

Native American
Rights Fund

25

years of justice



Anniversary Edition

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CREDITS

ART: A Shoshoni/Paiute, Stan Natchez lives in Mesa Arizona. He received a B.S. from the University of Southern Colorado. Former Humanities Department Chairman at Arizona's Orme School, he has also taught art in several Arizona public schools. Currently, he is Editorial Advisor and Education Coordinator for the Native Peoples Magazine. Exhibits include: Indian Market in Santa Fe, New Mexico; First People's Gallery in Minneapolis, Minnesota; and America West Gallery in Sun Valley, Idaho.

As a traditional dancer, Natchez has found the creative expression that has sustained him. He feels very strongly that taking the best of both worlds — structured and creative, traditional and modern, spiritual and materialistic — is the best way to achieve harmony needed to excel as well as survive today. In terms of his art, Natchez feels equally strongly about communicating contemporary Native American philosophy that has been purged of any romantic or stereotypical idealism. Instead, the viewer is exposed to traditional teaching and contemporary cultural doctrines. As Natchez says, "I paint the life I live and so every painting I do is, in some way, a self-portrait. My art is about you and the way I respond. That is my experience...my experience is my art...and art is my life."

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EXECUTIVE DIRECTOR'S MESSAGE

The Native American Rights Fund is very pleased to be celebrating its 25th anniversary in 1995. As one of the original NARF staff members in 1970, I had no idea that NARF could last this long or be as successful as it has. I could only dream, but dreams do come true.

The very existence of Indian tribes in America was at stake twenty-five years ago. Would the federal policy of terminating Indian tribes altogether prevail or could the tribes adapt to become viable sovereign governments in modern day America using their strong legal foundation in American law? I knew that NARF was part of this great struggle and am proud of the role that we have played over the last 25 years in securing an American system of federal, state and tribal governments.

During this period, the growth of tribal governments and Indian law has been phenomenal. The increase in tribal budgets and services is the direct result of the recognition and implementation of tribal sovereignty. We have been particularly pleased to see that more tribes have gradually been able to afford legal counsel so that more Indian legal representation and Indian law development is occurring. Successes in the assertion of tribal rights to natural resources and human rights, of course, have accompanied the tribal sovereignty developments and secured our homelands and protected our cultures.

I have been fortunate over these 25 years to work with a wonderful group of board members, staff, clients and supporters that have made the accomplishments of the Native American Rights Fund possible. I want to acknowledge their dedicated efforts and our common belief that we are building a better America for everyone - Indian and non-Indian.

John E. Echohawk
Executive Director

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NARF



"Two Hatchet, Kiowa" Stan Natchez

INTRODUCTION

The 15 attorneys, support staff and board of directors at the Native American Rights Fund, the national Indian legal defense fund, form a modern-day warrior society. For these dedicated people, the Indian wars never ended; they merely changed venue. Law books have replaced the chiseled arrow and the historical battlegrounds of the last century have been transported to courtrooms near and far from their Boulder, Colorado base including the highest court in the land. But the will to fight, and the reasons, remain unchanged. The survival and strengthened sovereignty of the nation's 510 federally recognized tribes of 1.8 million Native Americans are due, in no small measure, to the battles waged and won by the Native American Rights Fund.

Looking back over the past 25 years, NARF has represented over 190 Tribes in 31 states in such areas as tribal restoration and recognition, land claims settlements, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides we have made in achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its ability to bring excellent, highly ethical legal representation to dispossessed Tribes. What follows is a chronicle of some of NARF's most notable victories on behalf of those Tribes since 1970 when it was formed.

The Need

In the 1960's the United States government adopted new policies and programs in a widespread effort to address some of the social ills affecting the country. As part of this "War on Poverty," the Office of Economic Opportunity

launched government-funded legal services programs throughout the nation to provide legal representation to the disadvantaged. Those programs which were set up on or near Indian reservations and large Indian communities came to realize that the legal problems being brought forth by their Indian clients were, for the most part, governed and controlled by a little known area of law — "Indian Law" — that was driven by treaties, court decisions, federal statutes, regulations and administrative rulings. They also found that few attorneys outside of the legal services system were willing to represent Indians, and those who did generally worked on a contingency basis, only handling cases with anticipated monetary settlements.

