



Legal Review

NATIVE AMERICAN RIGHTS FUND

NARF Wins Indian Child Welfare Act Case in Alaska

NARF filed and won a federal lawsuit affirming the Indian Child Welfare Act's (ICWA) full faith and credit clause to Tribal adoptions. In *Kaltag v. State of Alaska*, the Kaltag Tribe entered an Order of adoption in tribal court and requested that a new birth certificate be issued from the Alaska Bureau of Vital Statistics. The State refused to issue a new birth certificate on the alleged basis that the Tribe lacked jurisdiction over children's proceedings unless it had first petitioned for reassumption of jurisdiction under ICWA. This argument assumes that a Tribe does not have inherent jurisdiction to adjudicate adoptions of its own tribal members. The Tribe and the parents (two individual Kaltag tribal members) brought suit in the United States District Court for the District of Alaska against the State of Alaska Department of Health and Social Services and the Alaska Bureau of Vital Statistics for denying full faith and credit to a tribal adoption decree in violation of the ICWA. Cross motions for summary judgment were filed in 2007 and the court ruled in favor of the Tribe on all claims, holding that their decision was entitled to full faith and credit under the ICWA. The State moved to stay the judgment but lost that motion as well, forcing the State to



immediately issue a birth certificate to the child.

The State appealed to the U.S. Court of Appeals for the Ninth Circuit. On August 28, 2009, a three judge panel of the Ninth Circuit affirmed the district court's decision that full faith and credit be given to the Kaltag court's adoption judgment. The panel ruled that the district court correctly found that neither the ICWA nor Public Law 280 prevented the Kaltag court from exercising jurisdiction and that reservation status is not a requirement of jurisdiction because "[a] Tribe's authority over its reservation or Indian country is incidental to its authority over its members."

On September 18, 2009, the State of Alaska filed a petition for panel rehearing and, in the alternative, for rehearing en banc. On October 14, 2009, the panel unanimously voted to deny the State's petition for rehearing. The full court of the Ninth Circuit was advised of the petition for court rehearing en banc, and no judge of the court requested an en banc rehearing. ❄

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CASE UPDATES

The City of Bethel, NARF and ACLU Agree on Voting Rights Act Measures

Measures providing additional language assistance for Yup'ik speakers at municipal elections in Bethel, Alaska were agreed upon as part of a settlement among the city of Bethel, the Native American Rights Fund (NARF), the American Civil Liberties Union (ACLU) and two local Alaska Natives. Yup'ik is the primary language of a majority of citizens in the Bethel region. The settlement agreement follows a lawsuit filed against the city by NARF and the ACLU on behalf of the two local Alaska Natives.

The lawsuit *Nick, et al. v. Bethel, et al.*, remains pending in the federal district court for the District of Alaska against the State of Alaska. The lawsuit was brought on behalf of the same Alaska Natives who agreed to the current settlement as well as two other Alaska Natives and four tribal governments.

"We are extremely pleased that the city of Bethel has agreed to provide enhanced language assistance to Yup'ik-speaking voters so that they can fully participate in city elections," said NARF attorney Natalie Landreth. "We are confident that the Yup'ik people and other Alaskan Natives will have all the tools they need to exercise the most fundamental act of citizenship, the right to vote."



Under the settlement agreement, the city of Bethel will provide enhanced language assistance to Yup'ik voters, including trained poll workers who are bilingual in English and Yup'ik; sample ballots for election measures in written Yup'ik; a written Yup'ik glossary of election terms; advance notice of translator services; election announcements on the radio; and pre- and post-election reports to the Federal District Court for Alaska tracking the city's efforts.

However, since the State of Alaska refuses to reach an amicable solution, the ACLU and NARF continue to litigate against the State of Alaska so that all Yup'ik speaking voters in the state can be fully included in the political process. Trial has been set for February, 2010. Alaska is one of just five states covered in its entirety by the language assistance provisions of the Voting Rights Act. Those provisions, sections 4(f)(4) and 203, apply to areas that meet certain threshold requirements for numbers of citizens with limited English proficiency. Section 208 has nationwide applicability and gives "any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write" a right to receive "assistance by a person of the voter's choice." The temporary provisions of the Voting Rights Act, including sections 4(f)(4) and 203, were reauthorized by Congress in 2006 for an additional 25 years.

