



# NARF Legal Review

Native American Rights Fund

## Two Cabinet Officers Cited for Contempt by Federal Judge

*"Calling this a trust fund is perhaps the most ironic use of the word trust in history. Time and time again Indians have trusted in the federal government and at each and every stage they have been betrayed. This is just a modern-day manifestation of the betrayal." Keith Harper, NARF Attorney*

"The court is deeply disappointed that any litigant would fail to obey orders for production of documents, and then conceal and cover-up that disobedience with outright false statements that the court then relied upon. But when that litigant is the federal government, the misconduct is even more troubling. The institutions of our federal government cannot continue to exist if they cannot be trusted. The court here conducted monthly status conferences where plaintiffs complained that the government was not producing the required documents. Because of the court's great respect for the Justice Department, the court repeatedly accepted the government's false statements as true, and brushed aside the plaintiffs' complaints. This two-week contempt trial has certainly proved that the court's trust in the Justice Department was misplaced. The federal government here did not just stub its toe. It abused the rights of the plaintiffs to obtain these trust documents, and it engaged in a shocking pattern of deception of the court. I have never seen more egregious misconduct by the federal government. In my own experience, government lawyers always strived to set the example by following the highest ethical

standards that were then a model for the rest of the legal profession, and the Justice Department always took the position that its job was not to win an individual case at all costs, but to see that justice was done. Justice has not been done to these Indian beneficiaries. Moreover, justice delayed is justice denied. The court cannot tolerate more empty promises to these Indian plaintiffs. The time has come for action, and the court will make full use of its powers to ensure that this case gets back on track."

So concluded United States District Judge Royce C. Lamberth on February 22, 1999 as the Court found by clear and convincing evidence that Bruce Babbitt, Secretary of the Interior; Robert Rubin, Secretary of the Treasury; and Kevin Gover, Assistant Secretary, Department of the Interior were in civil contempt of the United States District Court for the District of Columbia for their failure to produce court-ordered records in the largest lawsuit ever brought by American Indians against the federal government.

The Native American Rights Fund (NARF) and private counsel had filed the class action lawsuit ▶

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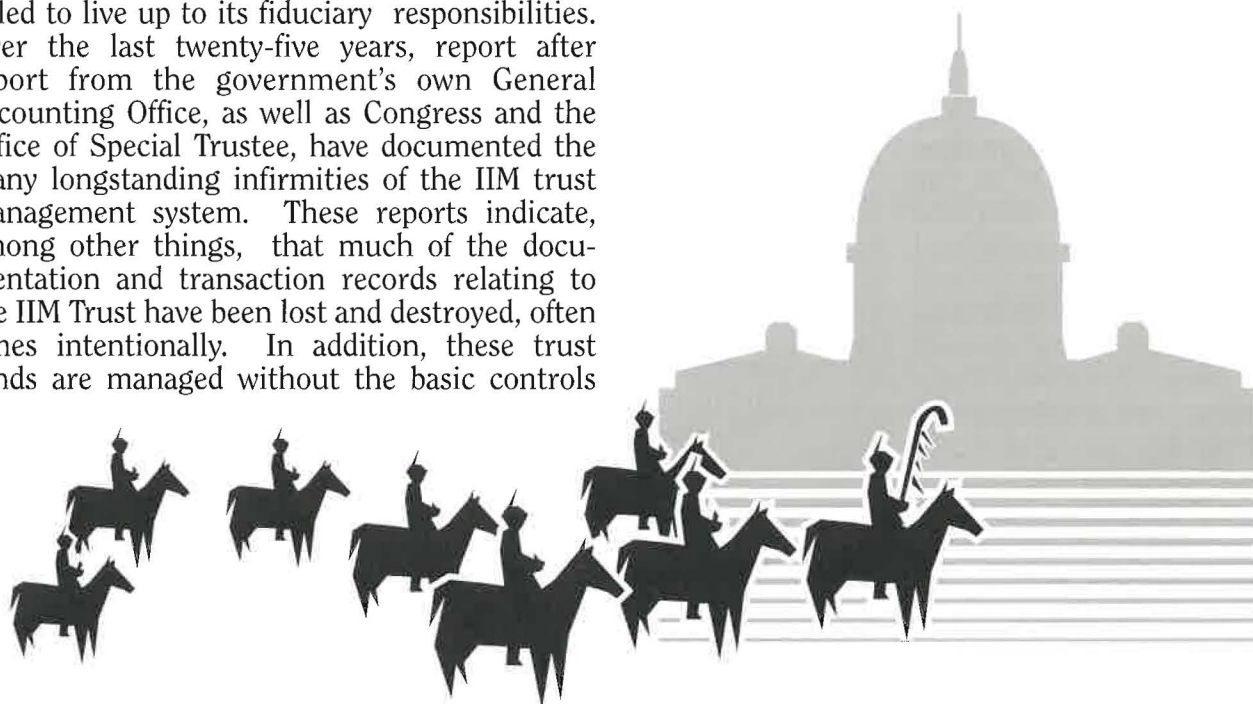


