

# NARF

# Review

Native American Rights Fund

## **Alaska Native Tribes Battle Discrimination** by Bob Anderson and Lare Aschenbrenner

From the purchase of Alaska in 1867 to the Alaska Native Claims Settlement Act (ANCSA) in 1971, Federal officials have generally taken the position that Alaska Native tribes have the same legal status as tribes in the lower 48. Since 1971, however, the Interior Department has equivocated on this issue and even opined that ANCSA impliedly extinguished at least some tribal rights

The position of the State on the other hand has been perfectly clear. The State maintains that aside from the Metlakatla Tribe, there are no "tribes" in Alaska and that even if there were, their governmental power was extinguished by ANCSA. As a result, for the past 26 years the governmental authority of Alaska tribes has been challenged at every turn and they have been the constant subjects of discrimination and oppression.

Alaska Natives are demanding that their inherent rights be recognized and respected. *This battle to achieve equality with their sister tribes to the South is now being renewed in Washington as Congress considers amendments to ANCSA before the Native protections in it expire on December 18, 1991.* At the same time, overly restrictive state regulations which deny Native subsistence rights are being battled in the courts.

The Alaska Native Claims Settlement Act was passed in 1971 to settle the aboriginal claims of Alaska's Aleuts, Eskimos and Indians. Federal law recognizes the right of Native people to use and occupy traditional areas free of outside interference until their aboriginal title has been extinguished. By the late 1960s Native land claims had clouded the title to most of Alaska and created a barrier to the development of oil on the North Slope. ANCSA settled these claims and removed that barrier.

ANCSA was fundamentally different from earlier Native land claim settlements in several respects. It

established a complex landholding system with title vested in Native corporations rather than tribes. The lands of these corporations are not held in trust by the federal government nor protected against alienation as are tribal lands in the lower 48. Rather, over 200 Native corporations created by ANCSA obtained unrestricted title to the lands they received. *Aboriginal hunting and fishing rights, which are generally protected by treaty in the lower 48, were extinguished by ANCSA, but with the expectation that the State of Alaska and Secretary of Interior would protect the subsistence needs of Natives.* With respect to the 200 Native tribes whose land claims were being settled, ANCSA is strangely silent.

The 15 years which have passed since ANCSA was adopted have provided sufficient time to evaluate its effects on the three great concerns of Alaska Natives — land protection, subsistence and tribal self-government.

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## The Danger to Native Land Ownership

The danger to continued Native land ownership has arisen because of the unique terms of ANCSA. Although ANCSA settled the aboriginal land claims of Alaska Native *tribes*, the 44 million acres received in the settlement were not placed in tribal ownership. Rather, they were transferred to the newly created corporations with the stock held by individual Natives who were alive on December 18, 1971. To protect Native ownership during an interim period, sale of stock was prohibited for 20 years, during which time all undeveloped land was also immune from taxation. On December 18, 1991, however, the shares become freely alienable and shortly thereafter all land becomes subject to taxation.

Thus, after 1991 Native Corporations and their land will be in jeopardy of being taken over by non-Native interests. ***Further, unlike tribal lands in the lower 48, lands acquired by Native corporations under ANCSA are presently subject to loss through judicial sale for bad debts, adverse possession and condemnation, and developed lands are presently subject to taxes and therefore in danger of loss through tax foreclosure.*** In addition, Native stock is presently being lost to non-Native ownership through inheritance and court decrees in divorce and child support proceedings.

In 1980 ANCSA was amended to add two safeguards against non-Native takeovers of Native corporations and their land. These amendments authorize corporations to deny voting rights to non-Native stockholders and grant the corporations and/or the shareholder's family the first right to purchase Native shares before they may be sold to third parties.

The voting rights safeguard unquestionably has merit. The "right of first refusal," however nice in theory, will not likely see much practical application since few village corporations or Native families have the cash to buy out other shareholders. Although there is some disagreement on specifics, the Native community is unanimously agreed that additional protections are necessary to protect the land.

## The Danger to Tribal Self-Government

The uncertainty regarding Native powers of self-government has arisen from the state's position that aside from Metlakatla, there are no "tribes" in Alaska and the Department of the Interior's failure to fulfill its trust responsibility to protect tribal self-government in the Bush. ***The State contends that there never were tribes that exercised powers of self-government similar to tribes in the lower 48,***

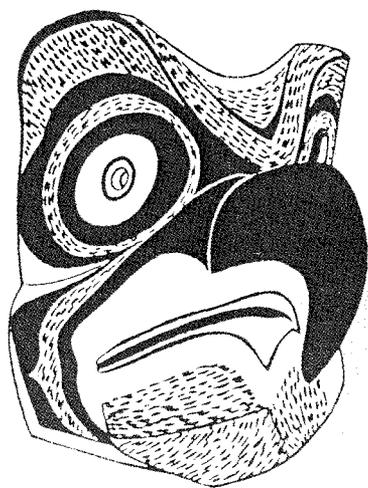


Charles Hanson fishing on the Yukon — Alakamuk, Alaska  
© Photography by James H. Barker