Nebraska Supreme Court Affirms Tribal Rights

In a unanimous decision, the Nebraska Supreme Court reversed and remanded a decision by a Nebraska county court which had refused to allow the Ponca Tribe of Nebraska to intervene in a child custody case involving two children that are members of the Tribe. The Nebraska Supreme Court affirmed the absolute and unconditional right of an Indian tribe to intervene in a child custody proceeding under the Indian Child Welfare Act (ICWA).

The Ponca Tribe's ICWA Specialist filed a motion to intervene pursuant to the ICWA. The Nebraska county court entered an order denying the filing of the Tribe's motion to intervene on the grounds that its ICWA Specialist, the Tribe's designated representative, was not an attorney admitted to practice law pursuant to Nebraska Revised Statutes. As a result, the Ponca Tribe was required to hire an attorney licensed to practice law in the courts of the State of Nebraska. The Ponca Tribe, represented by the Denver law firm of Smith, Jolly, Shelton and Ragona, filed an appeal to this decision with the Supreme Court of Nebraska.

Mark Tilden of the Native American Rights Fund was retained as legal counsel to represent amici curiae in the filing of a joint amicus brief in the Supreme Court of Nebraska. Mark represented the following organizations and tribes: the National Indian Child Welfare Association in Portland, Oregon; the Indian Center, Inc. in Lincoln, Nebraska; the Santee Sioux Tribe of Nebraska; the Oglala Sioux Tribe of South Dakota; the Osage Nation of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Spirit Lake Tribe of North Dakota; and the Rosebud Sioux Tribe of South Dakota.

On March 26, 2009, the amicus brief was filed with the Supreme Court of Nebraska. The amicus brief maintained that the Ponca Tribe has an absolute and unconditional federal right to intervene in the proceeding according the clear language of the ICWA and that the requirement that the Tribe be represented by a licensed attorney is preempted by the ICWA. Additionally, requiring a tribe to be represented by an attorney to intervene and participate in a state ICWA case would have a significant, detrimental effect on all tribes, including the infringement on tribal sovereignty. The amicus brief respectfully requested that the Court reverse the county court's decision and order the county court to grant the Tribe's *Motion to Intervene* and allow the Tribe's ICWA Specialist to fully participate as the designated representative of the Ponca Tribe of Nebraska. The Nebraska Supreme Court



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agreed with the Ponca Tribe and allowed the Tribe the right to intervene through its ICWA specialist, the Tribe's designated representative.

The Native American Rights Fund has published "A Practical Guide to the Indian Child Welfare Act." The Guide is intended to answer questions about the ICWA by people of all levels of familiarity with this important law, and to provide a comprehensive resource of information on the ICWA. The guide can be found on NARF's website – www.narf.org.

Court Rules in Katie John Case

Katie John v. U.S. (consolidated with Alaska v. Salazar and jointly managed with Peratrovich v. U.S.)

The State filed suit in federal court in 2005 to challenge regulations adopted by the federal agencies in 1999 to implement the Ninth Circuit Court of Appeals decision in the original Katie John case, holding that the definition of "public lands" for purposes of Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA) includes navigable waters in which the U.S. has reserved water rights. The Alaska Federation of Natives (AFN) intervened on the side of the federal government to support the existing regulations. Katie John filed a sepa- ►



rate lawsuit arguing that the federal regulations should have defined water upstream and downstream from Conservation System Units (CSUs) and waters adjacent to Native allotments as public lands for purposes of ANILCA. The cases were consolidated and jointly managed with *Peratrovich v. US*, which asserted that certain marine waters within the boundaries of the Tongass National Forest should have been included within the definition of “public lands.”

In May 2007, Judge Holland upheld the federal rulemaking process for determining which waters in Alaska are subject to federal jurisdiction, and on September 29, 2009, issued an order deciding all of the remaining issues in these cases regarding which waters have federal reserved water rights and are thus subject to federal jurisdiction. The court upheld the agencies’ regulations which define “public lands” to include (1) waters bordering CSUs, even if they are outside the CSU; and (2) waters adjacent to in-holdings within CSUs. The court also held that selected but not conveyed lands within CSUs are properly treated as public lands until conveyed; and that the method for determining where a river ends and marine waters begin (headland to headland) was reasonable. Unfortunately, the court rejected the claims

raised in both Katie John and Peratrovich, and held that federal reserved water rights do not exist, as a matter of law, in marine waters. In addition, the court upheld as “reasonable” the Secretaries’ decision to exclude waters upstream and downstream of CSUs, and waters adjacent to Native allotments that are outside of CSUs from the definition of public lands.