on June 10, 1996, charging that the Bureau of Indian Affairs (BIA) and the Departments of Interior and Treasury breached their fiduciary duties to prudently manage the trust funds for 500,000 Individual Indian Money (IIM) account holders, and has refused to fix an accounting system that the government itself admits is fundamentally flawed and wholly incapable of safely and soundly managing these trust funds. The money in these IIM accounts, although processed by Interior and deposited in the U.S. Treasury, are not government funds or appropriated monies; rather, most of these funds belong to the individual Indians who have earned these monies from the leasing and sales of the natural resources on their allotted land. The monies are proceeds from oil and gas production, grazing and farming leases, coal production and timber sales. Under federal law, the United States acts as trustee and manages these lands and their underlying resources. Other funds are from Indian claims judgments that have been distributed to individual Indians but are managed for them by the United States as trustee.

However, government reports show that since the beginning of the federal government's management of individual Indian lands after enactment of the General Allotment Act in 1887, the government has consistently and continually failed to live up to its fiduciary responsibilities. Over the last twenty-five years, report after report from the government's own General Accounting Office, as well as Congress and the Office of Special Trustee, have documented the many longstanding infirmities of the IIM trust management system. These reports indicate, among other things, that much of the documentation and transaction records relating to the IIM Trust have been lost and destroyed, often times intentionally. In addition, these trust funds are managed without the basic controls

most institutions provide when managing trust funds. For example, still to this day, there is no comprehensive accounts receivables system, so the trustee — the federal government — does not know when money is owed to their trust beneficiaries — the individual Indian account holders. The former Special Trustee for American Indians, Paul Homan, has gone so far as to say that the current trust management system is the worst that he has ever seen in his twenty years as a banker and bank auditor. Moreover, the problems are so severe, that the head of the Office of Trust Funds Management testified in this case that it was impossible to verify the accuracy of even a single account balance.

The government claims that each year approximately \$300 million is distributed to Indian beneficiaries through the IIM trust fund system and that the aggregate balance of the IIM Trust at any given time is approximately \$500 million. But as admitted by government officials, these numbers have never been verified. Plaintiffs believe that the accounting they seek through this litigation will demonstrate that the trust fund aggregate balance is woefully understated. This suit is intended to require that the government perform such an accounting and then restate the balances of the IIM trust accounts in conformity with





the accounting. PriceWaterhouseCoopers (PwC), an accounting firm hired by the plaintiffs to perform the accounting of the IIM Trust Funds, has suggested, as a ballpark estimate, that the United States could owe individual Indians upwards of \$10 billion.

In order to aid PwC in performing the most accurate accounting possible, the plaintiffs, in November 1996, requested that defendants produce all IIM trust records and documents pertaining to the five named plaintiffs and their predecessors in interest. The government agreed to produce these documents, and, accordingly, on November 27, 1996, Judge Lamberth entered a stipulated order to have these critical trust documents produced.

In February 1997, the government reported to the Court that it would produce all documents for the five named plaintiffs by March 3, 1997. It became clear to plaintiffs over the next several months that despite the governments' promises, not all documents had been produced. On May 5, 1998, at plaintiffs request, the Court set a firm deadline on the production of the documents for the five named plaintiffs and their predecessors in interest, ordering the Departments of Interior and Treasury to turn over all such documents by June 30, 1998. However, the government still did not produce the documents that they had promised 15 months earlier.

*"The government has been ducking their trust fund responsibility for decades. It goes to show how egregious their mismanagement has been that they couldn't even find records for five people." John Echohawk, NARF Executive Director*

In that same May 5 order, the Court also required the government to file any dispositive motions by June 30, 1998. The government did so, filing separate motions to dismiss the IIM account holders' claims to "fix the system" and perform an accounting. But on November 5, 1998, Judge Lamberth rejected the government's motions to dismiss this case. In so doing, Judge Lamberth issued a landmark ruling which essentially held that the federal government must adhere to the same standard as any other trustee — specifically, the common law of trusts. This

ruling meant that individual Indian trust beneficiaries will be accorded equal treatment under the law and not permit their trustee, the United States, to treat them



under some diluted standard of care. Moreover, the ruling rejected the governments attempts to relegate these trust claims to the "traditional" claims court, but rather would require enforcement in the federal district court, which has much broader jurisdiction to grant appropriate relief. In short, Judge Lamberth ruled that the district court had jurisdiction to hear this case, that the case will be decided under the common law of trusts, and that the Statute of Limitations does not bar claims before 1984, as the government had argued.

