as the national Indian legal defense fund providing legal advice and assistance to Tribes, Native organizations, and individuals in cases of major significance across the country. Once again, we were proud to be able to help our Native American clients achieve several significant legal victories and accomplishments during the year.

Maverick Gaming LLC challenged the constitutionality of the Indian Gaming Regulatory Act and Tribal compacts in Washington state. Shoalwater Bay Indian Tribe moved to dismiss the case for failure to join Tribes in the suit who are immune from suit without their consent. The district court granted the motion and the Ninth Circuit affirmed. Along with private counsel, NARF represented Shoalwater Bay and the Supreme Court declined to hear the case.

The State of Alaska filed a complaint in 2020 challenging three decisions made by the Federal Subsistence Board related to subsistence hunting in rural Alaska. The State alleged that the Board acted outside its authority. NARF intervened on behalf of the Organized Village of Kake to defend the Board's authority to authorize emergency hunts. The district court upheld the Board's authority, and the State appealed. The Ninth Circuit held that the case met a mootness exception and should be reheard by the district court. On remand, the district court upheld the Board's authority on all counts. The State again appealed, and the Ninth Circuit upheld the Board's authority, providing a complete victory for the Board and the Organized Village of Kake.

In 2021, in response to the crash of the salmon fishery, the U.S. closed the Kuskokwim River fishery but allowed limited openings for Alaska Natives with subsistence priority. The State of Alaska claimed to open the river to all Alaskans, and was sued by the U.S. On behalf of the Association of Village Council Presidents and two subsistence users,

NARF intervened in the case on the side of the U.S. The district court ruled in favor of the U.S. and NARF's clients, rejecting Alaska's attack on federally protected subsistence rights. The Ninth Circuit affirmed. Alaska petitioned the U.S. Supreme Court for review, but the petition was denied in early 2026.

Mauna Kea, the tallest mountain on the Hawaiian Islands, has long been regarded as one of the most sacred places in Hawaii. It has become a focal point for American astronomy, and astronomers have sought to construct a new telescope on Mauna Kea. That has been fiercely opposed by Native Hawaiians, and NARF partnered with the Native Hawaiian Legal Corporation in representing them in the review processes. Subsequently, the National Science Foundation stated it would not fund the new telescope.

In early 2025, President Trump initiated large-scale reductions in federal staffing, including schools operated by the Bureau of Indian Education across the nation. NARF brought suit challenging the staff reductions on behalf of the Pueblo of Isleta, Prairie Band of Potawatomi Nation, and the Cheyenne Arapahoe Tribes. The failure to consult with Tribes was unlawful, and as a result the Bureau of a Indian Education re-hired all personnel.

In 2020, NARF filed suit on behalf of the Rosebud Sioux and Oglala Sioux in South Dakota alleging violations of the National Voter Registration Act. After winning a motion to dismiss and partial summary judgment, the Tribal Nations negotiated a comprehensive settlement agreement which finished in late 2025. NARF concluded additional court enforcement is not warranted at this time.

In *Walen v. Burgum*, two individuals brought suit in 2022 in North Dakota seeking to eliminate the majority-Native state legislative subdistrict encompassing the Fort Berthold reservation. The Tribal Nation and Native voters intervened to defend the subdistrict, and a Native was elected there for the first time in a long time. In 2023 a three-judge panel dismissed the case, ruling in the Tribe's favor, and so did the U.S. Supreme Court in 2025. NARF co-counseled in the case with private counsel.

The Toronto O'odham Nation, the Gila River Indian Community, and future Native voters filed a lawsuit challenging an Arizona law requiring individuals to provide documentary proof of residence to vote. The law was passed despite the known lack of addresses on homes on

Tribal lands in Arizona. In 2024, the district court ruled the proof of address requirement is preempted under the National Voter Registration Act and that no one is required to have a street address to register in any election. The Ninth Circuit upheld that win in 2025.

The Chippewa Cree Tribe of the Rocky Boy's Reservation and two Native voters residing in Chouteau County, Montana, challenged the at-large system used to elect the county board of commissioners because it unlawfully dilutes the voting strength of Native Americans. In 2025, the parties reached a settlement that will end the at-large election system and establish a single-member district designed to provide Native voters with a meaningful opportunity to elect a candidate of their choice.

Toyukak v. Treadwell is litigation brought by Alaska Native Villages and Alaska Native voters in 2013 to enforce the statutory guarantee of language assistance under section

203 of the Voting Rights Act and the voting guarantees of the Fourteenth and Fifteenth Amendments of the Constitution. In 2014 the district court held that Alaska violated the VRA and in 2015 approved a settlement agreement that provided broad relief in the form of a comprehensive language assistance program. In 2025, the parties extended the settlement agreement to 2026.

These legal victories and accomplishments would not have been possible without the contributions and grants from the many supporters of our nonprofit organization. We thank you for your support and hope that your support will continue in 2026 and beyond so we can continue to pursue justice for Native Americans.

John E. Echohawk
Executive Director

BOARD CHAIR'S MESSAGE



Rebecca Crooks-Stratton
Chair, NARF Board of Directors

Han mitakuyapi,

As I begin my tenure as Chair of the Board of Directors at the Native American Rights Fund (NARF), I want to express my deep appreciation for the extraordinary leadership and dedication of the outgoing board members and board leadership. Stepping into this role, I am acutely aware that the strength of our position

today is a direct result of the thoughtful stewardship and countless hours of work contributed by NARF's board members who came before.

Over the past several years, board leadership has guided NARF through some of the most complex and uncertain circumstances in its history. Their commitment to stabilizing the organization's financial foundation, during a time when so many nonprofits faced unprecedented challenges, has

ensured that we remain resilient and positioned for long term advocacy on behalf of Indian Country. This is no small achievement. It reflects strategic insight and unwavering belief in the work we do.

I am equally grateful for the two full rounds of strategic planning that NARF's staff and board undertook in recent years. That work requires vision, candor, and collaboration. Because of the leadership of outgoing Board members, the organization not only weathered a global pandemic but continued to grow and elevate its presence. That momentum creates a powerful springboard for the next chapter.

2025 was a year of intense challenge and resolute action for NARF. Together we advanced Tribal sovereignty, protected sacred homelands and treaty rights, defended Native voters, and pushed back on federal actions that threaten Tribal communities. I am honored to join you as we carry forward this work and build on the legacy of those that came before.

Pidámayayapi,
Rebecca Crooks-Stratton
Incoming Chair, NARF Board of Directors

BOARD OF DIRECTORS



The Native American Rights Fund has a governing board composed of Native American leaders from across the country. Board members are chosen based on their involvement and knowledge of Indian issues and affairs, as well as Tribal affiliation, to ensure comprehensive geographical representation. The vision of the Board members is essential to NARF's effectiveness in representing its Native American clients.

NARF's 2025 Board of Directors: **Lacey Horn, Chair** (Cherokee Nation); **Kenneth Kahn Vice-Chair**, (Santa Ynez Band of Chumash Indians); **Rebecca Crooks-Stratton** Treasurer (Sisseton-Wahpeton Oyate); **Jamie Azure** (Turtle Mountain Band of Chippewa); **Gayla Hoseth** (Curyung Tribal Council); **Camille Kalama** (Native Hawai'ian); **Robert Miguel** (Ak-Chin Indian Community); **Rebecca Miles** (Nez Perce Tribe); **Lori Stinson** (Poarch Band of Creek Indians); **Geoffrey Cravatt Blackwell**, (Muscogee (Creek) Nation); **Louie Ungaro** (Muckleshoot Indian Tribe) *Not pictured:* **Rhonda Pitka** (Beaver Village Council); **Michael Petoskey** (Grand Traverse Band of Ottawa and Chippewa Indians)



NATIONAL SUPPORT COUNCIL

The National Support Council assists NARF with fundraising and public relations. Some members are prominent in business, entertainment, and the arts. Others are advocates for the rights of the underserved. All are committed to upholding Native American rights.

Lucille A. Echohawk (Pawnee), **Eric Ginsburg**, **Jeff Ginsburg**, **Rodney Grant** (Omaha), **Dr. Marion McCollom Hampton** (Kaw Nation), **Billy Mills** (Oglala Lakota), **Stephen Pevar**, **Wayne Ross**, **Nancy Starling-Ross**, **Michael G. Sawaya**, **Verna Teller** (Isleta Pueblo), **Rebecca Tsosie** (Pascua Yaqui), **Richard Trudell** (Santee Sioux), **Aine Ungar**, **Rt. Rev. William C. Wantland** (Seminole), **Randy Willis** (Oglala Lakota), **Teresa Willis** (Umatilla), **Pahponee** (Kickapoo Tribe in Kansas/Citizen Band Potawatomi)

INTRODUCTION

The Native American Rights Fund holds governments accountable. We fight to protect Native American rights, resources, and lifeways through litigation, legal advocacy, and expertise.