***and that even if there were, ANCSA impliedly terminated them.*** Further, the State argues that even if the tribal powers were not extinguished by ANCSA they can not be exercised because, aside from the Metlakatla's Reservation, there is no "Indian Country" and therefore no territorial jurisdiction within which to exercise them. The State admits that there are some 200 Native "entities" out in the Bush that may call themselves tribes and even act like tribes. According to the State, however, they are nothing more than social clubs with membership based on race and utterly lacking in governmental powers — with the sole exception of rights granted by the Indian Child Welfare Act of 1978.

Having concluded that Native tribes are not governments but racial institutions, the State, not surprisingly, maintains that it would violate both the Federal and State Constitutions for it to provide

financial aid or deal with them on a government to government basis or single them out for discrete treatment. The result has been predictable. The State fights Native efforts to exercise their powers of self-government every step of the way, on every conceivable issue and in every available forum. ***Thus, the usual and ordinary powers of tribal government, which are taken for granted in the lower 48, are hotly contested in Alaska.*** The issues include, for example, whether tribes can establish courts, pass zoning ordinances, issue adoption decrees, tax, regulate hunting and fishing, etc. Meanwhile, the Department of the Interior stands blithely aside, refusing to take a stand on any of these issues thereby violating the express policy of the Administration to support tribal self-government, not to mention its trust responsibility to Alaska Natives.



### The Danger to Native Subsistence Rights

Arbitrary regulatory restrictions which deny Native customary rights to hunt, fish and trap are the direct result of the failure of both the state and federal governments to enforce Native subsistence rights under the Alaska National Interests Land Conservation Act (ANILCA) of 1980. At the same time, these governments refuse to acknowledge the authority of Alaska Native tribes to regulate and protect subsistence harvests within their territorial jurisdictions.

For Alaska Natives, the subsistence activities of hunting, fishing and trapping are not just economic necessities. they are a way of life. The activities associated with subsistence — learning the necessary skills, preparing the equipment, hunting, fishing, preparing what is caught or taken, sharing the take with others — are so much a part of their lives that they use them to define themselves.

Despite their central role in Native life, ANCSA extinguished aboriginal hunting and fishing rights. Congress expected that the State of Alaska and the Department of Interior would assure that Natives

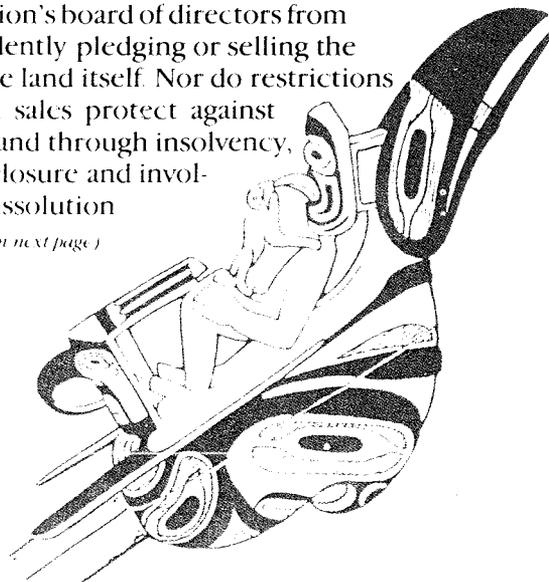
could continue their subsistence way of life. Neither the State nor Interior lived up to this expectation. In recognition of this failure, in 1980 Congress passed ANILCA which gave rural Alaskans (primarily Native) priority rights to hunt and fish for subsistence purposes. Thus, ANILCA partially restored the subsistence rights which ANCSA extinguished. The State and federal governments, however, have failed to enforce the subsistence priority of ANILCA. The state's failure is due primarily to its innate hostility to Native subsistence rights and obvious preference for sport and commercial interests. The federal government's failure is inexplicable as well as inexcusable.

### Proposed Amendments Provide Limited Protections

At the request of the Alaska Federation of Natives, the statewide Native organization primarily representing Native corporations, nearly identical bills have been introduced this year in each house of Congress to amend ANCSA, H.R. 4162 and S. 2065. Although subsistence is not addressed in either Bill, they do provide essential but limited protection against several of the dangers to continued Native land ownership. First, they automatically extend the restriction on alienation of stock beyond 1991 thus preventing non-Native corporate takeovers through purchase of Native shares. Second, they authorize Native corporations to transfer land to other entities as a means of protecting Native ownership. And third, they give "land bank" protection to corporation lands which remain undeveloped, unleased, or are used solely for exploration.