A mere couple of weeks after this landmark decision, on November 24, 1998, Judge Lamberth raised the issue of the documents for the five named plaintiffs during a scheduling hearing. The government reported once again that not all documents for the five named plaintiffs had been produced and the Court, therefore, requested plaintiffs to file, by December 9, 1998, a motion for the defendants to show cause why the defendants should not be held in contempt for failure to comply with the Court's November 27, 1996 Order. In accordance with the Court's instructions, plaintiffs filed the motion to show cause, which the Court granted and scheduled the contempt trial to commence on January 11, 1999, against the Secretary of the Interior, the Assistant Secretary of the Interior for Indian Affairs, and the Secretary of the Treasury.

The contempt trial lasted two weeks. During that time, the Court called two witnesses and the government called sixteen. Because all the government's own witnesses proved that defendants had acted contemptuously, plaintiffs did not call a single witness. The testimony during the contempt trial demonstrated one thing very clearly,

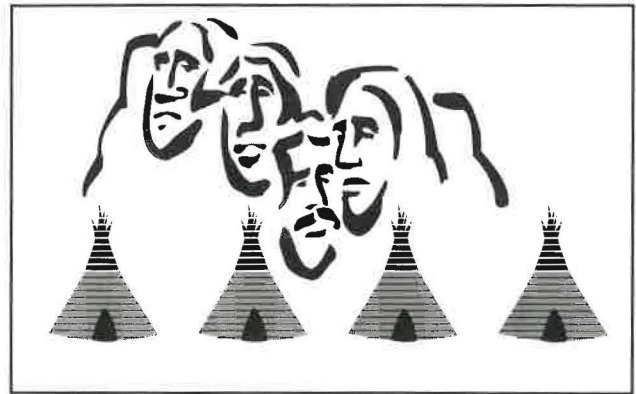




as Judge Lamberth would state in his decision: "The way in which the defendants have handled this litigation up to the commencement of the contempt trial is nothing short of a travesty."

Unfortunately, the Department of Interior attempted to scapegoat the Office of Special Trustee (OST) — the government office most responsible for implementing system improvements that have occurred — for this "travesty." On January 5, 1999, just days before the contempt trial began, Secretary of the Interior Babbitt decided to reorganize OST by way of Secretarial Order 3208, and remove the key OST official responsible for producing documents. Secretary Babbitt's Order gutted the Special Trustees' power and authority that Congress had conferred on his Office through the American Indian Trust Management Reform Act of 1994. Moreover, the Secretary took this action without ever consulting with the Special Trustee, Congress or Tribes prior to the reorganization. In fact, the Special Trustee had no knowledge of Secretarial Order 3208 until Department of Justice lawyers filed the Order with the Court on January 6 as part of the government's defense in the contempt trial.

In response to Secretarial Order 3208, the Special Trustee Paul Homan, who had been appointed by President Clinton and confirmed by the Senate, resigned his post in protest. The departure of Mr. Homan, who is a former Comptroller of the Currency and an accomplished banker with an impeccable track-record and nation-wide reputation for revitalizing failing financial institutions, has left the Department without any individual with the experience and background to straighten out the trust fund management disaster. Indeed, as a result of the Special Trustee's resignation, the 500,000 current individual Indian trust beneficiaries are in fact and law without a trustee to



protect their fundamental property rights and interests. Fortunately, Congress has responded by beginning oversight hearings to investigate the Secretary's handling of this issue and the continuing problem of trust fund management by the Department of the Interior.

The Court has ordered the first phase of the trial on fixing the system for June 10, 1999, exactly three years from the original filing of this case. ☉



## CASE UPDATES

### Preliminary Injunction is Granted on Alaska's English Only Initiative

On March 3, 1999, Alaska State Superior Court Judge Fred Torrisi granted a preliminary injunction that enjoined the State of Alaska from the operation and enforcement of Alaska's Official English Initiative, which was passed by state voters in November 1998.

The Native American Rights Fund requested a temporary restraining order and preliminary injunction in the lawsuit *Alakayak v. State*. NARF filed the *Alakayak* case on February 16th, in the state superior court in Anchorage, on behalf of twenty-seven individual plaintiffs who are seeking an order declaring that English-only Ballot Measure Six is unconstitutional.