NARF's first Board of Directors developed five priorities that still lead us today. In this annual report, you will find NARF's recent work within each of these priority areas.

1. **Preserve Tribal existence**
2. **Protect Tribal natural resources**
3. **Promote Native American human rights**
4. **Hold governments accountable to Native Americans**
5. **Develop Indian law and educate the public about Indian rights, laws, and issues**

We invite you to visit our website (narf.org) to learn more about these issues and cases.



Photo Credit: Curtis Ray Benally/Turkeyboy Photography

PRESERVE TRIBAL EXISTENCE

Under the priority to *preserve Tribal existence*, NARF supports Tribes' rights to live according to traditions, enforce treaty rights, ensure independence on reservations, and protect their right to self-govern (sovereignty).

TRIBAL SOVEREIGNTY AND JURISDICTION

Tribal Sovereignty Protection Initiative

NARF partners with the National Congress of American Indians (NCAI) on the Tribal Sovereignty Protection Initiative to monitor legislation, judicial appointments, and cases related to Tribal interests.

~ *Tribal Supreme Court Project (sct.narf.org)*

The Tribal Supreme Court Project is based on the idea that a strong, coordinated approach at the U.S. Supreme Court can reduce, and even reverse, the erosion of Tribal sovereignty by Justices who are unfamiliar with federal Indian law and the practical challenges Tribal governments face. The Project monitors cases at or headed to the U.S. Supreme Court. The Court did not grant any Indian Law cases in its October 2024 term. In very early January 2026, the Court announced that it would not review *Alaska v. United States*, which is an incredible win for Alaska Native fishing rights and reaffirms the landmark *Katie John* cases.

~ *Judicial Selection Project*

The Judicial Selection Project promotes Native American representation in the judiciary while engaging in related research and education. The Project helps ensure that qualified Native candidates are nominated to the federal bench. The Project also teaches the federal judiciary about Tribal issues, educates Tribal leaders about the judicial nomination process, and communicates about the need for judges who understand the unique legal status of Tribal Nations.

Alario v. Knudsen

In May 2024, NARF filed an amicus brief with the U.S. Court of Appeals for the Ninth Circuit on behalf of the Confederated Salish and Kootenai Tribes and NCAI in a challenge to a Montana bill to ban TikTok use in the state. The brief addressed how the ban was likely to be enforced on Tribal lands, despite the state's lack of jurisdiction to do so. The brief also highlighted how Tribal Nations are regulating in matters of Tribal digital sovereignty and how states should not encroach upon Tribal jurisdiction and should help ensure equitable digital resource access. The case was stayed multiple times throughout 2025.

Erwine v. U.S.

A former police officer of the Washoe Tribe of Nevada and California sued other former officers and employees of

the Washoe Tribe in the U.S. District Court for the District of Nevada. We represent the sued officers and employees. In March 2025, the court dismissed the claims against our clients. Because they possess absolute immunity from suit as former Tribal officers and employees and that the Tribe is an indispensable party to the case. Plaintiff has appealed, and we will now defend our win before the Ninth Circuit.

Tix v. Tix

This is a case about Tribal court jurisdiction over a divorce. We represent Robert Tix, a member of the Prairie Island Mdewakanton Dakota Indian Community. Robert's ex-wife objects to the assertion of Tribal court jurisdiction over her. The U.S. District Court for Minnesota found that the exercise of Tribal court jurisdiction was proper. The case was appealed to the Eighth Circuit. Unfortunately, the Eighth Circuit ruled against Mr. Tix in December 2025. We co-counsel with Messerli Kramer.

Swinomish Trespass Amicus Brief

In March 2025, NARF filed an amicus brief on behalf of 16 Tribal Nations before the U.S. Court of Appeals for the Ninth Circuit in *Swinomish v. BNSF Railway Co.* The appeal concerns the disgorgement of profits related to BNSF's nine-year trespass across Swinomish Indian Tribal Community's reservation. In 2024, the U.S. District Court for the Western District of Washington ruled that BNSF had repeatedly and knowingly violated its easement in pursuit of profit and ordered BNSF to disgorge \$394 million of ill-gotten profit. BNSF appealed. The amicus brief explained that the trespass didn't only cause economic harms to Swinomish's business interest, but also sovereign harms to the Tribe's right to exclude and condition entry onto Tribal land. Without the complete disgorgement of ill-gotten gains, as the district court ordered, Swinomish's sovereign rights would not be vindicated or protected in the future. In late 2025, the parties settled and dismissed the appeal.

Maverick Gaming v. United States

Maverick Gaming LLC challenges the constitutionality of the Indian Gaming Regulatory Act and tribal gaming compacts in Washington state. Shoalwater Bay Indian Tribe moved to dismiss the case for failure to join Tribes to the suit. The district court granted the motion, and the Ninth Circuit affirmed. Along with Jenner & Block, Crowell Law Offices, and MThirtySix, NARF represents Shoalwater. The Supreme Court declined to hear the case in October 2025.

Estate of N. Scott Momaday Quiet Title

NARF, with support from Willkie Farr & Gallagher LLP, Dunn Isaacson Rhee LLP, AllRise! Legal Co-Op, and Oklahoma Indian Legal Services, represents the estate of the late N. Scott Momaday, a celebrated Kiowa writer and poet, in an effort to return Mr. Momaday's fee land to his family. The land passed to Mr. Momaday from his Kiowa grandmother and was sold at a tax resale auction in 2022, without Mr. Momaday's knowledge. This case is unfortunately one example in a long history of governments and non-Indians using dubious means to dispossess Native Americans of their land. In October 2025, the court denied the county's motion to dismiss from the bench. The parties expect discovery to take place in early 2026.

Simmonds v. Parks

Simmonds v. Parks was a state court challenge to an Alaska Tribe's exercise of jurisdiction over child welfare matters, and to the Tribal Court's processes and procedures. In

2014, the Alaska Supreme Court issued a unanimous decision affirming full faith and credit for a Minto Tribal Court's order and dismissing the state court case. Though the Parks case was resolved years ago, NARF has recently seen an uptick in challenges to state court registration of Tribal court orders. NARF is monitoring these cases and assisted Tribal counsel in at least one challenge that rose to the Alaska Supreme Court before settling.

The United States Supreme Court cert petition in *Halverson v. Hennepin County* (which challenged a transfer of jurisdiction from state court to Tribal court pursuant to ICWA) shows that these challenges to Tribal jurisdiction are not an Alaska-specific problem. The cert petition in Halverson heavily cited Parks as evidence that the Supreme Court should take up these jurisdictional challenges. NARF will continue to monitor these cases and advise Tribes on jurisdiction, due process, and registration of Tribal Court orders.





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PROTECT TRIBAL NATURAL RESOURCES

During colonization, Tribes' lands diminished to a mere 2.3 percent of their original size. An adequate land base and control over natural resources are necessary for economic self-sufficiency and self-determination. They are vital to Tribal existence. Thus, much of NARF's work is to *protect Tribal natural resources*.

INDIAN LANDS

Lands into Trust for Alaska Tribes

The lands into trust issue continues to be hotly debated in Alaska. NARF continues to work with Alaska clients to defend the legality of the trust lands program as well as putting their own fee lands into trust. The Biden Administration took an additional parcel into trust in November 2022. Alaska is again pursuing a legal challenge to the Department of Interior's ability to make trust acquisitions for Alaska Tribes. The Central Council of the Tlingit and Haida Indian Tribes (Tlingit & Haida) intervened in the case. In June 2024, the court upheld DOI's authority to acquire land in trust. However, the court concluded that DOI erred in relying on the "restoration of Indian lands" as a justification for acquiring land in trust on behalf of Tlingit & Haida. Tlingit & Haida, DOI, and the State of Alaska appealed the decision and the case is currently before the U.S. Court of Appeals for the Ninth Circuit. In February 2025, Tlingit & Haida filed a motion to dismiss Alaska's appeal. The court denied Tlingit & Haida's motion to dismiss, and merits briefing is moving forward.