Although these protective devices are important, they do not go far enough. Extending the restriction on sale of Native shares protects against non-Native takeovers of corporations and their land through acquisition of Native stock. It does not prevent a corporation's board of directors from improvidently pledging or selling the corporate land itself. Nor do restrictions on stock sales protect against loss of land through insolvency, tax foreclosure and involuntary dissolution.

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Returning home from a successful seal hunt — Tununak, Alaska

© Photography by James H. Barker

The land bank protections of the bill extend to ANCSA corporation lands some of the protections available to lands owned by tribal governments elsewhere, including partial tax immunity and protection against claims based upon adverse possession, bankruptcy, or other laws affecting creditor's rights. Land bank protections do not, however, protect a corporation against losses resulting from involuntary dissolution caused by a Native corporation's failure to make required annual reports or to comply with numerous other technical requirements of state corporate law.

According to the Alaska State Commerce Department, dozens of village corporations are presently in default and a number have *already* been dissolved. Complying with state corporate code requirements is expensive, costing approximately \$10,000 per year. Many, if not most, village corporations have little or *no* annual income. Upon a court-ordered dissolution it is possible, if not probable, that corporate assets, including land, would be divided among the shareholders free of any restrictions. *The predictable effects will parallel those of the Allotment Act of 1887*

*which, within a few years, resulted in the loss of over two-thirds of the Indian-owned land in the lower 48.* Native Corporations must be excused from such requirements or provided funds to comply. Otherwise, the number of dissolutions will inevitably increase with a corresponding loss of Native land.

Most importantly, the "land bank" only provides protections against the listed threats so long as the land is not developed, leased to third parties, or used for purposes other than exploration. In other words, the most valuable Native property — leased and developed land — receives *no* protection.

The key provision of the proposed legislation is the section which provides that corporate lands may be transferred freely to a "qualified transferee entity" upon a vote of the shareholders. The primary purpose of this section is to authorize the transfer of corporate assets to tribal governments, but nowhere is the term "tribe" used. As we have seen, the State maintains that there are no "tribes" in Alaska. *The express authority to transfer corporation lands to Native "tribes" would provide the ultimate protection to Native ownership, pro-*

*vided that the tribal status of Alaska Native tribes were clarified and confirmed.* Tribally owned land would be protected for two reasons. First, sovereign immunity would prevent lawsuits against tribes unless they had clearly consented to be sued. Second, the Indian Nonintercourse Act, 25 U.S.C. 177, precludes the transfer of tribal land absent the express consent of Congress. Pending bills must be amended to make clear the Alaska Native "tribes" are the intended recipients of corporate lands so that they will have these two substantial protections.

Another major complaint with the ANCSA scheme is that children born after December 18, 1971 received no stock and thus were essentially left out of the settlement, even though they are members of the tribes on whose claims the settlement was based. Transfer of corporate land to "tribes" would not only protect it perpetually, but also allow for participation by all tribal members no matter when born.



### The Tribal Legislative Package

The Alaska Native Coalition, comprised of Native governments from throughout the state, has recently developed its own legislative package. *It would strengthen the land protections in the pending bills and basically put Alaska Native tribes on a par with tribes in the lower 48.* First and foremost, this legislation confirms the tribal status and governmental powers of Alaska Native tribes. This nullifies the State's contention to the contrary and insures that lands transferred from Native corporations to Native tribes would have the same protection as lands owned by Indian tribes elsewhere in the United States. This means that such lands would be covered by the Indian Nonintercourse Act, and protected by tribal sovereign immunity. Accordingly, such land could not be lost through improvident sales, tax foreclosures, judicial sales for bad debts, inheritance, divorce or child custody decrees, adverse possession or condemnation. In short, tribal land ownership could not be lost by any means

whatsoever — voluntary or involuntary — except through an Act of Congress.

In addition, the tribal proposals authorize the Secretary to take land in trust and establish new reservations on behalf of Alaska Native tribes. The Secretary already has the authority to do the former for tribes elsewhere in the United States, and with the exception of tribes in Arizona and New Mexico (who already have reservations), likewise has the authority to do the latter.

The legislative package of the tribes also defines the territorial jurisdiction of Alaska tribes. The area over which Indian tribes may exercise their governmental powers is called "Indian Country." Indian Country as defined in 18 U.S.C. 1151, includes Indian Reservations, Allotments and Dependent Indian Communities. The boundaries of the reservation of the Metlakatla Tribe — the only reservation in Alaska — may be readily ascertained, along with the locations of the 14,000 plus Native Allotments.

The boundaries of dependent Indian communities in Alaska have not, however, been located. Indeed, their very existence is disputed, albeit erroneously, by the state.