The State has filed a motion for reconsideration and the Peratrovich plaintiffs’ filed a motion for reconsideration too. Appeals to the Ninth Circuit are expected.

Tribal Supreme Court Project Update

The U.S. Supreme Court’s summer recess provided NARF an opportunity to review the work of the Tribal Supreme Court Project during this past term, and since the beginning of the Roberts Court era in 2005. During the October 2008 Term, the Court issued three Indian law decisions – ruling against Native interests in all three cases. The Tribal Supreme Court Project coordinated resources and developed strategy in each case at the merits stage, with the National Congress of American Indians (NCAI) appearing as an amicus party in all three cases and NARF preparing amicus briefs in two of the three cases. It is significant that in all three cases – *United States v. Navajo Nation*, *State of Hawaii v. Office of Hawaiian Affairs* and *Carcieri v. Salazar* – the Native interests had been upheld by the lower courts of appeal with no conflict between the lower courts on the legal issues presented in each case. This development is a continuation of a disturbing trend in Indian law cases granted review since Chief Justice Roberts joined the Court (tribal interests have lost in two other cases – *Plains Commerce Bank v. Long Family Land & Cattle Co.* and *Wagnon v. Prairie Band Potawatomi Nation* – under similar circumstances).

The U.S. Supreme Court began the October 2009 Term on Monday, October 5, 2009, with its newest Associate Justice, Justice Sonia Sotomayor, now sitting on the Court, and speculation that Justice Stevens may retire at the

end of the term. The implications for Indian country as a result of these changes are still unfolding, but at present, Indian country is 0 for 5 before the Roberts' Court.

Currently, no Indian law cases are pending before the Court on the merits. However the Tribal Supreme Court Project has been working on a few important Indian law cases at the petition for review stage, including *Harjo v. Pro-Football, Inc.* and *Benally v. U.S.* — both involving racial bias, stereotypes and discrimination against Indians. In *Harjo v. Pro-Football, Inc.*, the Project worked with Suzan S. Harjo and her co-plaintiffs on their petition seeking review of a decision by the U.S. Circuit Court of Appeals for the D.C. Circuit which held that the doctrine of laches (*i.e.* long delay in bringing lawsuit) precluded consideration of their petition seeking cancellation of the “Redskins” trademarks owned by Pro-Football, even though the Trademark Trial and Appeals Board’s found that the trademarks disparaged Native Americans. The Project also coordinated the development of the amicus strategy and the preparation of the four amicus briefs in support of the petition: (1) the NCAI-Tribal Amicus Brief which summarizes the efforts of the Native American community over the past forty years to retire all Indian names and mascots; (2) the Social Justice/Religious Organizations Amicus Brief which focuses on the social justice and public interests present in the case; (3) the Trademark Law Professors’ Brief which supports and enhances the trademark law arguments put forward by petitioners; and (4) the Psychologists’ Amicus Brief which provides an overview of the empirical research of the harm caused by racial stereotyping.

In *Benally v. U.S.*, the Project worked with the attorneys representing Kerry Dean Benally, a member of the Ute Mountain Ute Tribe, in the preparation of a petition seeking review of a decision by the U.S. Court of Appeals for the Ninth Circuit which denied Mr. Benally’s motion for a new criminal trial based on allegations of juror racial bias. Mr. Benally was convicted of

assaulting a federal officer. After his trial, a member of the jury approached the judge with concerns about racial bias in the jury room. The juror provided an affidavit that in the jury room, the foreman told the other jurors that he had lived near an Indian reservation and that “[w]hen Indians get alcohol, they get drunk,” and “when they get drunk, they get violent.” A second juror stated that she lived on or near a reservation and made “clear she was agreeing with the foreman’s statement about Indians.” Other jurors discussed the need to “send a message back to reservation.”