HUNTING AND FISHING RIGHTS

Because of their remoteness, no one else in the U.S. continues to be as intimately connected to the land and water, and dependent on natural resources, as Alaska Natives.

Alaska Department of Fish and Game v. Federal Subsistence Board

In 2020, the Alaska filed a complaint challenging three decisions made by the Federal Subsistence Board related to subsistence hunting. The state alleged that the board acted outside of its authority. NARF filed a motion to intervene on behalf of the Organized Village of Kake to defend the board's authority to authorize emergency hunts. In December 2021, the court upheld the board's authority in all respects of the case. The state appealed to the Ninth Circuit, which held that the case met a mootness exception and should be reheard by the trial court. On remand, the district court upheld the FSB's authority on all counts. The state again appealed the decision. In June 2025, the Ninth Circuit upheld the FSB's authority, constituting a complete victory for the FSB and the Organized Village of Kake.

United States v. State of Alaska

Western Alaska, including the Kuskokwim River, is experiencing a severe, multi-year, multi-species salmon crash. In 2021, in response to the crash, the U.S. closed the Kuskokwim River fishery in the Yukon Delta National Wildlife Refuge but allowed limited openings for local, federally qualified users to fish for salmon. At the same time, the State of Alaska claimed to open the same stretch of the river to fishing by all Alaskans. This caused confusion among residents and interfered with attempts to provide the subsistence priority that is essential to Alaska Natives.

In response, the U.S. sued Alaska. On behalf of the Association of Village Council Presidents and two subsistence users, NARF intervened in the case on the side of the U.S. In March 2024, the court ruled in favor of the U.S. and NARF clients, rejecting Alaska's attack on federally protected subsistence rights and permanently enjoining the state from repeating its unlawful actions on the Kuskokwim River. The state appealed. In 2025, the Ninth Circuit affirmed the district court's decision and the permanent injunction. The state petitioned the U.S. Supreme Court for review, but the Court denied that petition in early 2026.

Bering Sea Elders Group

The Bering Sea Elders Group (BSEG) is an alliance of 39 Yup'ik and Inupiaq villages that seek to protect the sensitive ecosystem of the Bering Sea, as well as the communities that depend on it. NARF has represented BSEG since 2010. Currently, NARF is working with BSEG and coalition partners to change existing management structures that have failed the people in the region. This includes integrating traditional knowledge into existing federal decision-making processes and building an equitable co-management structure. NARF also assists BSEG with other subsistence advocacy efforts.

Pebble Mine

Alaska's Bristol Bay region is home to the largest wild salmon runs in the world. It is also home to the Yup'ik, Dena'ina, and Alutiiq peoples who depend on sustainable salmon runs. In 2013, NARF helped create the United Tribes of Bristol Bay (UTBB), a consortium formed to address mining proposals threatening salmon-rearing streams.

NARF and the Tribes continue to work on securing lasting protections for the Bristol Bay watershed. The denial of Pebble’s mining permit in 2020 was a significant step, but it did not remove the threat of large-scale mining. The availability of mineral deposits at Bristol Bay’s headwaters will continue to attract developers unless action is taken to remove those minerals from leasing. A major milestone in this effort came in January 2023, when the EPA announced it would use Clean Water Act Section 404(c) to prohibit the wetlands around Pebble Deposit from being used as a disposal site for mine fill. This decision marks the culmination of ten years of effort by the Bristol Bay Tribes and NARF.

In 2023, the State of Alaska filed a Bill of Complaint directly in the U.S. Supreme Court, arguing that the EPA’s action violates the Alaska Statehood Act of 1959. NARF filed an amicus brief opposing Supreme Court review. In 2024, the Court denied to accept the case. Undeterred by the denial, the Alaska and Northern Dynasty Minerals filed multiple suits seeking injunctive relief from EPA’s decision and monetary compensation. NARF seeks to intervene on behalf of our clients in the District Court of Alaska to defend EPA’s use of the Clean Water Act.

Arctic National Wildlife Refuge

The Arctic National Wildlife Refuge’s Coastal Plain is home to the calving grounds of the Porcupine Caribou Herd—one of the largest wild herds in the world—and of great cultural importance to the Gwich’in Tribes of Alaska, who refer to the area as Izhik Gwats’an Gwandaii Goodlit (the sacred place where life begins). Since 1980, when the Coastal Plain was first considered for development, the Gwich’in Tribes have worked tirelessly to protect the Refuge and the caribou. NARF represents the Native Village of Venetie Tribal Government, Venetie Village Council, and Artic Village Council, three federally recognized Gwich’in Tribes, and advises them on their rights and strategic options surrounding proposed development of the Coastal Plain.

The second Trump administration again identified oil and gas development in the Arctic Refuge as a key priority. In March 2025, the district court issued a decision in AIDEA’s challenge to DOI’s decision to cancel its leases in the Refuge. The court rejected an earlier DOI decision to cancel the Alaska Industrial Development and Export Authority’s leases. On behalf of our Tribal clients, NARF appealed the district court’s decision to the Ninth Circuit. NARF filed our clients’ opening brief on the merits in December 2025.

Bering Sea-Interior Tribal Commission

The Bering Sea-Interior Tribal Commission is a consortium of 38 Tribes working to protect traditional ways of life by advocating for land-use planning processes and sustainable natural resource management decisions that meaningfully reflect member Tribes’ values. The commission has participated extensively in the resource management planning processes for the Bering Sea-Western Interior and Central Yukon planning areas. These vast areas of land encompass Tribal Commission member-tribes’ traditional lands and contain vital resources, which sustain traditional ways of life.

Bay Mills Indian Community Challenge to Enbridge Line 5

NARF and Earthjustice represent the Bay Mills Indian Community to fight a proposed oil pipeline tunnel that threatens the Community’s treaty rights, Tribal fisheries, and the environment. As one of the signatories to the 1836 Treaty of Washington, which ceded nearly 14 million acres, Bay Mills reserved the right to fish, hunt, and gather throughout the territory — including in the Great Lakes and the Straits of Mackinac.

In 2020, Bay Mills intervened in a contested case process pending before the Michigan Public Service Commission (MPSC). In 2023, the MPSC issued their permit of Enbridge’s tunnel project. Bay Mills appealed the decision to the Michigan Court of Appeals. Oral argument took place in January 2025. In February 2025, the court affirmed the MPSC decision. Bay Mills appealed to the Michigan Supreme Court in late 2025.

Shoshone-Bannock Tribes v. Daniel-Davis

The Shoshone-Bannock Tribes of the Fort Hall Reservation successfully challenged the Blackrock Land Exchange in the Idaho Federal District Court. During the subsequent appeal to the Ninth Circuit, NARF authored and filed an amicus brief in support of the Tribes on behalf of NCAI.

The Blackrock Land Exchange was executed between the Bureau of Land Management and a fertilizer manufacturer that operates adjacent to the Tribes’ Reservation. The exchange purports to remove from federal ownership lands next to the Reservation, expanding waste disposal capacity and extinguishing the Tribes’ treaty-reserved use rights on those lands. NCAI’s amicus brief provided vital legal and historical context and interpretation, emphasizing the history and features of the trust responsibility and

the applicability and function of the Indian canons of construction. The Ninth Circuit Court of Appeals heard arguments in November 2024 and affirmed the district court's judgment in favor of the Tribes. In December 2025, defendants requested an en banc rehearing.

JoAnn Chase v. Andeavor Logistics

Andeavor Logistics and its subsidiaries own and operate a pipeline that traverses allotments on the Fort Berthold reservation. The most recent easement expired in 2013. The individual allottees sued Andeavor Logistics for common law trespass, common law unjust enrichment, breach of the easement agreement, and punitive damages. The District Court dismissed the action for failure to state a claim. The allottees have appealed to the Eighth Circuit. Oral argument was held October 2024. We continue to wait for a decision. NARF co-counsels with Jenner & Block and Kilpatrick Townsend.

WATER RIGHTS

Under federal law, Tribal Nations are entitled to sufficient water for present and future needs. These rights are superior to those created after the Tribes' priority dates. The current need is to define and quantify the amount of water required.

Palouse River Basin Adjudication – Nez Perce Tribe Water Rights

NARF represents the Nez Perce Tribe in its water rights claims in the Palouse River Basin Adjudication. In December 2023, the Special Master granted the Nez Perce Tribe full participation. The parties entered into confidential settlement negotiations. In December 2024, the Special Master entered a Litigation Schedule. Because of a federal government shutdown, that litigation schedule was vacated and a new schedule entered in December 2025. At this point, the PRBA is now on both litigation and settlement tracks.