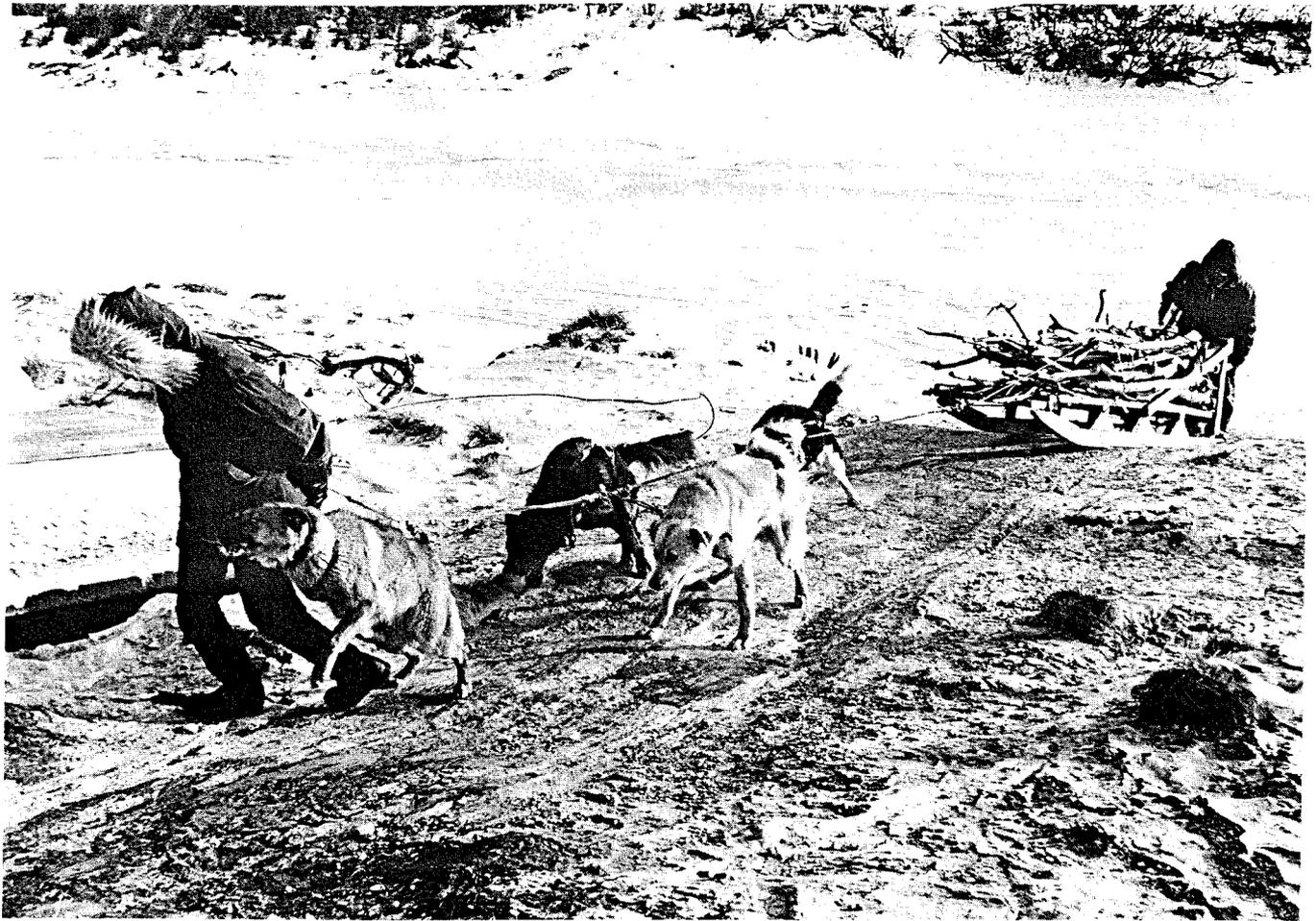
The tribal proposal confirms the existence of "Indian Country" in Alaska and defines the territorial boundaries of "dependent Indian communities." It ties a "dependent Indian community" to the "traditional tribal boundaries" of all Alaska Native villages entitled to lands under various provisions of ANCSA and specifically confirms that lands surrounding the villages are in fact Indian Country.

NARF attorneys in Alaska and Washington, D.C. along with other tribal advocates have played a major role in assisting the Alaska Native Coalition develop its legislative proposals, and are now engaged in the critical lobbying effort in Congress.

### Litigation

While the proposed legislation could resolve issues of greatest concern for Alaska Natives, litiga-

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*Bringing in firewood — Bethel, Alaska*

© Photography by James H. Barker

tion is also pending which may render the need for some provisions of the proposed legislation unnecessary. NARF is now assisting several villages in litigation on major issues and other cases are being prepared.