Prior to trial, all the jurors had been questioned by the judge on voir dire (voir dire - refers to the process by which prospective jurors are questioned about their backgrounds and potential biases before being chosen to sit on a jury) regarding whether they had any bias against Native Americans which would prevent them from being impartial. Based on the evidence of racist stereotyping, the district court found that two jurors had lied on voir dire when they failed to reveal their past experiences with Native Americans and their preconception that all Native Americans get drunk and then violent. The court concluded that Mr. Benally was therefore entitled to a new trial. The court of appeals reversed, holding that the Federal Rule of Evidence prohibited the admission of jury room evidence, even to demonstrate that jurors lied on voir dire. In a dissenting opinion, Judge Briscoe noted that the Rule only precludes post-trial juror testimony “[u]pon an inquiry into the validity of a verdict,” not to prove the existence of a structural defect in a trial based on the right to a fair and impartial jury. In this case, the Project coordinated the development of two amicus briefs: (1) the NCAI Amicus Brief which focused on the concerns about racial discrimination against Native Americans; and (2) the Evidence Law Professors’ Amicus Brief which addressed the proper interpretation of Rule 606(b).

The Tribal Supreme Court Project continues to dedicate substantial resources in the wake ►

of the Court's disastrous decision in *Carcieri v. Salazar*. In *Carcieri*, the Court held that the authority of the Secretary of the Interior to take land in trust for Indian tribes under the provisions of the Indian Reorganization Act ("IRA") is limited to tribes that were "under Federal jurisdiction" in June 1934, the date the IRA was enacted. NCAI and NARF are coordinating tribal efforts to pursue a legislative "fix" to reverse the Court's damage to Congress' overall policy of Indian self-determination and economic self-sufficiency. This legislative fix will clarify that the benefits of the Indian Reorganization Act are available to all Indian tribes, regardless of how or when they achieved federal recognition, and retroactively ratify all past decisions made by the Secretary on behalf of tribes pursuant to the IRA. As we pursue this legislative fix, the Project remains vigilant in persuading the Department of the Interior to adopt a broad, inclusive definition of "under Federal jurisdiction" in relation to pending applications to acquire lands in trust.

Copies of briefs and other materials for each of the cases listed in the *Update* are available on the NARF website at <http://www.narf.org/sct/index.html>.

Court Dismisses Kivalina Environmental Case

On September 30, 2009 the United States District Court for the Northern District of California dismissed a lawsuit by the Native Village of Kivalina in Alaska (*Native Village of Kivalina v. Exxon Mobil, et al*) against twenty-four oil, energy and utility companies. The Village sought damages under a federal common law claim of nuisance, based on the companies contribution to the excessive emission of carbon dioxide and other greenhouse gases which the Village claims is causing global warming. Judge Armstrong concluded that the Village's federal claim for nuisance is barred by the political question doctrine and for lack of standing under Article III of the United States Constitution. This case will now be appealed to the Ninth Circuit to overturn the Judge's decision. Since



photo: Jenny Monet

the September ruling, the Fifth and the Second Federal Appellate Courts (a total of six judges) have now disagreed with Judge Armstrong.

The Native American Rights Fund (NARF) and The Center on Race, Poverty & the Environment – plus six law firms – had filed the lawsuit on behalf of the tiny and impoverished Alaskan village of Inupiat Eskimos located in the Arctic Circle against industrial corporations that emit large quantities of greenhouse gases. The Native Village of Kivalina faces imminent destruction from global warming due to the melting of sea ice that formerly protected the village from coastal storms during the fall and winter. The diminished sea ice, due to global warming, has caused a massive erosion problem that threatens the Village's existence and urgently requires the Village be relocated. It has been estimated that the cost to move the Village could range up to \$400 million.

The Native Village of Kivalina, which is a federally recognized Indian Tribe, and the City of Kivalina, which is an Alaskan municipality, filed the lawsuit on February 26, 2008 on their own behalf and on behalf of all tribal members against defendants ExxonMobil Corp., Peabody Energy Corp., Southern Company, American Electric Power Co., Duke Energy Co, Chevron Corp., and Shell Oil Co., among others. In total there were nine oil company defendants, fourteen electric power company defendants and one coal company defendant. ❄️

The Washington, D.C. Office of the Native American Rights Fund has Moved!