Klamath Basin Water Rights

Represented by NARF, the Klamath Tribes' water rights were recognized in 1983 in *United States v. Adair*, but the courts left quantification of the water rights to Oregon's Klamath Basin Adjudication (KBA). After finishing the



Photo Credit: Curtis Ray Benally/Turkeyboy Photography

KBA's 38-year administrative phase, the Tribes were able to enforce their water rights for the first time in 2013. The Klamath County Circuit Court is now doing a phased review of the Oregon Water Resources Department's (OWRD's) Findings of Fact and Order of Determination (FFOD) issued in the KBA.

The KBA is now in Phase 3, which addresses the substantive exceptions filed to the individual water right claim determinations in the FFOD. The court completed Tribal claims in 2023 with a ruling that none of the Tribal claims were vacated by any previous order of the Court but some Tribal claims were remanded to the OWRD for further evidence and argument. In October 2024, OWRD referred the remanded Tribal claims to the Office of Administrative Hearings (OAH). Pre-hearing conferences to schedule the remand process were held in 2025.

Tule River Tribe

Since 1971, the Tule River Tribe has sought to secure its federally reserved water rights on the South Fork of the Tule River in California through a storage project on its reservation. In 2007, after almost 30 years of advocacy, the Tribe, represented by NARF, successfully settled its water rights claims. Since the 2007 agreement, the Tribe has sought federal legislation to ratify the agreement and authorize appropriations. The effort involved renegotiating the terms of the 2007 agreement and performing multiple studies,

PROTECT TRIBAL NATURAL RESOURCES

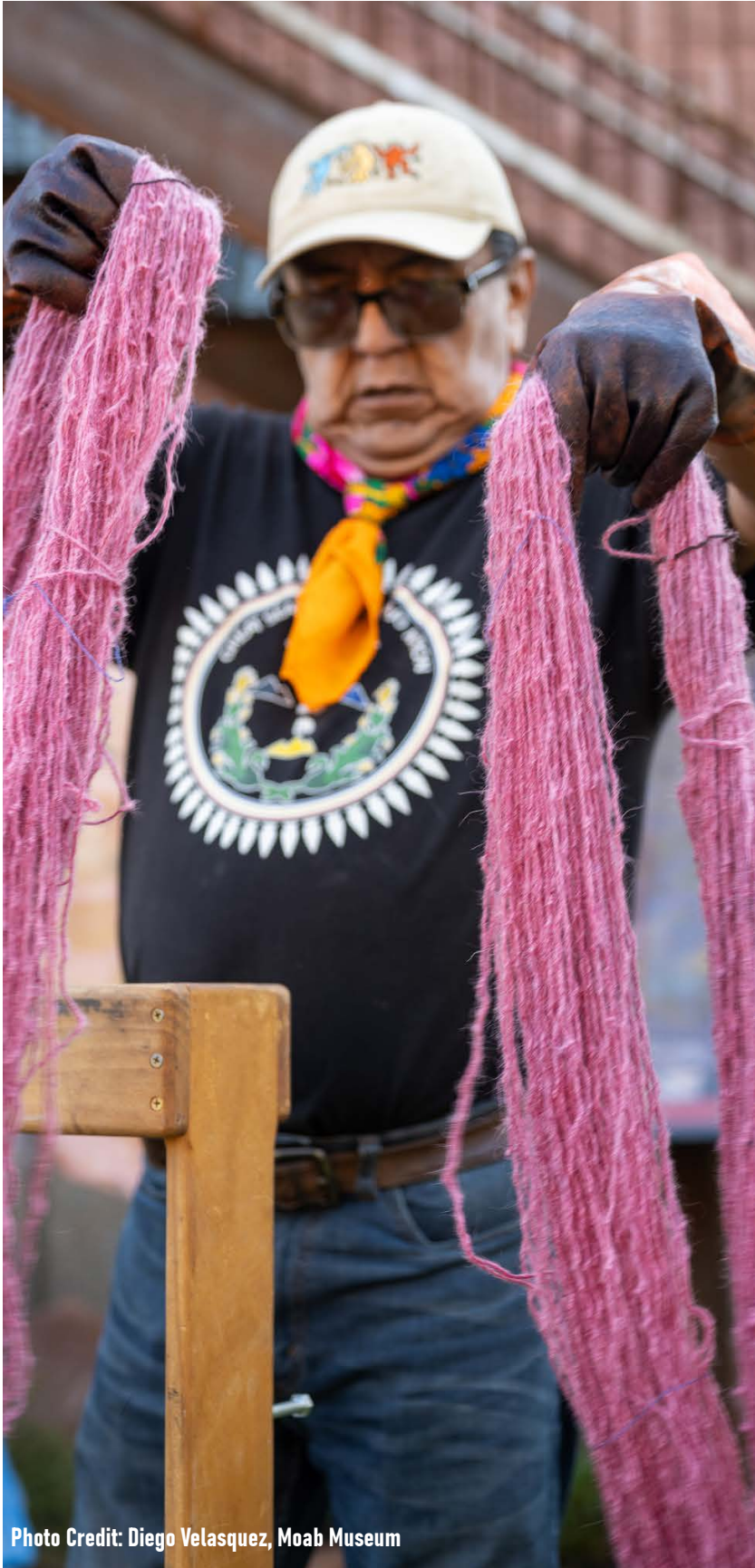


Photo Credit: Diego Velasquez, Moab Museum

culminating with a 2018 Bureau of Reclamation Technical Evaluation Report and Reservoir Yield Analysis. Bills to ratify the settlement were considered in 2022, 2023, and 2024 without passing. In February 2025, the Senate reintroduced the bill as S.689.

Kickapoo Tribe in Kansas

In 2006, the Kickapoo Tribe in Kansas sued to enforce promises to build a reservoir project (the most cost-effective way to improve the water supply). The federal government, state, and local watershed district all concede the existence of the Tribe's senior water rights; the issue is the amount and source of water needed. Despite promises they made, Nemaha Brown Watershed Joint Board #7, the Natural Resources Conservation Service of the U.S. Department of Agriculture, and the State of Kansas continued to develop the region's water resources. The result was near depletion of the Tribe's senior water rights.

Finally, late in 2020, the Kickapoo Tribe water project study passed as part of an omnibus appropriations act. The legislation kicked off a study of the Plum Creek Project. Most recently, Kickapoo has been in a multi-year project-planning stage leading to the design and construction stages.

State of Idaho v. EPA

NARF, Kanji & Katzen P.L.L.C., and Earthjustice represent 12 Tribal Nations in a lawsuit that some states brought against the U.S. Environmental Protection Agency, challenging its Tribal Reserved Rights Rule, which requires states to account for aquatic-based Tribal rights and uses when setting water quality standards. The intervening Tribal Nations include the Nez Perce Tribe, Confederated Salish & Kootenai Tribes of the Flathead Reservation, Quinault Indian Nation, Bay Mills Indian Community, Puyallup Tribe of Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Red Lake Nation, Fond du Lac Band of Lake Superior Chippewa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, White Earth Band of Minnesota Chippewa Tribe, Port Gamble S'Klallam Tribe, and the Sokaogon Chippewa Community. In September 2025, the United States changed its position and asked the court to vacate the EPA rule.

Pine Valley Water Supply –

Indian Peaks Band of Paiute Indians

In 2006, the Central Iron County Water Conservancy District applied for groundwater permits in southwestern Utah to supply water to the Cedar City area. The wellfield is located close to the Indian Peaks Band's prior reservation. Because it will impact Indian Peaks Band's state- and federal-reserved water rights to its prior reservation, NARF represents the Indian Peaks Band in protecting its water rights in the ongoing National Environmental Policy Act process.

South Fork Tolt River FERC Relicense

NARF is representing the Snoqualmie Tribe in the expected re-licensing of the South Fork Tolt River Hydroelectric Project located in western Washington. The Project's current 40-year hydropower license expires in 2029, and the license renewal process has been initiated. NARF is co-counseling with John Bezdek from the Water and Power Law Group.

Kootenai River Basin Adjudication

NARF represents the Kootenai Tribe of Idaho in the Kootenai River Basin Adjudication (KRBA) in northern Idaho. The adjudication was commenced in early 2025. The commencement hearing was rescheduled repeatedly in 2025 and ultimately pushed to 2026.