*John v. State* is a NARF case which charges the state with failing to afford two upper Ahtna Athabaskan women their subsistence fishing priority rights under federal law. The plaintiffs, aged 70 and 83, were born and raised at the small village of Batzulnetas on the upper Copper River where fishing provided the mainstay of their people's tradition and customary means of support. Shortly after its admission to the union in 1959, the State closed the upper Copper to fishing. Since then the plaintiffs and their people have been barred from fishing at Batzulnetas despite the fact that downstream users are permitted to take millions of salmon for sport and commercial purposes. The State denies that barring our clients from their traditional fishing site offends their subsistence priority. The complaint asserts that Native subsistence has priority and thus subsistence fishing may

only be restricted after downstream commercial and sports users are suspended, and then only if it is necessary to conserve the resource.

*Akiachak v. Notti* is a NARF case which squarely presents the question of the legal status of Alaska Native tribes. Specifically, it challenges the State's contention that there are no federally recognized tribes in Alaska; that even if there are ANCSA impliedly extinguished their governmental power; that Alaska tribes are racial rather than political institutions; and that it would violate the state and federal constitutions for the State to aid or deal with such tribes on a government to government basis. On March 3, 1986 the Federal District Court in Anchorage issued a preliminary injunction in favor of the Native Village of Akiachak — holding that "Native village councils . . . are beyond any question federally recognized quasi-governmental entities." A final ruling on all these issues is expected this summer.

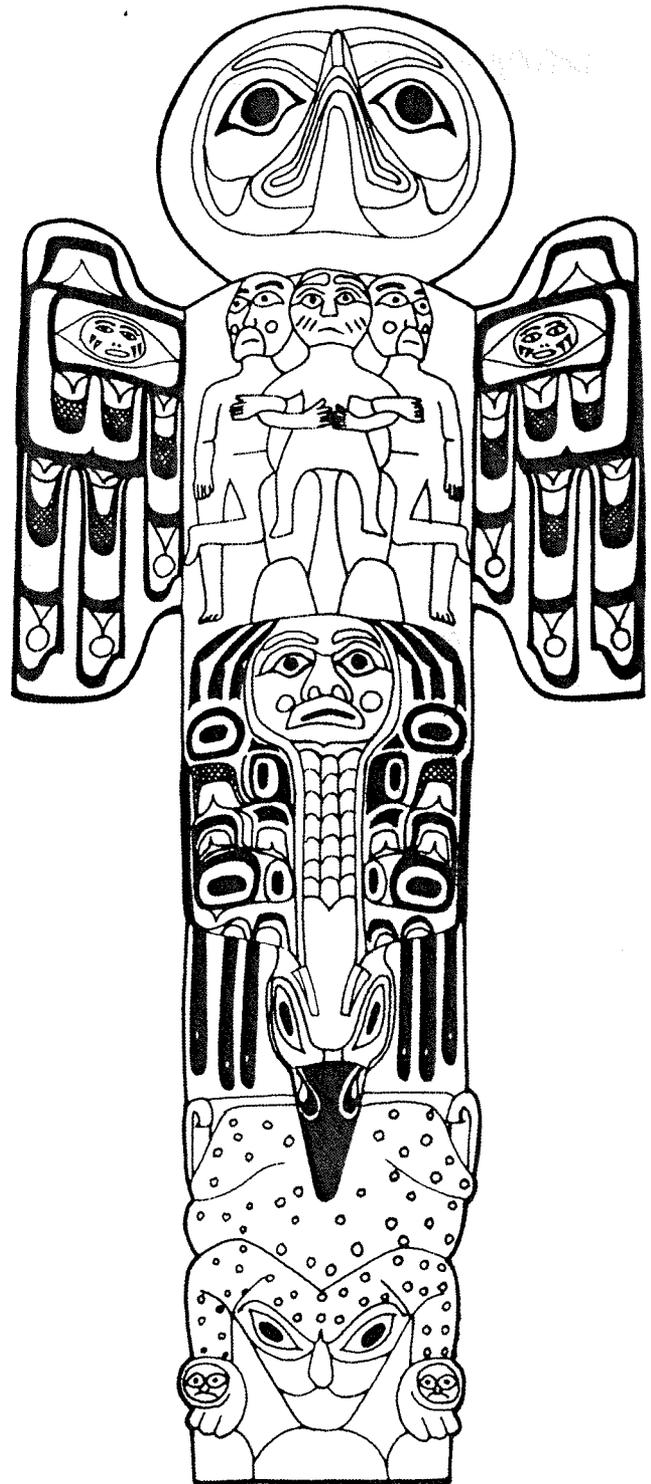
In another positive development, the Alaska Legal Services Corporation (ALSC) has become a powerful advocate for Native rights. On behalf of coastal

Native villages heavily dependent on marine mammals for subsistence, ALSC has obtained federal court injunctions against oil lease sales until their effect on subsistence is determined. ALSC also represents Alaska Natives who have had their federally guaranteed subsistence rights blatantly violated by state and federal officials in cases involving the customary taking of moose and sheep. It also represents a village government in southeast Alaska in a major case involving the critical "Indian Country" issue. NARF has worked closely with ALSC and other tribal advocates on subsistence and other vital Native rights issues.