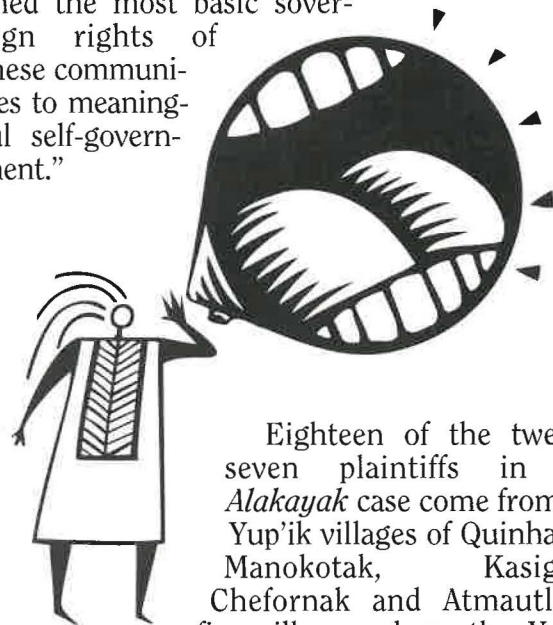
Heather Kendall-Miller, a staff attorney in the Anchorage office of NARF, explained that NARF brought this lawsuit "to protect the rights of Alaska Native villages to freely choose, shape and control the forms of community self-governance that exist in their local communities." Because Alaska Native villages exercise their powers of community self-governance through numerous structures, both tribal and state, many of the most basic powers of community self-governance in Native villages are exercised through institutions established under state law, such as city governments, school districts, and the various citizen advisory boards that provide local input on state agency decisions. As Ms. Kendall-Miller explained, "Alaska Native villages have a fundamental community right to govern themselves through whatever structures they may choose, which necessarily includes the right to do so in the Native languages of their communities, the only languages many of their citizens can understand."

"A number of Alaska Native villages have decided that state law structures of community self-governance do not work for them, and that they should dissolve their city governments and govern themselves solely through tribal structures instead," Eric Johnson, a NAPIL Equal Justice Fellow with the Anchorage NARF office explained: "Other villages have decided not to

dissolve their city governments. Whichever way a village chooses to go, the choice as to how a village will govern itself is solely one for that village to make, and neither the State of Alaska nor its voters have any right to demand that local governments in the villages only do business in a language that may be difficult, if not impossible, for many people in these villages to understand."

Mr. Johnson also noted that even in those villages that have dissolved their city governments, education continues to be provided through state school districts, and that "the ability of a village to make important community decisions on the education of their children necessarily requires the freedom to discuss these decisions in the first language of the community."

Ms. Kendall-Miller explained that a temporary restraining order and preliminary injunction had become necessary because a number of the *Alakayak* plaintiffs had meetings of their city governments or school functions scheduled for after March 4th, the date the law would have gone into effect. She added that the potential for state enforcement of the English-only law against these plaintiffs after that date "threatened the most basic sovereign rights of these communities to meaningful self-government."



Eighteen of the twenty-seven plaintiffs in the *Alakayak* case come from the Yup'ik villages of Quinhagak, Manokotak, Kasigluk, Chefornek and Atmautluak, five villages where the Yup'ik



language is widely used in virtually all aspects of community self-governance. Other plaintiffs include five Alaska Natives residing in the regional centers of Barrow and Bethel. Plaintiffs include local governmental officials, educators, and members of the public from villages that will be impacted by this law.

The *Alakayak* lawsuit claims that Alaska's English-only law is unconstitutional because it violates constitutional rights to free speech, equal protection, and due process. NARF attorneys are joined by attorneys from the Alaska Civil Liberties Union and the North Slope Borough Law Department.

The "English Only" initiative was written in very broad terms, and would have a major impact upon Alaska Natives, if it were to go into effect. Unlike most other official English measures that are primarily symbolic, this measure prohibits the use of any language except English in virtually all governmental functions and actions. The measure applies to "the legislative and executive branches of the State of Alaska and all political subdivisions, including all departments, agencies, divisions and instrumentalities of the State, the University of Alaska, all public authorities and corporations, all local governments and departments, agencies, divisions, and instrumentalities of local governments, and all government officers and employees."

The measure also contains a private cause of action that allows any person to bring suit against a government entity to enforce the provisions of the act. Thus, a non-Native resident of Anchorage would be able to bring an enforcement action to require a Yupik-speaking community in Southwest Alaska, to force it to conduct its city business in English, and English only.

The impact of this statute would have been direct and immediate, had it gone into effect on March 4th. For example, of the 226 Native villages in Alaska, over 100 have formed municipal governments. It is very common for city officials to conduct business in Yupik, Inupiat, or Athabaskan languages. If this initiative becomes law, they will no longer be able to do so. And, if

they do, they will be law breakers and potentially subject to suit. Moreover, those city officials who do not speak English as a first language (and there are many in rural Alaska), will effectively be excluded from participating in local government. The breadth of this measure makes it all the more unconstitutional, since it violates both free speech and the constitutional right to participate in and have access to government.