Pakootas v. Teck Cominco Metals – Amicus Brief

The Nez Perce Tribe and other Upper Columbia River Tribes submitted an amicus brief in December 2024 in a Ninth Circuit appeal under the Comprehensive Environmental Response, Compensation, and Liability Act. The case involves an effort by the Confederated Tribes of the Colville Reservation to recover damages for the contamination of the Columbia River. The outcome of this case will directly impact the Colville Tribes but also has implications for other Tribes seeking recourse for similar damages. In a huge victory, in September 2025, the court reversed the lower court's summary judgment and remanded the case for trial.

Confederated Tribes of the Colville Reservation: Upper Columbia General Stream Adjudication

Under federal law, the Confederated Tribes of the Colville Reservation possesses reserved water rights within the Columbia River Basin, but those claims are presently unquantified. The Tribes' federally reserved water rights

and aboriginal water rights are not lost by the passage of time or non-use, so until the Tribes' rights are quantified that cloud of uncertainty will remain. In September 2020, the Washington Dept. of Ecology recommended the adjudication of water rights in Lake Roosevelt behind Grand Coulee Dam and in Water Resource Inventory Area 58, including part of the Columbia River. The adjudication is expected to begin in 2026 or 2027

Pueblo of Nambé: Implementation of Aamodt Litigation Settlement

NARF represents the Pueblo of Nambé in implementing the settlement of its water rights claims following nearly five decades of litigation in the United States District Court for New Mexico.

In 1966, the State of New Mexico filed the adjudication titled *New Mexico ex rel. State Engineer v. Aamodt* to determine the water rights in the Nambé-Pojoaque-Tesuque River basin, including the rights of the Pueblos of Nambé, Pojoaque, San Ildefonso and Tesuque. In 2006, the parties to that litigation reached a settlement, which Congress approved in 2010. Since that settlement approval and final judgment in the case (in 2017), the parties have worked to analyze environmental impacts of the Regional Water System, design the project, and now commence its construction.

United States v. Walker River Irrigation Dist.

NARF assists the Walker River Paiute Tribe with implementation of the Tribe's stipulated, decreed water rights in *United States v. Walker River Irrigation District* and with the continued litigation of claims related to Walker Lake.

ENVIRONMENTAL PROTECTION

NCAI Climate Change Matters

The effects of climate change on Indigenous peoples throughout the world are acute. NARF represents the National Congress of American Indians at the international level through the United Nations Framework Convention on Climate Change. The goal is ensuring Indigenous rights are protected in any international agreement governing greenhouse gas emissions reductions.



PROMOTE HUMAN RIGHTS

To *promote Native American human rights*, NARF focuses on equal protection and freedom from discrimination in areas such as voting, education, incarceration, and religion. NARF also helps develop laws that provide unique protections for Native collective rights, traditions, culture, and property such as sacred places, peyote, eagle feathers, burial remains, and funerary objects.

RELIGIOUS FREEDOM AND SACRED PLACES

Bears Ears

For years, the Bears Ears Inter Tribal Coalition, a consortium of five sovereign Tribal Nations (Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni) worked to protect the Bears Ears region, America's most significant unprotected cultural landscape. Located in Utah, the Bears Ears region contains at least 100,000 archaeological sites, some dated back to 12,000 BCE, and remains critical to many Tribes today for spiritual as well as hunting and gathering purposes. In response to Tribal efforts, in 2016, President Obama designated the Bears Ears National Monument and established the Bears Ears Commission "to provide guidance and recommendations on the development and implementation of management plans and on management of the monument." The Commission included one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and Pueblo of Zuni.

After President Trump tried to revoke and replace the national monument in 2017, NARF sued on behalf of the Hopi, Zuni, and Ute Mountain Ute Tribes. Briefing was completed in 2020; but, the Biden administration requested a stay pending a monuments review. In October 2021, President Biden restored the Bears Ears National Monument. Tribal leaders from the Bears Ears Coalition hailed the decision and attended the White House signing.

In August 2022, the State of Utah filed suit, arguing that President Biden abused his authority in creating Bears Ears and Grand Staircase Escalante. In August 2023, the court dismissed the case. The state appealed that decision, and the 10th Circuit Court of Appeals heard arguments in September 2024.

Baaj Nwaavjo P'tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument

The greater Grand Canyon region lies within the ancestral homelands of numerous Tribal Nations. Tribal Nations with ancestral ties to the region founded the Grand Canyon Tribal Coalition, dedicated to advocating for protections for

their traditional lands. Their advocacy resulted in President Biden's designation of Baaj Nwaavjo P'tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument in 2023. Baaj Nwaavjo protects more than 3,000 known cultural and historic sites. Subsequently, President Biden's proclamation provides for a Tribal Commission to advise on the lands' care and management.

In February 2024, a private rancher and the Arizona State Legislature, the Treasurer of Arizona, an Arizona county and two Arizona cities filed two suits alleging that President Biden abused his authority under the Antiquities Act. The Arizona Legislature suit also attacked the legality of the Tribal Commission. The Havasupai Tribe, the Hopi Tribe, and the Navajo Nation moved to intervene in the two cases shortly before they were consolidated. The motions to intervene were denied in September 2024. Still before the court are two motions to dismiss. The Tribal Nations are monitoring to see if the U.S. continues to appropriately defend the monument.

Torongo v. Burgum

Chuckwalla, in southeastern California, is part of the traditional homelands of a number of Tribal Nations, and the region continues to be of immense religious, spiritual, historic, and cultural significance to those Tribes today. Tribal advocacy led directly to the establishment of the monument in January 2025. In May 2025, a Michigan man and a national off-road vehicle special interest group sued in the Eastern District of Michigan to challenge the monument's validity. NARF represents five Tribal Nations (the Chemehevi Indian Tribe, the Colorado River Indian Tribes, the Morongo Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, and the Fort Yuma Quechan Indian Tribe) who seek to intervene and defend the monument. The intervention has been fully briefed since late 2025.

Indigenous Peyote Conservation Initiative

NARF has represented the National Council of Native American Churches and the Native American Church of North America (NACNA) for four decades. Most recently, NARF has been working to develop and support access

PROMOTE HUMAN RIGHTS

to and the use of peyote for religious and ceremonial purposes. The Indigenous Peyote Conservation Initiative was created to hold land title to 605 acres and put a peyote conservation project on the land. NARF supports the Initiative in its Peyote conservation project and monitoring of related legislation. Most recently, NARF represented IPCI to engage with the U.S. Patent and Trademark Office encouraging U.S. engagement in the World Intellectual Property Organization Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge.

Texas Crown Act Amicus Brief

In December 2024, NARF, with ACLU - Texas and IDRA (Intercultural Development Research Association), submitted an amicus brief on behalf of a multi-racial coalition in the First Court of Appeals of Texas in the case of *George v. Barbers Hill Independent School District*. The brief analyzes how hair styles are associated with Black and Indigenous heritage and identity, meaning they are protected by the Texas CROWN Act. The brief also explained the painful history of assimilationist hair cutting at Indian Boarding Schools and the cultural meanings and significance of hair and its length to Native cultures. The court held oral argument in September 2025.

Mauna Kea-Thirty Meter Telescope

Mauna Kea, also referred to as Mauna a Wākea, located on Moku 'o Keawe (Hawai'i Island), has long been regarded by Native Hawaiians as one of the most sacred places in Hawai'i. Due to its height and isolated position, Mauna Kea has also become a focal point for American astronomy; its summit is the location of a telescopes and observatories. For years, astronomers have sought to construct a new telescope — the Thirty Meter Telescope or TMT — on Mauna Kea, away from the other telescopes. TMT's construction and operation would exacerbate the on-going desecration to Mauna Kea and has been fiercely opposed by Native Hawaiians. In 2022, the Native Hawaiian Legal Corporation and NARF partnered to provide legal representation to the Fores-Case 'Ohana in the TMT review processes under the National Environment Policy Act and the National Historic Preservation Act. In June 2025, the NSF stated that it would not fund the proposed TMT. This is a major victory since NSF funding has been viewed as critical to TMT.

Landor v. Louisiana Corrections and Public Safety

In September 2025, NCAI represented by NARF and general counsel, along with Huy and United South and Eastern Tribes Sovereignty Protection Fund represented

by Hobbs, Straus, Dean, and Walker LLP and general counsel, filed an amicus brief arguing that robust remedies are critical for people whose religious freedom has been violated by state prison officials. The brief made the point that Native people are vastly overrepresented in state prisons, and that religious oppression—including through institutionalization and forced haircuts—has long been a tool used to attack Native communities and people.