### Conclusion

*It is no exaggeration to say that the state of Indian law in Alaska is over 100 years behind the lower 48.* For the last 26 years the rights of Alaska Native governments have been continuously violated and denied by the state. Although disappointing, this is not surprising. From *Worcester v. Georgia* to *U.S. v. Washington*, history is replete with notorious examples of state violations of Native rights. Alaska is just the last chapter. Indeed, the United States Supreme Court's observation in 1886 in *United States v. Kagama* that "the people of the State where (Natives) are found are often their deadliest enemies" rings particularly true in certain quarters of the 49th state. NARF is committed to assisting Alaska Native tribes in ending these years of oppression. This will not happen this year nor perhaps in this century but justice will prevail. As the great Felix Cohen put it, "when . . . we fight for the cause of Indian self-government, we are fighting for something that is not limited by the accidents of race and creed and birth; we are fighting for what Las Casas and Vitoria and Pope Paul III called the integrity of salvation of our own souls. We are fighting for what Jefferson called the basic rights of man. We are fighting for the last best hope of earth."

*Bob Anderson and Lare Aschenbrenner are staff attorneys working in NARF's Alaska office. The office opened in October 1984.*



# ***Revitalizing Tribal Self-Government Through Retrocession***

by Robert Peregoy

On January 16, 1986, the Winnebago Tribe of Nebraska celebrated a victory as part of its continuing quest to achieve self-determination when the Nebraska Legislature voted to return criminal jurisdiction over the Winnebago Reservation to the federal government. This process, known as *retrocession*, culminated an eleven-year struggle on the part of the Tribe to establish its own criminal justice system. Effective July 1, 1986, the Winnebago Tribe will exercise exclusive jurisdiction over misdemeanors committed by Indians on the Reservation, an important governmental function that will enable the Tribe to assume more control over and responsibility for its own people. Felonies involving Indians committed on the reservation will be prosecuted in federal court rather than state court.

Public Law 83-280 (PL-280) was part of a broad legislative scheme launched by Congress in the early 1950's to terminate the federal government's historical trust relationship with Indian tribes. The goal of the termination policy was to break-up tribes and assimilate Indian people into mainstream America, ultimately extinguishing the United States' responsibility to Indian tribes. Although PL-280 did not have the extreme affects of specific termination acts, its extension of state court jurisdiction and laws to Indian country significantly eroded the powers of Indian tribes to effectively govern their members and affairs. In so doing, it severely impacted the ability of tribal governments to adequately protect and advance the distinct and unique social, economic, health, educational and cultural interests basic to the integrity and existence of Indian tribes and their members.

Affected states and tribes became dissatisfied with PL-280 soon after its implementation. State antagonism emanated from the failure of the federal government to provide financial assistance to states, leaving state and local taxpayers holding the bag for funding the newly acquired law enforcement obligations. Indian antagonism initially stemmed from the absence of a tribal consent provision. Moreover, tribes contend that state criminal justice systems are not sufficiently sensitive to Indian traditions, customs or values, nor are they adequately staffed, trained or financed to meet the unique cultural and/or rehabilitative needs of Indian people. In 1968, Congress responded to these dissatisfactions

by amending PL-280 to provide a mechanism enabling states to return, or retrocede, jurisdiction acquired pursuant to the Act to the United States.

The Winnebago Tribe's experience underscores the fact that tribal efforts to achieve retrocession under the present dictates of PL-280 can be complex. The dynamics of the issues and politics surrounding Winnebago retrocession were grounded in long-standing tensions in Thurston County between the countervailing forces of termination-assimilation and tribal self-determination. Confronting the Tribe at the very core of this polarity were paternalistic notions of "what is best for the Indian," ignorance of the legal status of tribal governments and controlling law, a non-Indian power structure, racist attitudes, and fear of the unknown.

To counteract those forces, the Tribe undertook a comprehensive research effort, conducted an extensive public relations campaign and lobbied vigorously. In the final analysis, it was the Winnebago Tribe's commitment to cooperate with other governmental entities that ultimately overcame the many obstacles, hostilities and misinformation placed into issue by those who opposed the Tribe's long-standing efforts to establish a fair and responsive system of criminal justice. In the end, the Tribe succeeded in convincing the Nebraska Legislature that the post-retrocession system of justice would be more effective for all concerned than that under PL-280.