Because the measure extends to all state employees, it would prohibit an Inupiat school teacher and a monolingual Inupiat-speaking parent from speaking in Inupiat about a child's education. It would also preclude a discussion in a language other than English between public employees and citizens seeking unemployment or worker's compensation benefits, or access to fair housing or public assistance, or information with respect to child support, child welfare, foster care placement, Indian Child Welfare Act matters, or to redress violations of those rights. In short, the measure would have a chilling effect on all Native languages, which is why NARF has filed this lawsuit, and secured this preliminary injunction to keep the law from taking effect.

Alaskans for a Common Language, Inc. and U.S. English, Inc. have moved to intervene as parties defendant. The *Alakayak* plaintiffs filed a motion opposing intervention on March 19, 1999, on the basis that proposed intervenors' interests are adequately represented by the State and that their views can be effectively presented to the Court as *amici curiae*.

On March 8, 1999, the Court entered an order setting forth a briefing schedule on the merits. Plaintiffs will file their motion for summary judgment on May 28th and the State has until July 9, 1999 to file its opposition. Oral argument on the motions is set for September 1, 1999, in Dillingham, Alaska.





## U.S. Supreme Court Rules Against Arizona Tribes

*"This Ruling leaves the tribes in the same inequitable situation of generating revenue for the states and getting no services in return." Tracy Labin, NARF Attorney*

On March 2, 1999, Justice Clarence Thomas, writing for a unanimous Supreme Court, held in *Arizona Department of Revenue v. Blaze Construction Co.* that Arizona could tax a private company's proceeds from contracts with the Federal government even where those contracts were exclusively for the building of roads on Indian reservations. The decision laid to rest a conflict in lower court law and prescribed a bright-line rule in favor of state taxation regardless of the location of the contract activity or the impact of the tax on Tribes.

The contractor in this case was Blaze Construction Co. (Blaze), a wholly Indian-owned company incorporated under the laws of the Blackfeet Tribe of Montana. Blaze contracted with the Bureau of Indian Affairs to construct and repair reservation roads for six Indian tribes within Arizona. The work was all performed within reservation boundaries and the roads provided access to Indian schools, homes, and local government centers. Arizona imposed a tax on this activity on the theory that a Supreme Court case had already established the rights of states to tax the activities of federal contractors. The United States agreed with the State and filed a brief *amicus curiae* in support of state taxing authority in this case. In the end, the Supreme Court agreed as well.

Blaze, though an Indian-owned company, conceded at the outset that it was the equivalent of a non-Indian. Based on this concession, the Court found that the case boiled down to the narrow question of the state's ability to tax non-Indian federal contractors. Framing the question in this way, the Court held that *Blaze* was indeed governed by the bright-line rule articu-

lated in its earlier case, *United States v. New Mexico*, 455 U.S. 720 (1982), which authorized state taxation of federal contractors, and the Court

was unwilling to carve out an exception to that firm rule even where the contract activity took place entirely within Indian reservations.



In its brief *amicus curiae*, NARF supported Blaze's tax exemption, arguing that the fact that the activity took place in Indian country called for the Court to examine the impact of the tax on tribes and tribal sovereignty to determine the authority of states to tax within Indian country. As Blaze pointed out, one of the greatest impacts the tax will have is that it will reduce the number of roads that will be built, because, instead of going toward road-building, millions of dollars will instead be going to fill state coffers. Indeed, as indicated by a March 3rd Arizona Republic newspaper article, "the decision comes at a time when the federal government is preparing to award \$1.6 billion in contracts for highway work on the nation's reservations. Based on Arizona's 5 percent transaction privilege tax, the contracts could generate \$80 million in potential revenue for all the states." Unfortunately, however, the Court did not look to tribal impacts, choosing instead to extend its prior bright-line general rule pertaining to non-Indian contractors, thus leaving states free to tax private firms who contract with federal agencies to provide services to Tribes on Indian reservations. ☼



## NARF ATTORNEY PROFILE

**Keith Harper** joined the Native American Rights Fund (NARF) as a staff attorney in September 1995. Keith is a member of the Cherokee Nation of Oklahoma, received a B.A. in sociology and psychology from the University of California, Berkeley, and a J.D. from New York University (NYU) School of Law in 1993. While at NYU, he was a Root-Tilden-Snow Scholar, a Fellow at the Center for International Studies, and Articles and Notes Editor for the *Journal of International Law & Politics*. In addition, Keith served as Chair of the Native American Law Students Association (NALSA) and Area Coordinator on the National NALSA Board. Directly following law school, Keith became an associate at Davis, Polk & Wardwell and then served as law clerk to the Honorable Lawrence W. Pierce of the United States Court of Appeals, Second Circuit. Subsequent to the judicial clerkship, Keith was granted a Skadden Arps Fellowship to join NARF where he remains a senior staff attorney today. Among other cases, Keith represents 500,000 individual Indians in a class action suit against the United States for the government's failure to properly manage these individual Indians' trust funds. Keith also currently serves as President-Elect of the Native American Bar Association for the District of