During this same period the Ford Foundation, which had already assisted in the development of the NAACP Legal Defense Fund and the Mexican American Legal Defense Fund, began meeting with California Indian Legal Services (CILS) to discuss the possibility of creating a similar project dedicated to serving the nation's indigenous people. CILS had already established somewhat of a reputation for taking on Indian legal cases. As a result of those meetings, the Ford Foundation awarded California Indian Legal Services with a \$155,000 planning grant in 1970 and \$1.2 million in start-up funding to launch the Native American Rights Fund in 1971.

Indian Reorganization Act of 1934 (Wheeler-Howard Act) - The act was a strong affirmation by the United States government of the federal-Indian trust relationship. It reinforced tribal governments and their inherent powers; placed some restraints on the exercise of federal power over Indians; established programs to assist the economic development of Indian tribes; created federal laws to help tribes purchase additional lands and consolidate their land bases; stopped the allotment process; and, extended indefinitely the trust period of those allotted lands still in Indian hands. The tribes were also given the option to adopt tribal constitutions and by-laws.

Alabama-Coushatta Tribe
Alaska Federation of Nativ
Alaska Inter-Tribal Council
Alaska Native Coalition
Arikara Tribe
Agua Caliente
Assiniboine &
Sioux Tribes of
Ft. Belknap Reservation
Bay Mills
Chippewa
India
Blackfeet Tribe
Brothertown
Tribe
Cabazon Band
of Mission Indian
California Missic
Indian
Catawba Tribe
Chemehuevi
Tribe
Cheyenne
Sioux
Cheyenne-Arapaho
Tribe

Getting Established

As a pilot project of California Indian Legal Services, NARF was founded in 1970. David Getches, a CILS attorney, was named NARF's first Director. Joining him to make up the attorney staff were Bob Pelcyger, John Echohawk, Bruce Greene, and Joe Brecher. During the first year the attorneys traveled throughout the country to find out firsthand from the Indian communities what the legal issues were. They also began a search for a permanent location for the project which was initially being housed at CILS's main office in Berkeley, California. The site needed to be centrally located and not associated with any Tribe. In 1971, NARF selected its new home and relocated to Boulder, Colorado.

An eleven member all-Indian Steering Committee (now a 13 member Board of Directors) was selected by the CILS Board of Trustees to govern the Fund's activities. Individuals were chosen (as they continue to be today) based on their involvement and knowledge of Indian affairs and issues, as well as their tribal affiliation, to ensure a comprehensive geographical representation.

The founding Steering Committee members were:

Charles Lohah (Osage)
David Risling, Jr. (Hoopa)
LaNada Boyer (Shoshone-Bannock)
John Stevens (Passamaquoddy)
Wendell Chino (Mescalero Apache)
Alfonso Ortiz (San Juan Pueblo)
Fred Gabourie (Seneca)
Leo Haven (Navajo)
Philip Martin (Mississippi Choctaw)
Richard Trudell (Sioux)
Francis McKinley (Navajo-Ute)

NARF continued to grow at a rapid pace over the next several years. In 1971, the project incorporated in the District of Columbia and L. Graeme Bell was hired as the attorney for NARF's first satellite office in Washington, D.C. An office close to the center of government would prove critical in future interaction with Congress and federal administrative agencies involved in Indian policy. The Carnegie Corporation of New York awarded NARF start-up funding for the creation of the National Indian Law Library, a national repository for Indian legal materials and resources in 1972.

"In the beginning, NARF's founders knew there was a need to help Native people regain and maintain their sovereignty. No one could predict how far these ideals would carry. "We dreamed these things could happen but we didn't know if they would happen. They did. We didn't know if tribes could survive legally or politically. They have." - John Echohawk, Executive Director, NARF.

NATIVE AMERICAN RIGHTS FUND

25 YEARS OF JUSTICE

"The white man does not understand America. He is too far removed from its formative processes. The roots of the tree of his life have not yet grasped the rock and the soil. The white man is still troubled by primitive fears; he still has in his consciousness the perils of this frontier continent, some of its vastness not yet having yielded to his questing footsteps and inquiring eyes. He shudders still with the memory of the loss of his forefathers upon its scorching deserts and forbidding mountaintops. The man from Europe is still a foreigner and an alien. And he still hates the man who questioned his path across the continent. But in the Indian the spirit of the land is still vested; it will be until other men are able to divine and meet its rhythm. Men must be born and reborn to belong. Their bodies must be formed of the dust of their forefathers' bones."