Neither PL-280 nor its amendments provide for retrocession at tribal option. As a result, the firmly established federal Indian policy of self-determination whereby the United States government espouses to deal with Indian tribes on a government-to-government basis is frustrated. Perhaps Congress should amend PL-280 to provide for retrocession at tribal option. To do so will effectively restore to responsible tribal governments the necessary authority to resume primary control over tribal affairs in the criminal and civil realms of government, thus enabling them to become more responsive and accountable to their members in their continuing quest to realize self-determination.

*Robert Peregoy is a staff attorney in the Boulder office*

# ***Case Updates***

## **Alaska Federal Court Grants Preliminary Injunction**

On March 3, 1986, an Alaska federal court issued an order granting a preliminary injunction in *Village of Akiachak v. Notti*. NARF filed the suit on behalf of three Native village governments challenging the distribution of state revenue sharing funds. The primary issue in *Notti* is whether Alaska Native tribes have governmental status similar to lower 48 Indian tribes, and thus eligible to receive revenue sharing monies.

## **BIA Reverses Its Decision Denying Funding Of Tribally Controlled Community College**

On February 7, 1986, the BIA notified the Rocky Boy Chippewa-Cree Tribe and the Stone Child College that their appeal under the Tribally Controlled Community College Act was successful and therefore were eligible to receive funding. Prior to this appeal, the BIA had twice determined that there were alternative institutions within commuting distance that Stone Child College students could attend. NARF assisted the College in preparing evidence, testimony and witnesses to refute the finding that the College was not "relatively isolated." The College expects to receive its first funding under the Act in June, 1986. This stable funding base will provide financial security to the College thereby enhancing its ability to achieve accreditation and to fulfill its mission as a tribally controlled college.

## **Motion to Dismiss Denied In Pyramid Lake Case**

A Nevada district court denied on March 11, 1986, the Cities of Reno and Sparks' motion to dismiss a complaint filed by the Pyramid Lake Paiute Tribe. The defendants' motion to dismiss was based on lack of standing, statute of limitations, and failure to state a claim by the defendants. The complaint filed by NARF alleges that the Cities are violating provisions of their federal permit to discharge sewage in the Truckee River. The Tribe is concerned about the water quality in the River and the impact it will have on its fishery at Pyramid Lake. The *Pyramid Lake Paiute Tribe v. City of Sparks* suit is based on the citizen suit provisions of the Clean Water Act.

## **School District Required to Establish Polling Places**

NARF filed on March 21, 1986, a case against the Dupree School District located in Ziebach County, South Dakota on behalf of members of the Cheyenne River Sioux Tribe. In *Black Bull, et. al., v. Dupree School District*, the Indian voters sought declaratory and injunctive relief that the School District is in violation of the Voting Rights Act and the First, Fourteenth and Fifteenth Amendments to the Constitution because the District has refused to establish polling places in outlying Indian communities. On March 31, 1986, the federal court issued a temporary restraining order (TRO) enjoining the defendants from holding an April 8, school board election. The TRO was extended on April 10, 1986. On May 1, 1986, the defendants agreed to establish four polling places and give notice via radio, newspaper and community announcements.

## **Secretary of Interior Has Duty to Call Tribal Elections**

A federal district court in California ruled in *Coyote Valley Band of Indians et. al. v. United States*, that the Secretary of Interior has a mandatory nondiscretionary duty to call elections upon a request from an eligible Tribe. In the case, three tribes brought an action against the Secretary of Interior because officials of the BIA refused to call an election on the Tribes' draft constitutions under the Indian Reorganization Act (IRA). The Court rejected the BIA's argument that BIA review and approval of IRA draft constitutions or amendments is required prior to authorizing elections. NARF served as co-counsel with California Indian Legal Services.



# NARF Resources & Publications



Western History Collections, University of Oklahoma Library

## The National Indian Law Library

The National Indian Law Library (NILL) has developed a rich and unique collection of legal materials relating to Federal Indian law and the Native American. Since its founding in 1972, NILL continues to meet the needs of NARF attorneys and other practitioners of Indian law. The NILL collection consists of standard law library materials, such as law review materials, court opinions, legal treatises, that are available in well-stocked law libraries. The uniqueness and irreplaceable core of the NILL collection is comprised of trial holdings and appellate materials of important cases relating to the development of Indian law. Those materials in the public domain, that is non-copyrighted, are available from NILL on a per-page-copy cost plus postage. Through NILL's dissemination of information to its patrons, NARF continues to meet its commitment to the development of Indian law.