Columbia, and teaches "Federal Indian Law" at Catholic University Columbus School of Law (Fall Semester) and American University Washington College of Law (Spring Semester). In 1994, Keith published a note entitled "Does the United Nations Security Council have the Competence to Act as Court and Legislature," 27 *NYU J. INT'L L. & POL.* 103. ☉



# NARF RESOURCES AND PUBLICATIONS

## The National Indian Law Library

For the modern-day Indian, information is priceless in helping their fight to keep tribal homelands intact and traditional tribal ways alive. The National Indian Law Library has been providing Indian tribes and Indian law attorneys with a wealth of Indian law materials for the past 27 years. The materials are documents ranging from legal pleadings written in vital Indian law cases to a collection of Tribal codes.

The National Indian Law Library began as a special library project of the Native American Rights Fund. It is designed to serve as a clearinghouse for materials on American Indian Law for tribes, private and tribal attorneys, legal service programs, law firms, federal and state governments and agencies, and for students. Essentially, it was intended to carry out one of the Native American Rights Fund's priorities, the systematic development of Indian law. The National Indian Law Library has one of the largest collection of Indian law materials in the nation. Its mission is to continue to develop and make accessible a unique and valuable collection of information and to assist people with their Indian law research needs. Special emphasis is placed on helping individuals and organizations who are working on behalf of Native Americans and have the potential to positively influence their lives. The library serves its patrons by providing reference and basic research assistance and by locating and delivering relevant information. Please contact David Selden at (303) 447-8760 or e-mail dselden@narf.org for assistance. ☼



The National Indian Law Library Publications For Sale:  
(Pricing of publications includes shipping and handling. Publications subject to availability.)

*The Bibliography on Indian Economic Development, 2nd Edition. 1984 (Updated 1993).* Designed as a tool for the protection and regulation of commercial activities on Indian reservations. Included in the bibliography are articles, monographs, memoranda, Tribal codes, and miscellaneous materials on Indian economic development. Cost for this title is \$20.00.

*The National Indian Law Library Catalogue, Volume I.* One of The National Indian Law Library's major contributions to the development of Indian law is the creation of this catalogue. It is arranged by subject-matter index, author-title index, plaintiff-defendant index, and NILL number listing. Cost for *The National Indian Law Library Catalogue, Volume I*, the 1985 Supplement, and the 1989 Supplement has been reduced to \$30.00. (NILL anticipates offering a free, searchable up-to-date version of its catalog on the Internet in 1999.)

*Top Fifty: A Compilation of Significant Indian Cases, 1990*, compiled by the National Indian Law Library, costs \$50.00.

Other Publications Offered For Sale by The National Indian Law Library:  
(Pricing of publications includes shipping and handling. Publications subject to availability.)

*American Indian Law: Cases and Materials, 3rd edition, 1991, with 1996 supplement*, by Robert N. Clinton, Neil Jessup, Monroe E. Price, price is \$45.00.

*American Indian Law in a nutshell, 3rd edition, 1998*, by William C. Canby, price is \$26.00.

*American Indians, Time and the Law, 1986*, by Charles F. Wilkinson, price is \$20.00.

*Battlefields and Burial Grounds, 1994*, by Walter Echo-Hawk and Roger Echo-Hawk, price is \$20.00.

*Code of Federal Regulations, Title 25, 1998*, published by U.S. Government Printing Office, price is \$45.00.

*Federal Indian Law, Cases and Materials, 4th edition, 1998*, by David Getches, Charles Wilkinson, and Robert A. Williams, Jr., price is \$67.40.



*Felix S. Cohen's Handbook of Federal Indian Law, 1982 edition*, edited by Rennard Strickland, price is \$90.00.

*Handbook of American Indian Religious Freedom, 1991 edition*, edited by Christopher Vescey, price is \$20.00.

*The Indian Child Welfare Handbook: A Legal Guide to the Custody and Adoption of Native Americans, 1995*, published by the American Bar Association, price is \$75.00.

*Indian Claims Commission Decisions 1946-1978*. This forty-three volume set reports the work of the Indian Claims Commission. Each volume is sold separately at a cost of \$55.00. The ICCD Index is sold at \$30.00.