Luther Standing Bear, Ponca

The Office of Economic Opportunity came forth to fund the Indian Law Back-Up Center (now the Indian Law Support Center), a project designed to provide support and technical assistance to legal services programs working on Indian issues.

Over ten years later in 1984, the Native American Rights Fund established its second branch office in Anchorage, Alaska. Lare Aschenbrenner, a former NARF attorney from the Washington office, and Robert Anderson, a NARF attorney from the Boulder office, headed north to take on the Alaska Native issues of tribal sovereignty and subsistence hunting and fishing rights.

The Mission

One of the initial responsibilities of NARF's first Steering Committee was to develop priorities that would guide the Native American Rights Fund in its mission to preserve and enforce the status of tribes as sovereign, self-governing bodies. The Committee developed five priorities that continue to lead NARF today.

- Preservation of tribal existence
- Protection of tribal natural resources
- Promotion of Native American human rights
- Accountability of governments to Native Americans
- Development of Indian law

Indian Country - Includes all land within the limits of any Indian reservation under the jurisdiction of the United States government; all lands belonging to or falling within the jurisdiction of an Indian tribe; and all Indian allotments, the Indian titles to which have not been extinguished. Even land owned by non-Indians in fee simple is still "Indian Country" if it is within the exterior boundaries of an Indian reservation.

Chippewa-Cree Trib
of the
Rocky Boy'
Reservation

Choctaw Trib

Cochiti Puebl

Cocopah
Tribe

Cold Springs
Band

Confederated
Tribes of
Colville
Reservation

Cook Inlet
Tribal Council

Coos Bay Tri

Coos Lower Impou
Siuslaw
Indian Tribe

Coushatta Trib

Covelo Indian Communit

Cowlitz
Tribe



"American Horse goes to Congress" Stan Natchez

PRESERVATION OF TRIBAL EXISTENCE

Under the priority of the preservation of tribal existence, NARF's activity emphasizes enabling Tribes to continue to live according to their Native traditions; to enforce their treaty rights; to insure their independence on reservations; and to protect their lands. Specifically, NARF's legal representation centers on federal recognition and restoration, sovereignty issues (including tribal jurisdiction and taxation rights), and economic development.

Recognition & Restoration

The existence of Tribes as governments is fundamental to asserting tribal sovereignty. Of the more than 600 Tribes in the United States, 510 are federally "recognized" and the remaining are "unrecognized" or have been "terminated." Although these non-federally recognized Tribes have remained intact since before white contact, they have no political relationship with the federal government.

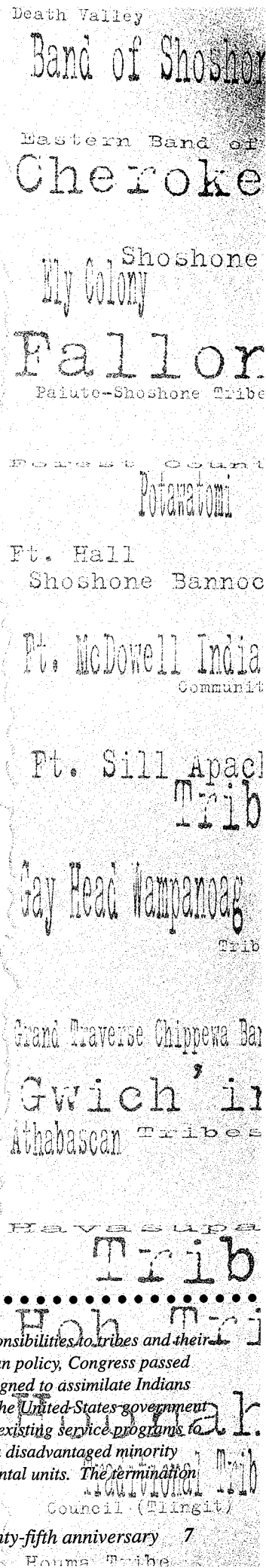
For some tribes seeking federal acknowledgement or restoration, NARF's assistance means preparing historical, legal and anthropological documentation to persuade the federal government to recognize their status as Tribes. For others, it means convincing Congress to reverse their terminated status and restore them as Tribes. One of the most notable cases is that of the Menominee Tribe.