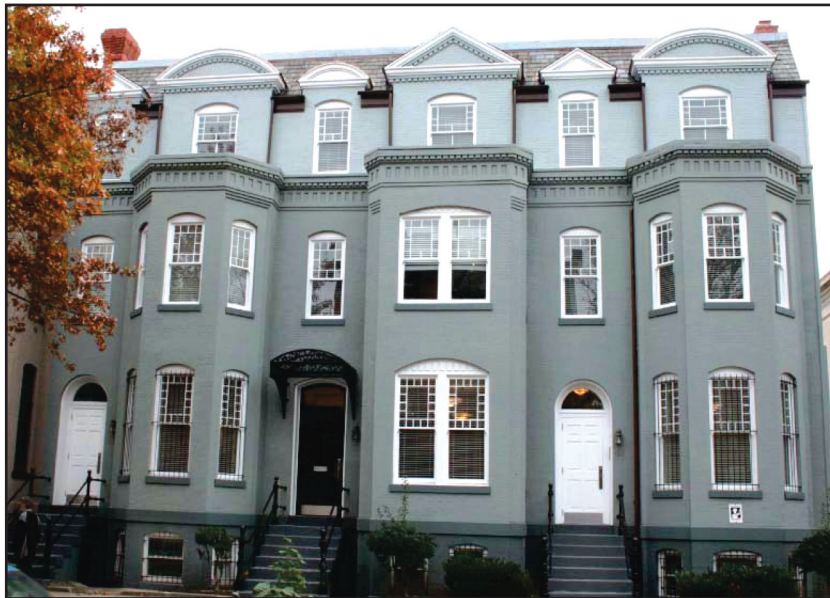
After nearly forty years at its 1712 N Street NW address, the Washington, D.C. office of the Native American Rights Fund has moved to join with the National Congress of American Indians at the “Embassy of Tribal Nations” – an historic office building and carriage house located in the heart of the thriving 15th and P Street Neighborhood near Dupont Circle. The major move was efficiently orchestrated by Office Manager Angela Gonzales, allowing Staff Attorneys Richard Guest and Dawn Baum to continue their important legal work as they all settle into their new surroundings. The new office address is: Native American Rights Fund, 1514 P Street, NW (Rear) Suite D, Washington, D.C. 20005. The phone and fax numbers remain the same: phone: (202) 785-4166; fax: (202) 822-0068.

To mark the move and celebrate the historic opening of the Embassy of Tribal Nations, Executive Director John Echohawk joined Tribal leaders, NCAI and NARF-DC staff in a Blessing Ceremony on November 3rd, followed by an Open House. John Echohawk joined Tribal leaders on November 5th at the Tribal Nations Summit – the first of what-is-promised-to-be an annual Nation-to-Nation meeting between Tribal leaders and President Obama. 🌟

Photo of building: NCAI “Embassy of Tribal Nations” building.

Photo #2: NARF Washington, D.C. office attorney Richard Guest and NARF Board member Billy Frank

Photo #3: NARF Washington, D.C. office attorney Dawn Sturdevant Baum and NARF Board member Billy Frank



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National Indian Law Library

Your Information Partner!

About the Library

The National Indian Law Library (NILL) located at the Native American Rights Fund in Boulder, Colorado is a national public library serving people across the United States. Since 1972 NILL has collected nearly 9,000 resource materials that relate to federal Indian and tribal law. The Library's holdings include the largest collection of tribal codes, ordinances and constitutions in the United States; legal pleadings from major American Indian cases; law review articles on Indian law topics; handbooks; conference materials; and government documents.

Library Services

Information access and delivery: Library users can access the searchable catalog which includes bibliographic descriptions of the library holdings by going directly to: <http://www.narf.org/nill/index.htm> or by accessing the catalog through the National Indian Law Library/Catalog link on the Native American Rights Fund website at www.narf.org. Once relevant materials are identified, library patrons can then choose to request copies or borrow materials through interlibrary loan for a nominal fee.