INDIAN EDUCATION

Tribal Education Departments National Assembly

NARF founded the Tribal Education Departments National Assembly (TEDNA) in 2003 with funding from the U.S. Department of Education to start a national membership organization for Tribal Education Departments (or Agencies). NARF continues to represent TEDNA primarily on national legislative and administrative matters, including appropriations for TEDs, substantive provisions in legislation and regulations, and other negotiations.

Dupuis-Pablo v. Montana (formerly Yellow Kidney v. Montana Office of Public Instruction)

In July 2021, NARF, along with the ACLU - Montana, and the ACLU, filed suit in Montana district court alleging that the state failed to implement the Montana constitutional and statutory Indian Education for All, which require that all Montana public school students are instructed in the heritage of American Indians in a culturally responsible way. Despite years of dedicated funding, the state is not implementing the provisions statewide. The plaintiffs in this class action are Montana public school students and their guardians, both Indian and non-Indian, and six Montana tribes: the Fort Belknap Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Northern Cheyenne Tribe, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, the Little Shell Tribe of Chippewa Indians of Montana, and the Crow Tribe. Discovery started in 2025. However, the court stayed the case when parties made significant progress in settlement negotiations.

Leech Lake Band of Ojibwe Education Code

NARF represents the Leech Lake Band of Ojibwe in drafting a comprehensive education code. Development continues with community meetings upcoming.

Oklahoma Statewide Charter School Bd. v. Drummond & St. Isidore Catholic Virtual School v. Drummond

In April 2025, the National Congress of American

Indians, the National Native American Boarding School Healing Coalition, and the Association on American Indian Affairs filed an amicus brief in *Oklahoma Statewide Charter School Board v. Drummond* and *St. Isidore of Seville Catholic Virtual School v. Drummond*, both on appeal to the U.S. Supreme Court. The school and board pointed to federal Indian boarding schools and treaties with Tribal Nations as evidence that such federal funding of religious education does not violate the U.S. Constitution's principle of separation of church and state. The amicus brief clarifies that federal Indian boarding schools were part of the federal government's Indian "civilization" policy that sought to forcibly assimilate Indian children by converting them to Christianity. The brief also explains the difference between Tribal Nations directing the United States to spend Tribal money on Indian education and federal spending of public money for the religious education of Indians. The Tribal organizations explain that neither example should be mischaracterized or misused to justify federal funding for religious education today.

Pueblo of Isleta v. Burgum

In February 2025, President Trump initiated large-scale reductions in federal staffing. In response to Trump's directives, the Bureau of Indian Education terminated a significant number of employees, which undermined BIE-operated schools across the nation. In March 2025, three Tribal Nations (Pueblo of Isleta, Prairie Band Potawatomi Nation, and Cheyenne Arapaho Tribes) along with Native students sued the U.S. Department of the Interior, the Office of Indian Affairs, and the Bureau of Indian Education in the U.S. District Court for the District of Columbia, challenging the staff reductions. BIE's failure to consult with Tribes violates multiple statutory and policy provisions and runs contrary to the Administrative Procedures Act. Failures in education and safety to students violated several statutory and policy requirements. Consequently, the BIE re-hired all personnel. The case is stayed pending further action from the federal government.

INDIAN CHILD WELFARE ACT DEFENSE

Congress passed the Indian Child Welfare Act (ICWA) in 1978 in response to the numbers of Native children being



Photo Credit: Diego Velasquez, Moab Museum

removed from their families by state agencies and courts and placed in non-Native homes or residential institutions. Congress found that many of these removals and placements were due to state officials' inability or unwillingness to understand Tribal cultures and societies. The removals were extremely detrimental to the children, their families, and Tribes. The past decade has seen a dramatic increase in the number of legal challenges brought by opponents of ICWA, with the goal of undermining ICWA and Tribal sovereignty. NARF has been and continues to be involved in ICWA appellate litigation across the country.

NARF also participates in the Protect ICWA campaign, a partnership that strategizes on how to preserve and strengthen ICWA, as well as how to strengthen Tribal child protection systems and services. Finally, NARF has been participating in the Uniform Law Commission's ICWA study committee and now the model state ICWA drafting committee, as an observer. NARF staff have been able to weigh in on issues like ICWA's constitutionality, gaps in current practice, and the vital importance of including Tribal voices in the process from the beginning.

VOTING AND CIVIL RIGHTS

Rosebud Sioux Tribe v. Barnett

In September 2020, NARF filed suit on behalf of Rosebud Sioux and Oglala Sioux in federal district court in South Dakota alleging violations of the National Voter

PROMOTE HUMAN RIGHTS

Registration Act, also known as the Motor-Voter law, which allows voters to register at motor vehicle departments and public assistance offices. After winning a motion to dismiss and partial summary judgment, the Tribal Nations negotiated a comprehensive settlement agreement. As the Settlement Agreement concluded in 2025, NARF conducted a final review and determined that additional court enforcement is not warranted at this time.

Turtle Mountain Band of Chippewa Indians v. Jaeger

The Turtle Mountain Band of Chippewa Indians, the Spirit Lake Nation, and Native voters brought this suit to challenge North Dakota's legislative redistricting plan on the basis that it dilutes the Native American vote in violation of the Voting Rights Act. The trial took place in June 2023. In November 2023, the court found a violation of the Voting Rights Act and gave the state until December to submit a remedial redistricting map. When the state failed to do so, the court implemented a fair map for the 2024 elections in North Dakota.

A panel of the Eighth Circuit reversed and, in an unprecedented decision, held that private parties cannot sue to enforce the Voting Rights Act 53 under Section 1983 (the statute used to enforce civil rights). This followed a previous decision where the Eighth Circuit held that private parties also cannot sue to enforce the Voting Rights Act under the Voting Rights Act itself. If allowed to stand, the panel's decision will be a substantial loss for all voters in the Eighth Circuit. The Supreme Court granted an emergency stay in July 2025. Tribes and Native voters now ask the Supreme Court to reverse the Eighth Circuit's decision. The Supreme Court has not yet taken action on the petition. The case is co-counseled with Campaign Legal Center, Robins Kaplan, and Bryan Sells.

Walen v. Burgum

In 2022, the Mandan, Hidatsa and Arikara Nation (MHA) and individual Native American voters intervened in *Walen v. Burgum* in the U.S. District Court for the District of North Dakota. Two individuals brought this lawsuit seeking to eliminate the majority-Native state legislative subdistrict encompassing the Fort Berthold reservation. The Tribal

Nation and Native voters seek to defend the subdistrict, which ensures MHA Tribal members have an opportunity to elect a candidate that represents their interests to the North Dakota State House. During the 2022 election, with the subdistrict in place, MHA Nation elected an MHA Tribal member for the first time. In November 2023, a three-judge panel granted MHA Nation's motion for summary judgment, dismissing the case. The plaintiffs appealed to the U.S. Supreme Court, but in early 2025 the Court ruled summarily in the Tribe's favor. The case is co-counseled with Campaign Legal Center and Bryan Sells.

Lower Brule v. Lyman County

In May 2022, the Lower Brule Sioux Tribe and three enrolled members filed a lawsuit to prevent Lyman County from postponing compliance with the Voting Rights Act. After the Tribe won a preliminary injunction to a limited extent and the county lost two motions to dismiss, the parties negotiated a settlement. The settlement immediately provided the Tribe with one appointed seat on the commission and a second elected



Photo Credit: Diego Velasquez, Moab Museum

seat in 2024. In the 2024 election, two tribal members successfully ran for the two seats. This was the first time that two Tribal members were elected to the Commission. The court will retain jurisdiction until 2034.

**Tohono O’odham Nation v. Brnovich
(consolidated under Mi Familia Vota v. Fontes)**

The Tohono O’odham Nation, Gila River Indian Community, and future Native voters filed a lawsuit challenging an Arizona law that could have made it difficult to impossible for many tribal citizens to vote. Under the new law, individuals must provide documentary proof of residence to vote. The requirements were passed despite the known lack of addressing on homes on Tribal lands in Arizona. In a partial summary judgement order, the District Court held that the proof of address requirement is preempted under the National Voter Registration Act and that no one is required to have a standard street address to register in any election. Although the Tribes’ case was resolved at summary judgement, a trial was held to address claims from other cases that had been consolidated. The judge entered a final judgement in May 2024. In February 2025, the Ninth Circuit upheld those wins. Although NARF’s clients did not participate in the trial, having won on our claims at summary judgment, the outcome included elements that are beneficial for Native American voters in the state.