## The NILL Catalogue

One of NILL's major contributions to the field of Indian law is the creation of the *National Indian Law Library Catalogue. An Index to Indian Legal Materials and Resources*. The *NILL Catalog* lists all of NILL's holdings and includes a subject index, an author-title table, a plaintiff-defendant table, and a numerical listing. This reference tool is probably the best current reference tool in this subject area. It is supplemented periodically and is designed for those who want to know what is available in any particular area of Indian law (1,000+ pgs. Price: \$75).

## Bibliography on Indian Economic Development

Designed to provide aid for the development of essential legal tools for the protection and regulation of commercial activities on Indian reservations. Assembled by Anita Remerowski, formerly of NARF, and Ed Fagan of Karl Funke and Associates, this bibliography provides a listing of articles, books, memoranda, tribal codes, and other materials on Indian economic development. An update is in progress. (60 pgs. Price: \$10.00). (NILL No. 005166)

## Indian Claims Commission Decisions

This 43-volume set reports all of the Indian Claims Commission decisions. An index through volume 38 is also available, with an update through volume 43 in progress. The index contains subject, tribal, and docket number listings. (43 volumes. Price: \$820). (Index price: \$25.00).

## Indian Rights Manual

**A Manual For Protecting Indian Natural Resources.** Designed for lawyers who represent Indian tribes or tribal members in natural resource protection matters, the focus of this manual is on the protection of fish, game, water, timber, minerals, grazing lands, and archaeological and religious sites. Part I discusses the application of federal and common law to protect Indian natural resources. Part II consists of practice pointers: questions to ask when analyzing resource protection issues; strategy considerations; and the effective use of law advocates in resource protection. (151 pgs. Price: \$25) (NILL No. 004620)

**A Manual On Tribal Regulatory Systems.** Focusing on the unique problems faced by Indian tribes in designing civil regulatory ordinances which comport with federal and tribal law, this manual provides an introduction to the law of civil regulation and a checklist of general considerations in developing and implementing tribal regulatory schemes. It highlights those laws, legal principles, and unsettled issues which should be considered by tribes and their attorneys in developing civil ordinances, irrespective of the particular subject matter to be regulated. (110 pgs. Price: \$25) (NILL No. 004621)

**A Self-Help Manual for Indian Economic Development.**

This manual is designed to help Indian tribes and organizations on approaches to economic development which can ensure participation, control, ownership, and benefits to Indians. Emphasizing the difference between tribal economic development and private business development, the manual discusses the task of developing reservation economies from the Indian perspective. It focuses on some of the major issues that need to be resolved in economic development and identifies options available to tribes. The manual begins with a general economic development perspective for Indian reservations: how to identify opportunities, and how to organize the internal tribal structure to best plan and pursue economic development of the reservation. Other chapters deal with more specific issues that relate to the development of businesses undertaken by tribal government, tribal members, and by these groups with outsiders. (Approx. 300 pgs. Price: \$35). (NILL No. 004623)

**Handbook Of Federal Indian Education Laws.** This handbook discusses provisions of major federal Indian education programs in terms of the legislative history, historic problems in implementation, and current issues in this radically changing field. (130 pgs. Price: \$15). (NILL No. 004622)

**A Manual On The Indian Child Welfare Act And Laws Affecting Indian Juveniles.** This fifth Indian Law Support Center Manual is now available. This manual focuses on a section-by-section legal analysis of the Act, its applicability, policies, findings, interpretations and definitions. With additional sections on post-trial matters and the legislative history, this manual comprises the most comprehensive examination of the Indian Child Welfare Act to date. (373 pgs. Price: \$35). (NILL No. 005218)

**Films and Reports**

**“Indian Rights, Indian Law.”** This is a film documentary, produced by the Ford Foundation, focusing on NARF, its staff, and certain NARF casework. The hour-long film is rented from: Karol Media, 625 From Rd., Paramus, New Jersey 07652 (201-262-4170).

**ANNUAL REPORT.** This is NARF's major report on its program 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.



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## Native American Rights Fund

The Native American Rights Fund is a nonprofit organization specializing in the protection of Indian rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.

Our work on behalf of thousands of America's Indians throughout the country is supported in large part by your generous contributions. Your participation makes a big difference in our ability to continue to meet the ever-increasing needs of impoverished Indian tribes, groups and individuals. The support needed to sustain our nationwide program requires your continued assistance.

Requests for legal assistance, contributions, or other inquiries regarding NARF's services may be addressed to NARF's main office: 1506 Broadway, Boulder, Colorado 80302. Telephone 303-447-8760.

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Executive Director: John E. Echohawk (Pawnee)

Deputy Director: Jeanette Wolfley  
(Navajo/Shoshone-Bannock)



*Chuki George—Nightmute, Alaska*  
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