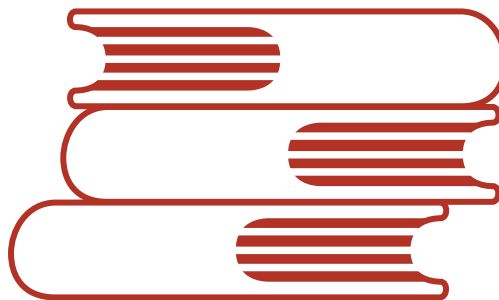
Research assistance: In addition to making its catalog and extensive collection available to the public, the National Indian Law Library provides reference and research assistance relating to Indian law and tribal law. The library offers free assistance as well as customized research for a nominal fee.

Keep up with changes in Indian law with NILL's Indian Law Bulletins: The Indian Law Bulletins are published by NILL in an effort keep NARF and the public informed about Indian law developments. NILL publishes timely bulletins covering new Indian law cases, U.S. regulatory action, law review articles, and news on its website. (See: <http://www.narf.org/nill/bulletins/ilb.htm>) New bulletins are published on a regular basis, usually every week and older information is moved to the bulletin archive pages. When new information is published, NILL sends out



brief announcements and a link to the newly revised bulletin page via e-mail. Send an e-mail to David Selden at dselden@narf.org if you would like to subscribe to the Indian Law Bulletin service. The service is free of charge!

Support the Library: The National Indian Law Library is unique in that it serves the public but is *not* supported by local or federal tax revenue. NILL is a project of the Native American Rights Fund and relies on private contributions from people like you. For information on how you can support the library or become a sponsor of a special project, please contact David Selden, the Law Librarian at 303-447-8760 or dselden@narf.org. For more information about NILL, visit: <http://www.narf.org/nill/index.htm>. Local patrons can visit the library at 1522 Broadway, Boulder, Colorado.



National Indian Law Library

New Alliances

NARF Announces new alliance with Westlaw to improve access to tribal law

The Native American Rights Fund (NARF) is pleased to announce a new strategic alliance with West, a Thomson Reuters business. Under this alliance, NARF and West will work to improve access to Native American tribal law available through NARF's National Indian Law Library (NILL) and Westlaw, West's premier online legal research service. Select tribal law content will be editorially annotated by West for Westlaw and will be cross-linked to court opinions and other law on Westlaw when available. Unannotated tribal law will be freely available through the NILL website. Select materials may also be published in West print products and law books. Content will include tribal codes, ordinances, constitutions, and intergovernmental agreements.

NARF encourages tribes to join in the historic alliance by submitting tribal codes, ordinances, constitutions and intergovernmental agreements to West and NARF for publication. By providing researchers and legal practitioners

easy access to tribal law via Westlaw and NILL, tribal nations can effectively account for and strengthen their sovereign status and rights. Improved access to tribal law will promote justice and help judges, attorneys, tribal members, and the general public understand the unique relationship among the federal government, states and tribal nations.

West will provide complimentary Westlaw access to participating tribes to select database content on Westlaw, and will also share submitted tribal law with NARF for inclusion in NILL's website collection.

For information on how to participate in this project, please contact West at: West.Tribal-LawSubmissions@thomsonreuters.com or call 1-800-328-9378, ext. 73843. You also may contact David Selden, NARF's Law Librarian at NILL at: dselden@narf.org or 303-447-8760 x106.

Please join this path marking effort to raise the stature and visibility of Native American Law, and the fair treatment of Native American issues. 🌟

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CALLING TRIBES TO ACTION!

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects have also been reduced. Our ability to provide legal advocacy in a wide variety of areas such as religious freedom, the Tribal Supreme Court Project, tribal recognition, human rights, trust responsibility, tribal water rights, Indian Child Welfare Act, and on Alaska tribal sovereignty issues has been compromised. NARF is now turning to the tribes to provide this crucial funding to continue our legal advocacy on behalf of Indian Country. It is an honor to list those Tribes and Native organizations who have chosen to share their good fortunes with the Native American Rights Fund and the thousands of Indian clients we have served. The generosity of Tribes is crucial in NARF's struggle to ensure the future of all Native Americans.

The Muckleshoot Indian Tribe of Washington recently awarded NARF a \$100,000 contribution for general support. This contribution will go a long way in helping NARF to realize our mission to bring excellent, highly ethical legal representation to tribes and indigenous peoples that will insure the survival of tribes and their way of life.