Northern Cheyenne Tribe v. Montana

In June 2025, Western Native Voice, Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Blackfeet Nation, the Fort Belknap Indian Community, and the Northern Cheyenne Tribe intervened in a case challenging a new Montana law that restricts Native American participation in the state’s elections. Senate Bill 490 eliminates registration opportunity on Election Day. This is the third time in six years that Western Native Voice and some of Montana’s sovereign Tribal nations have been forced to seek redress from the courts because the legislature insists on making it more difficult for Native Americans in Montana to vote. The case is co-counseled with ACLU and ACLU-Montana.

**Chippewa Cree Indians of the Rocky Boy’s Reservation,
Tanya Schmockel and Ken Morsettee vs.
Chouteau County**

The Chippewa Cree Tribe of the Rocky Boy’s Reservation and two Native voters residing in Chouteau County, Montana, challenged the at-large system used to elect the

county board of commissioners because it unlawfully dilutes the voting strength of Native American. In December 2025, the parties reached a settlement that will end the at-large election system and establish a single-member district designed to provide Native voters with a meaningful opportunity to elect a candidate of their choice.

Arctic Village Council v. Beecher

During the 2022 special primary election, the Alaska Division of Elections rejected more than 4.5% of votes statewide. The ballot rejection rate was significantly higher in rural Alaska, with an outsized impact on Alaska Native voters. For example, in the Bethel and Lower Kuskokwim region, the rejection rate was a staggering 16.5%. Of the ballots rejected, about 3% were rejected because of ballot defects that could have been corrected if voters had been notified, such as a missing witness signature, voter identifier, or voter signature. However, Alaska has no procedure in place to notify voters or correct ballot defects.

In July 2022, NARF, ACLU-Alaska, and Lawyers’ Committee for Civil Rights sent a letter to the state requesting an opportunity to cure absentee ballot defects in future elections. After the state refused, NARF and co-counsel filed suit on behalf of Arctic Village Council, League of Women Voters, and two individual voters. The court denied plaintiffs’ motion for summary judgment and granted the defendants’ motion for summary judgment in January 2025. The court held that Alaska’s absentee ballot requirements are constitutional as written and applied, and the Alaska Constitution does not demand that a notice and cure process be put in place. However, the state legislature considered several elections-related bills, including a bill that would provide a notice-and-cure process for absentee ballots.

Toyukak v. Dahlstrom

In 2013, Arctic Village Council, Native Village of Hooper Bay, Traditional Village of Togiak, Venetie Village Council, and two individual Alaska Native voters, represented by NARF and co-counsel, sued the Alaska Division of Elections and Alaska Lieutenant Governor to enforce the statutory guarantee of language assistance under Section 203 of the Voting Rights Act (VRA) and the voting guarantees of the Fourteenth and Fifteenth Amendments of the United States Constitution. For decades, the state failed to provide language assistance to Alaska Native voters as required by the VRA.

PROMOTE HUMAN RIGHTS

Plaintiffs were unable to meaningfully participate in the electoral process because of it.

In a 2014 trial, the court held that Alaska had violated the VRA. Alaska had improperly relied on what it called “outreach workers” in Alaska Native communities to translate the election pamphlet, even though the workers had never been asked to do so. The end result was an absence of preelection information such as candidate statements and ballot measures available to English speaking voters. The court ordered translation of all pre-election materials distributed in English and posting of bilingual translators at all polling places.

In September 2015, the court approved a settlement agreement that provided broad relief in the form of a comprehensive language assistance program. Unfortunately, Alaska has never meaningfully complied with the stipulated order. After reviewing the federal observer reports from the 2022 elections, as well as the State of Alaska’s 2022 Elections Report, NARF sent a notice letter outlining the state’s continued non-compliance and requesting an extension of the settlement agreement. In August 2023, the court approved the parties’ agreement and entered a new order extending the settlement to a new end date of December 31, 2026. In 2025, after evidence of continued non-compliance, the parties also extended federal observer coverage until December 31, 2026.

Huntington v. State

The right to serve on a jury is an important component of full citizenship: for many people, jury service is the only opportunity to have a voice in the judicial branch of government or to witness the interpretation and enforcement of the laws. But the State of Alaska disproportionately excludes Alaska Native people—especially rural Alaska Native people—from the jury selection process. Alaska currently excludes the residents of 150 villages entirely, and additional 30 villages partially, with the result that approximately 30% of Alaska’s Native population is excluded from jury service. The state acknowledges this disparity and the fact that this exclusion contributes to the sense that Alaska’s justice system is not by or for Alaska Native people, but little has changed. In fact, they plan to exclude additional villages in the future.

In July 2025, NARF filed an amicus brief in the Alaska Court of Appeals on behalf of the Association of Village Council Presidents in support of Appellant Huntington’s arguments that Alaska’s jury selection process violated his

Sixth Amendment right to a fair trial as well as the equal protection and due process rights of excluded potential jurors. NARF’s brief emphasized that the extremely centralized and colonial nature of Alaska’s system harms Alaska Native people and the delivery of justice more broadly. The state’s response is expected to be filed by the end of February 2026.

NATIVE AMERICAN VOTING RIGHTS PROJECT (VOTE.NARF.ORG)

The goal of the Voting Rights Project is Native political power. The Project consists of:

- 1) **Litigation:** Voting cases challenging a law or practice are highlighted above.
- 2) **Coalition:** In 2015, NARF created the Native American Voting Rights Coalition to organize those working on voting in Indian Country so we could share information and resources, and create a nationwide strategy.

Legislation

-The Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021 (NAVRA) was introduced in August 2021. The legislation is intended to address the unique challenges Native Americans face when exercising their right to vote. We are continuing to push for NAVRA in Congress.

-The SAVE Act (H.R. 22 / S. 128) would require all Americans registering to vote to provide documents that prove their citizenship. Some Americans are more likely than others to lack these documents, including elderly and younger voters, Native voters, and the millions of married individuals who changed their names causing their documents to not match. NARF has been working in coalition to oppose the SAVE Act.

Addressing and Postal Delivery

We are researching the many addressing and mailing issues in Indian Country and released a report entitled “Disconnected Democracy: The Impact of Mail Service on Native American Voter Registration and Mail Balloting” as well as a report “Election Inequities In Indian Country: Understanding Native American Turnout in Federal Elections.”

Redistricting

NARF created for the first time a comprehensive Indian Country redistricting project. Census undercounts have led

to gerrymandered voting districts and diluted voting power. We successfully worked to defend against gerrymandered maps across Indian Country. We will continue this project and look forward to 2030 with a plan to expand.

Indian Country Election Protection

The Election Protection team has clear goals: (1) Prepare voters to navigate election barriers. (2) Remove as many election barriers as possible by securing voting and registration opportunities. (3) Plan for election-day monitoring and data collection. In election years, we take actions like:

- State voter guides to help Tribes and voters
- NARF volunteer poll monitors at polls across Indian Country
- 1-866-OUR-VOTE hotline routes Indian Country issues to NARF
- Training for Native voter advocacy organizations

INTERNATIONAL RECOGNITION OF INDIGENOUS PEOPLES

United Nations Declaration on the Rights of Indigenous Peoples

Since 1999, NARF has represented the National Congress of American Indians (NCAI) in the international arena to protect Indigenous rights. In September 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples (Declaration). The Declaration sets minimum standards for the treatment of Indigenous Peoples and can serve as the basis for the development of customary international law.

Until now, Indigenous Peoples have had to appear in most UN bodies as non-governmental organizations, which is precisely what they are not. In recent years, discussions looked at where and how would Indigenous Peoples' enhanced participation be allowed and under what criteria to qualify. The subject of enhanced participation is now being dealt with in two UN forums — the UN General Assembly and the UN Human Rights Council. NARF and NCAI continue to coordinate efforts in each of the forums.

The Implementation Project (un-declaration.narf.org)

NARF and the University of Colorado Law School initiated The Implementation Project to guide the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the United States. Guided by traditional values, contemporary challenges in Indian Country, and the needs of future generations, the goal of the project is to realize the promises of the Declaration in the U.S. In 2025, project actions included several side events and webinars, a reception for the UN Special Rapporteur on the Rights of Indigenous Peoples, and the publication of The Tribal Guide to Implementing FPIC in the Context of Conservation and Development.