In 1971, the Native American Rights Fund began working with the Menominee Tribe of Wisconsin to restore them as a federally recognized Tribe. During the termination era of the 1950's, Congress adopted a drastic federal Indian policy that severed the government-to-government relationship between Tribes and the federal government. NARF worked diligently to

compile statistical information that detailed the devastating social, cultural and economic impact that termination had on the Menominee. Attorneys also drafted several restoration bills, for Congressional passage. In December 1973 those efforts paid off. The Menominee Restoration Act became law making it the first legislative restoration of a terminated tribe.

The second Indian restoration act enacted by Congress restored federal status to the terminated Siletz Tribe of Oregon. In 1855, the Siletz reservation covered over 1 million acres along the Oregon coast. By 1954 — when the Siletz Tribe was terminated — their reservation consisted of a 36-acre tribal cemetery. The Tribe's homeland and traditional way of life had been chipped away by changing federal Indian policy and the white settlers' demand for land. For the first time, allotted Indian lands were subject to property taxes and few had the means to pay. By 1960, most Indian-owned land had passed out of Indian ownership. With no homeland, the Siletz scattered. Later that decade, Siletz leaders mobilized with the help of the Native American Rights Fund to regain their federal relationship and to reverse the disastrous effects of termination. In 1977, the Siletz Restoration Act was signed into law. Three years later, a 3,600 acre reservation was established, thus securing the landbase and resources necessary for the Tribe's survival.

Termination Policy - In a move to abrogate all federal responsibilities to tribes and their members and to officially adopt termination as federal Indian policy, Congress passed House Concurrent Resolution 108 (H.R. 108) in 1953. Designed to assimilate Indians into white society, the historical trust relationship between the United States government and Indian tribes was to be severed. Federal funding of all existing service programs to tribes were to end and Indians were to be considered to be a disadvantaged minority group. Tribes were no longer to be recognized as governmental units. The termination policy was in effect until the mid-1960's.



Up until 1983, when they gained federal recognition, the Kickapoo Indians managed to survive as a Tribe in primitive camps at Eagle Pass in Texas. They had no land, and they suffered from disease and malnutrition. With NARF's assistance, the Kickapoo gained 100 acres of land and federal services providing health care, housing, and education.

In 1987, the Gay Head Wampanoag Tribe of Massachusetts was federally acknowledged. In that same year, by an act of Congress, the Alabama Coushatta Tribe and the Ysleta del Sur Pueblo of Texas were restored as federally recognized tribes.

In 1992, the federal district court in Arizona upheld the Department of the Interior's recognition of the tribal status of the San Juan Southern Paiute Tribe and ruled that the Tribe is entitled to a land base of 75 acres plus joint-use of another 48,000 acres with the Navajo Tribe.

The Pascua Yaqui Tribe of Arizona, Louisiana's Tunica-Biloxi Tribe, the Poarch Creek Tribe of Alabama, and the Narragansett Tribe of Rhode Island have all achieved federal restoration or recognition with the assistance of the Native American Rights Fund. Pending acknowledgments being pursued are the Little Shell Tribe of Montana, the Mashpee Wampanoag Tribe of Massachusetts, the Houma Tribe of Louisiana, the Shinnecock Tribe of New York, the Pamunkey Tribe of Virginia, and the Miami Nation of Indiana.

In a widespread effort to improve the administrative acknowledgement process for Indian tribes, NARF has worked with Congress to standardize criteria, eliminate unequal treatment in evaluation of petitions, cut down on

bureaucratic delays, and create an independent appellate procedure. Without Congressional attention to these issues, tribes can expect to wait well into the next century to gain federal acknowledgment.

In an historic move toward sovereignty for Alaska Natives in the fall of 1993, Interior Assistant Secretary of Indian Affairs Ada Deer announced the publication of a list of federally-recognized tribes in Alaska. The new list removes ambiguities in previous Departmental lists and makes clear that 226 Alaska Native villages have the same tribal status as tribes in the contiguous 48 states. NARF worked closely with the Native regional organizations and numerous villages in an effort to get the Department of Interior to publish a new list.