In their award to NARF, the Muckleshoot Tribe recalled that ...“the rights guaranteed to Indian tribes in treaties with the United States date back

150 years or more, but until a few short decades ago they were hardly worth the paper they were written on. Within the lifetimes of many elders still living today, as well as others that have passed on, these rights have been upheld by the courts, leading to sweeping changes in all aspects of Native life.”

“Legal assistance was the key to making this happen, and at the national level no organization has done more to further the cause of tribal sovereignty than the Native American Rights Fund. Years ago, they helped the Muckleshoot Tribe and its staff attorneys win important cases that upheld key treaty rights and helped build the foundation for the strong position the Tribe occupies today. In those days, funding was scarce and the expert assistance of a group like the NARF was a great gift. Today, with funding growing scarce for non-profits, the Muckleshoot Tribe is able to help those that helped out in the past.”

We encourage other Tribes to become contributors and partners with NARF in fighting for justice for our people and in keeping the vision of our ancestors alive. We thank the following tribes and Native organizations for their generous support of NARF thus far for our 2009 fiscal year – October 1, 2008 to September 30, 2009:

- | | | |
|-------------------------------------|---|--|
| • Chickasaw Nation | • Mohegan Tribe | • Shakopee Mdewakanton Sioux Community |
| • Choctaw Nation of Oklahoma | • Muckleshoot Tribe | • Siletz Tribe of Oregon |
| • Chugachmiut, Inc. | • Native Village of Port Lions | • St. Regis Mohawk Tribe |
| • Cow Creek Band of Umpqua Indians | • Osage Nation | • Sun`aq Tribe of Kokiak |
| • Drumbeat Indian Arts | • Pawnee Nation of Oklahoma | • Sycuan Band of Kumeyaay Indians |
| • Elk Valley Rancheria | • Sac and Fox Nation | • Tulalip Tribes |
| • Native Village of Eyak | • Saginaw Chippewa Indian Tribe of Michigan | • Viejas Band of Kumeyaay Indians |
| • Kaibab Paiute Tribe | • San Manuel Band of Mission Indians | |
| • Kenaitze Indian Tribe | • Seminole Tribe of Florida | |
| • Mashantucket Pequot Tribal Nation | • Seven Cedars Casino | |

THE NATIVE AMERICAN RIGHTS FUND

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The Native American Rights Fund (NARF) was founded in 1970 to address the need for legal assistance on the major issues facing Indian country. The critical Indian issues of survival of the tribes and Native American people are not new, but are the same issues of survival that have merely evolved over the centuries. As NARF is in its thirty-ninth year of existence, it can be acknowledged that many of the gains achieved in Indian country over those years are directly attributable to the efforts and commitment of the present and past clients and members of NARF's Board and staff. However, no matter how many gains have been achieved, NARF is still addressing the same basic issues that caused NARF to be founded originally. Since the inception of this Nation, there has been a systematic attack on tribal rights that continues to this day. For every victory, a new challenge to tribal sovereignty arises from state and local governments, Congress, or the courts. The continuing lack of understanding, and in some cases lack of respect, for the sovereign attributes of Indian nations has made it necessary for NARF to continue fighting.

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 and educating the public about Indian rights, laws, and issues.

Requests for legal assistance should be addressed to the Litigation Management Committee at NARF's main office, 1506 Broadway, Boulder, Colorado 80302. NARF's clients are expected to pay whatever they can toward the costs of legal representation.

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.



NARF Annual Report. This is NARF's major report on its programs and activities. The Annual Report is distributed to foundations, major contributors, certain federal and state agencies, tribal clients, Native American organizations, and to others upon request. Ray Ramirez Editor, ramirez@narf.org.

The NARF Legal Review is published biannually by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. Ray Ramirez, Editor, ramirez@narf.org. There is no charge for subscriptions, however, contributions are appreciated.

Tax Status. The Native American Rights Fund is a non-profit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax under the provisions of Section 501 C (3) of the Internal Revenue Code, and contributions to NARF are tax deductible. The Internal

Revenue Service has ruled that NARF is not a "private foundation" as defined in Section 509(a) of the Internal Revenue Code.

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