Organization of American States Draft Declaration on the Rights of Indigenous Peoples

The Organization of American States (OAS) approved the American Declaration on the Rights of Indigenous Peoples in 2016. The United States commented it had been a persistent objector to the text and could not be bound by it. NARF, representing NCAI, joined a coalition of Indigenous representatives calling for the OAS to fully carry out its plan to implement the American Declaration. In June 2023, the General Assembly approved a resolution calling for the creation of a body to monitor the implementation of the American Declaration. It is anticipated that Indigenous representatives will soon be named to the body.

World Intellectual Property Organization

NARF represents NCAI in the ongoing negotiations at the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore for an international instrument to protect intellectual property, including Traditional Knowledge, Genetic Resources and Associated Traditional Knowledge, and Traditional Cultural Expressions. NARF participated in formal Tribal consultations on the WIPO negotiations in early 2024. Later that spring, NARF advocated for the inclusion of Indigenous Peoples' issues in patent applications, which was incorporated in a May 2024 treaty. Later in the year, NARF negotiated on the traditional knowledge of cultural expressions texts. Negotiations will continue in 2025.



HOLD GOVERNMENTS ACCOUNTABLE

Within the unique trust relationship between the United States and Native nations is the inherent duty for all levels of government to recognize and enforce the laws and regulations applicable to Native peoples. NARF commits to *hold governments accountable* to Native Americans.

Pembina Chippewa v. United States

NARF represents the Turtle Mountain Chippewa, Chippewa Cree, White Earth Band of Minnesota Chippewa, and Little Shell Chippewa Tribe in this case against the federal government for mismanagement of their Tribal trust fund, the Pembina Judgment Fund. Starting in 2007, the parties engaged in alternative dispute resolution proceedings in the Court of Federal Claims. In June 2021, the U.S. District Court for the District of Columbia approved the \$59 million settlement. In September 2023, distributions commenced to the four Tribes and more than 30,000 eligible individuals. The process concluded in December 2024, and the final report and reconciliation was prepared throughout 2025.

Intertribal Council of Arizona v. United States

In April 2015, NARF filed on behalf of the Intertribal Council of Arizona (ITCA) a breach of trust case against the United States seeking damages for mismanagement of the Arizona Intertribal Trust Fund (AITF). The Congress established AITF in 1988 to compensate Arizona Tribes for closing the Phoenix Indian School, which allowed the federal government to exchange the school's land for privately owned lands of the Barron Collier Company in Florida. The Phoenix lands were more valuable, and Congress approved the exchange only if the difference in value went to the AITF and a trust fund for the Navajo Nation. Collier partially but stopped making payments. The lawsuit seeks to hold the United States liable for the remaining payments

into the AITF. After full briefing on motions for summary judgment, the court heard oral argument in August 2023 and denied ITCA's summary judgment motion and denied in part and granted in part the United States' motion. After another round of simultaneous summary judgment motions, the court again denied ITCA's motion and granted in part and denied in part the United States' motion. After a third round of simultaneous summary judgment motions, the Court denied ITCA's summary judgment motion and granted the United States' motion in November 2025. The parties are working on a plan for addressing the underinvestment claim in 2026.

Carlisle Reparations – Winnebago Tribe of Nebraska

In October 2023, the Winnebago Tribe of Nebraska requested the repatriation of the remains of their two children, Samuel Gilbert and Edward Hensely, from the Carlisle Cemetery pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA). In December 2023, the Army refused to comply with the law and denied Winnebago's request. Winnebago seeks to enforce its rights under NAGPRA. In January 2024, the Tribe sued the U.S. Army seeking repatriation of the remains. The Army filed a motion to dismiss, which the court granted in August. Winnebago appealed the case to the U.S. Court of Appeals for the Fourth Circuit. In September 2025, NARF argued the appeal at the Fourth Circuit.

DEVELOP INDIAN LAW

NARF is firmly committed to sharing its legal expertise in support of Indian rights. NARF maintains several projects to *develop Indian law and educate the public about Indian rights, laws, and issues*. NARF staff also participates in numerous conferences and events to share their knowledge and expertise in Indian law.

INDIGENOUS PEACEMAKING INITIATIVE (peacemaking.narf.org)

The mission of NARF's Indigenous Peacemaking Initiative (IPI) is to promote and support Native peoples in restoring sustainable traditional dispute resolution practices. Guided by a committee of traditional peacemaking experts and practitioners, project priorities are (1) distributing peacemaking materials, (2) providing technical assistance to Tribes, (3) training on Tribal peacemaking, and (4) advocating for Tribal peacemaking. In 2025, IPI's work included training for Tribes, conference presentations, and a refreshed website that includes an updated collection of Tribal peacemaking materials.

THE NATIONAL INDIAN LAW LIBRARY (nill.narf.org)

The National Indian Law Library (NILL) is the only publicly available law library in the United States devoted to Indian law. In addition to the service that it provides to NARF's attorneys, the library is an invaluable resource supporting Indian Law and educating the public on Indian Law issues. For example, each week, NILL provides free updates to more than 8,700 Indian Law Bulletins subscribers. In 2025, NILL librarians also were part of the group that spearheaded the addition of Tribal law to the Bluebook legal citation guide.



Photo Credit: Diego Velasquez, Moab Museum

FY 2025 FINANCIAL REPORT

Based on our audited financial statements for the fiscal year ending September 30, 2025, NARF reports total revenue and net assets of \$29,337,163 and \$89,025,895, respectively. Due to presentation requirements of the audited financial statements in terms of recognizing the timing of certain revenues and expenses, they do not reflect the fact that based on NARF's internal reporting, revenue exceeded expenses and other cash outlays resulting in an increase of \$7,306,835 to the reserve fund.

When compared to fiscal year 2024: The decrease in public contributions is mostly due to large, multi-year grants received from corporations in FY24. The decrease in foundation grants is also attributed to several multi-year grants received in FY24. The increase in tribal contributions

is mostly due to a large, three-year grant from a tribe that we've had a long-standing relationship with. The decrease in legal fees is mostly related to a settlement received in FY24. Along with the overall markets, NARF's investments continue to perform well. "Other" revenue reflects income including honorariums, sales of goods and publications and reimbursements.

Note: This summary of financial information has been extracted from NARF's audited financial statements which received an unmodified opinion by the accounting firm of Forvis Mazars, LLP. Complete audited financials are available, upon request, through our Boulder office, or at www.narf.org.

SUPPORT AND REVENUE COMPARISON

	2025		2024	
	\$	%	\$	%
Public Contributions	\$9,010,051	30.7%	\$10,137,615	30.9%
Foundation Grants	7,906,921	27.0%	9,534,581	29.0%
Tribal Contributions	3,197,564	10.9%	1,252,850	3.8%
Legal Fees	531,103	1.8%	1,003,416	3.1%
Return on Investments	8,621,281	29.4%	10,859,721	33.1%
Other	70,243	0.2%	46,411	0.1%
TOTALS	\$29,337,163	100.0%	\$32,834,594	100.0%

EXPENSE COMPARISON

	2025		2024	
	\$	%	\$	%
Litigation and Client Services	\$13,417,723	64.2%	\$13,844,446	68.8%
National Indian Law Library	668,470	3.2%	658,441	3.3%
TOTAL PROGRAM SERVICES	14,086,193	67.4%	14,502,887	72.1%
Management and General	2,400,011	11.5%	1,903,756	9.5%
Fundraising	4,412,016	21.1%	3,701,512	18.4%
TOTAL SUPPORT SERVICES	6,812,027	32.6%	5,605,268	27.9%
TOTALS	\$20,898,220	100.0%	\$20,108,155	100.0%

NARF ACKNOWLEDGEMENT OF CONTRIBUTIONS:

FISCAL YEAR 2025

NARF's success relies on the generosity of our donors throughout the nation. We invite you to learn more about the benefits associated with each program listed below, please contact our Development Department at 303-447-8760. **We gratefully acknowledge these donors for FY 2025 (October 1, 2024 through September 30, 2025).**

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PETA UHA – *Peta Uha in the Lakota (Sioux) language means firekeeper, an individual who makes a solemn commitment to ensure that the sacred flame—source of light, heat, and energy for the people—will be kept burning. Peta Uha is a membership program for donors making substantial annual commitments to NARF. Like the firekeepers of old, members of the Peta Uha Council demonstrate constancy and vigilance to ensure the protection of justice for Native Americans.*

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