"A warrior society — that thought has always motivated me. I think Indian attorneys have an advantage. They are fighting courtroom battles, not for abstract reasons, but for family. It should make Indian attorneys more formidable in court when they're up against the opposing party."

Yvonne Knight, NARF Attorney

Jurisdiction and Taxation Issues

NARF has handled several major cases with far reaching implications affecting the sovereign powers of tribes. These cases have involved the issues of jurisdiction and taxation in several states.

In *Solem v. Bartlett*, NARF challenged South Dakota's criminal jurisdiction over Indians on 1.6 million acres of land that were opened to non-Indian settlement in 1908. Former NARF attorney Arlinda Locklear — the first Indian woman to argue before the Supreme Court — won a unanimous decision. The Court rejected state jurisdiction in favor of federal and tribal control.

In a 1972 NARF case, Eskimo villages on the oil rich North Slope of Alaska established a borough (county) empowering them to tax oil companies operating in the area. The move enabled them to provide municipal services which did not previously exist.

In a sweeping 1976 decision, the U.S. Supreme Court, ruled that Public Law 83-280 did not grant any taxing or regulatory authority to state governments. The decision in *Bryan v. Itasca County* affirmed that the law was not designed to affect tribal affairs and tribal sovereignty. NARF assisted Leech Lake Legal Services in the case.

The U.S. Supreme Court in 1980 held in *White Mountain Apache Tribe v. Bracker* that the state cannot apply motor carrier license fees and fuel taxes to on-reservation operations of a non-Indian owned logging company regulated by the United States. In *Central Machinery Company v. Arizona*, the Court also ruled in 1980 that states cannot

impose state sales taxes on transactions occurring on Indian reservations. NARF assisted lead counsel in both cases.

Another important tax decision came in the 1985 *Askew v. Seminole Tribe* decision. The State Court of Appeals refused to allow the Florida State Department of Revenue to sue the Seminole Tribe. At issue was collection of state sales taxes from tribally-owned businesses on the Seminole Reservation. The Court held that Indian Tribes have long been recognized as having the same immunity from suit as other sovereign powers.

NARF assisted the Winnebago Tribe of Nebraska in reclaiming criminal jurisdiction over its reservation. Under Public Law 83-280, the State of Nebraska exercised criminal and civil jurisdiction on the Winnebago Reservation. In 1986, with NARF's assistance and under the Indian Civil Rights Act, jurisdiction was retroceded back to the United States and the Tribe. The following year, Nevada's Ely Colony Shoshones successfully reclaimed their civil and criminal jurisdiction.

In *Mustang Fuel Corp. v. Cheyenne-Arapahoe Tax Commission*, the Cheyenne-Arapahoe District Court ruled that the Tribes

Alaska Native Claims Settlement Act (ANCSA) of 1971 - Extinguished all aboriginal title to 9/10 of lands in Alaska, as well as all aboriginal hunting, fishing and water rights, in return for 44 million acres and almost \$1 billion dollars. It provided for the establishment under state law of thirteen regional corporations and roughly 200 village corporations in which every Alaska Native alive on December 17, 1971 received stock. The regional corporations were entitled to select lands within their respective geographic areas and village corporations were required to select lands adjacent to their villages. The act specifically provided that stock could not be sold until the year 1991. The "1991 Amendments" extended the restriction on the sale of Native stock for an indefinite period of time and provided automatic "land bank" protections to land owned by Native corporations as long as it is not developed, leased or sold to third parties.

Houlton Band
of Maliseet
Indians

Huron
Pottawatomi

Jicarilla Apache
Tribe

Kaw
Indian Tribe

Keweenaw Bay
Chippewa

Kickapoo, Tribe
of Texas

King Island Native Community

Kiowa Apache
Tribe

Klamath
Tribe

Kootenai Tribe

Lac Courte

Oreille
Chippewa

Leech Lake

Bellevue
Tribe

have the authority to tax oil and gas production on lands held in trust by the federal government for members of the Tribes. The oil companies had originally challenged the Tribes' right to tax them in federal court, but were required to bring the action first in tribal court. On appeal, the Tribal Supreme Court upheld the tax in 1993. The oil companies have now appealed to the federal district court.