*Indian Land Area Map, 1992*, published by the U.S. Department of the Interior, price is \$10.00.

*Mending the Circle: A Native American Repatriation Guide, 1996*, published by the American Indian Ritual Object Repatriation Foundation, price is \$45.00.

*The Rights of Indians and Tribes, 2nd edition, 1992*, by Stephen L. Pevar, price is \$13.00.

#### **NARF LEGAL REVIEWS HOLDINGS LIST 1972 - 1998\***

*\*All listed legal reviews are available from NILL at a cost of \$0.10/page.*

*Volume 1, No. 1 (June 1972). NILL No. 010000/1972.*

##### **ARTICLES:**

Development of the National Law Library  
History and Development of the Native American Rights Fund  
Recent Native American Rights Fund Case Developments

*Volume 1, No. 2 (July 1972). NILL No. 010001/1972.*

##### **ARTICLES:**

Education v. Destruction  
Other Recent Native American Rights Fund Case Developments

*Volume 1, No. 3 (August 1972). NILL No. 010002/1972.*

##### **ARTICLES:**

Sovereignty Redefined  
Indian Claims Set By Statute of Limitations

*Volume 1, No. 4 (September 1972). NILL No. 010003/1972.*

##### **ARTICLES:**

California Indians - Double Genocide  
The Lost Treaties  
California Indians for a Fair Settlement

Public Law 280

Termination — "To Wipe Out"

California Indian Education

Barker v. Harvey

Continuing Genocide

California Indian Legal Services

Deganawidah-Quetzalcoatl University

Native Tribes and Groups of California in 1770

Known Tribes and Reservations in California in 1972

*Volume 1, No. 5 (October 1972). NILL No. 010004/1972.*

##### **ARTICLES:**

Eastern Indians — The Invisible Remnants  
The Passamaquoddies  
The Penobscot  
The Eastern Indian Research Project  
Eastern Indian Conference  
Indian Tribes Eligible for Revenue Sharing  
Statute of Limitations Extended  
Indian Claims Commissions Decisions

*Volume 1, No. 6 (November - December 1972). NILL No. 010005/1972.*

##### **ARTICLES:**

The War of Ghosts, 1902-1972  
A Declaration of War - The Reclamation Act  
The Allies and The Second Cease-fire  
A Proposal for Overkill  
In the United States District Court for the District of Columbia Pyramid Lake Paiute Tribe of Indians, Plaintiff, v. Rogers C.B. Morton, Secretary of the Interior, Defendant,  
Civil Action No. 2506-70  
United States of America v. States of Nevada and California

*Volume 2, No. 1 (January - February 1973). NILL No. 010006/1973.*

##### **ARTICLES:**

It Is Not Necessary for Eagles to be Crows — Laws and the Preservation of Indian Culture  
Lawyers Between Two Cultures — The Native American Rights Fund

*Volume 2, No. 2 (March - September 1973). NILL No. 010007/1973.*

##### **ARTICLES:**

In Pursuit of Accountability  
Inequity That Cannot Be Erased In Our Lifetime — Joe Natonabah v. Board of Education  
How Indian Parents can use Natonabah  
Pawnee Tradition — A Final Appeal  
The War of Ghosts Continued, 1973-?  
Presidential Accountability The Minnesota Chippewa Tribe v. Casper W. Weinberger



*Volume 2, No. 3 (October - December 1973). NILL No. 010008/1973.*

ARTICLES:

Making the White Man's Law fit the Indian — The Menominee Restoration Act  
The Menominee Termination Act — A Perfect Example of Indian Watergate  
Terminating Termination  
How the MRA Fits the Menominee  
The National Indian Law Library  
Indian Streambed Ownership Affirmed  
Indian Law Reporter

*Volume 3, No. 1 (January - March 1975). NILL No. 010009/1975.*

ARTICLES:

"The Fifth Disaster" - The Colonization of the North Slope of Alaska  
The Alaska Constitution - Another Kind of Promise to be Broken  
Mobil Oil Company v. Local Boundary Commission  
Protecting the World's Largest Native Government

*Volume 3, No. 2 - Part 1 (April - June 1975). NILL No. 010010/1975.*

ARTICLES:

The Declaration of Independence (Table of Contents)  
    The Pilot  
    The Stage Setting  
    The Prologue — Making Indians Into White Men  
    Act I - The Revolution Begins  
    Act II - Another Kind of Revolution  
    Act III - The Declaration of Indian Independence  
    The Epilogue - Turning White Men Into Indians  
    The Role of the Native American Rights Fund  
    The Cast of Characters  
    (Some Background Notes)  
        The Winnebago  
        The Omaha  
        The Sioux  
        The Mandan, The Arikara, and  
        The Hidatsa  
        The Crow  
        The Turtle Mountain Chippewa  
        The Chippewa Cree  
        The Blackfeet  
        The Assiniboine, The Gros Ventre  
        and Some Teton Sioux  
        The Shoshone and The Arapahoe  
        The Salish and The Kootenai  
        The Northern Cheyenne

*Volume 3, No. 2 - Part 2 (April - June 1975). NILL No. 010011/1975.*

ARTICLES:

The National Indian Law Library

*Volume 4, Nos. 1 & 2 (August 1977). NILL No. 010012/1977.*

ARTICLES:

Eastern Indian Land Claims  
Statute of Limitations Extended  
Rosebud Reservation Diminished  
The Nature of Indian Tribal Jurisdiction  
Swiftbird Development  
Case Development

*Volume 4, Nos. 3 & 4 (December 1977). NILL No. 010013/1977*

ARTICLES:

The Swift Bird Project: An Alternative Rehabilitation Center  
NARF Prison Cases

*Volume 5, No. 1 (Winter 1979). NILL No. 010014/1979.*

ARTICLES:

"We Also Have a Religion": The American Indian Religious Freedom Act and the Religious Freedom Project of the Native American Rights Fund  
Hunting and Fishing Rights  
Eastern Land Claims  
Other Major Cases

*Volume 6, No. 1 (Fall 1980). NILL No. 010015/1980.*

ARTICLES:

NARF Celebrates Its Tenth Anniversary  
Case Developments  
Indian Correction Project  
Indian Legal History

*Volume 7, No. 1 (May 1981). NILL No. 010016/1981.*

ARTICLES:

The Eastern Indian Land Claims  
Case Developments

*Volume 7, No. 2 (June 1981). NILL No. 010017/1981.*

ARTICLES:

The Indian Law Support Center  
National Indian Law Library  
Case Feature: The Texas Kickapoo  
Case Developments  
Urban Indian Pro Bono Project  
NARF's Second Annual Symposium

*Volume 7, Nos. 3, 4 (December 1981). NILL No. 010018/1981.*



ARTICLES:

Indian Water Rights: Issue for the 80's  
Case Developments

*Volume 8, No. 1 (Spring & Winter 1982). NILL No. 010019/1982.*

ARTICLES:

Spring 1982  
Eastern Indian Land Claims Bill  
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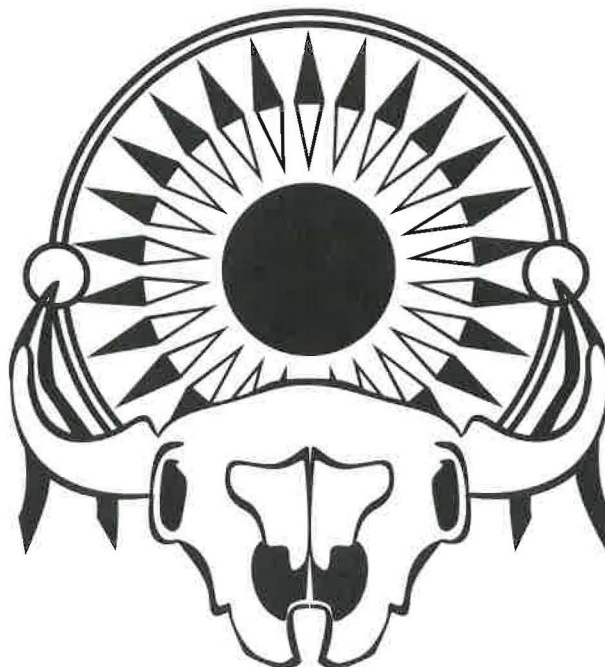
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For the past 29 years, the 15 attorneys, support staff and Board of Directors of NARF have represented over 200 Tribes in 31 states in such areas as tribal restoration and recognition, tribal jurisdiction, land claims, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides made in achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its availability to bring excellent, highly ethical legal representation to dispossessed Tribes. The survival and strengthened sovereignty of the nation's 557 federally recognized tribes of 1.8 million Native Americans are due, in no small measure, to the battles waged and won by NARF.

The accomplishments and growth of NARF over the years confirmed the great need for Indian legal representation on a national basis. This legal advocacy on behalf of Native Americans is more crucial now than ever before. NARF strives to protect the most important rights of Indian

people within the limit of available resources. To achieve this goal NARF's Board of Directors defined five priority areas for NARF's work: (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.

NARF's success could not have been achieved without the financial support that we have received from throughout the nation. Your participation makes a big difference in our ability to continue to meet 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. Visit our website at <http://www.narf.org>.







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