NARF obtained a favorable decision in *A-1 Contractors v. Strate*. In 1994, the Eighth Circuit Court of Appeals upheld the civil jurisdiction of tribal courts on tribal lands in a personal injury action involving two non-Indians. The Court held that the race or political status of the parties does not affect the civil jurisdiction of the tribal court of the Three Affiliated Tribes of the Fort Berthold Reservation on Indian lands. A rehearing is in process.

Since 1985, the Native American Rights Fund has represented the Kluti Kaah Native Village of Copper Center in its effort to collect tribal taxes from oil companies. In *Alyeska Pipeline Service Co. v. Kluti Kaah Native Village of Copper Center*, the oil interests claim that Kluti Kaah is not a

federally recognized Tribe, and thus lacks taxing authority. However, in a July 1993 ruling the federal district court in Alaska stated that the Village may well have tribal status with sovereign tribal authority to tax the Trans-Alaska Pipeline System which runs through Alaska Native lands. Further proceedings are underway.

In *City of Nome v. Nome Eskimo Community*, the Alaska Supreme Court ruled that the Nome Eskimo Community, organized under the Indian Reorganization Act, constitutes a tribe and is exempt and immune from local municipal taxes. This decision essentially provides land protection for all 70 I.R.A. tribes in Alaska.

In *State of Alaska v. Native Village of Venetie*, NARF represents the village in a tribal tax case that raises the issues of tribal status and tribal taxing authority in Alaska. In 1994, the federal district court in Alaska ruled that Venetie, which is organized under the Indian Reorganization Act of 1936, has tribal status and will now determine the extent of its taxing authority.

"I have seen your power. I have felt your power ... You have survived every effort of the most powerful government on this globe to exterminate you, to deceive you, to destroy your culture, to destroy your languages, to rob you of your lands and resources. You have survived all of this ... I think America will begin to see a people that has refused to be conquered ... You have set yourselves upon a course of overcoming any and all obstacles that history has placed in your path." - Senator Daniel K. Inouye (1991)

NATIVE AMERICAN RIGHTS FUND

25 YEARS OF JUSTICE

Indian Economic Development Law Project

The Native American Rights Fund has long recognized the need for economic development in Indian Country. Apart from the extraction of mineral and timber resources, most reservations find themselves largely without any appreciable economic or business development. As a result, tribes are devoting an increased amount of their resources and energy toward building economically strong communities that can be sustained into the next century. Yet, as they undertake this enormous task they face the challenges of finding financial, community, and legal assistance. The Native American Rights Fund, through its Economic Development Law Project, is providing legal guidance to tribes and Indian communities that are working to realize their economic and business development goals.

The emphasis of NARF's Indian Economic Development Law Project has been on achieving increased control by tribal governments over their communities and their destinies. One avenue to achieving control is through the development of tribal government agencies. This requires the development of tribal governmental infrastructures necessary to implement and administer tribal entities such as courts and regulatory agencies. NARF recognizes that independent sources of revenue from which to fund locally derived priorities — i.e., a tribal tax base, and greater capacity to manage and foster the integrity of tribal homelands as they affect the health and the environment of Indian country residents — are necessary to the task.

"Indian sovereignty... is a constitutional, historical, accepted fact. There's no room to debate it."

Bruce Babbitt, Secretary of the Interior

In working toward this goal, the Project serves on the National Indian Policy Center Task Forces for Natural Resources, the Environment, the Law, and Administration for Justice. The Project operates from the perspective that environmental and economic development issues are integrally related in Indian country. This perspective takes into account that reservations are permanent homelands for tribes and that any planned development which affects the land, resources or the people, must take into account their impact for several generations to come; and, that environmental issues are themselves serious economic development opportunities that must be carefully studied and assessed. Based on these propositions, the Project has been fully involved with the National Tribal Environmental Council and the Environmental Protection Agency's (EPA) Tribal Operations Committee in efforts to establish a national office within EPA and to insure adequate funding for tribal environmental programs.

Trust relationship - The historical relationship between the federal government and federally protected tribes established and paid for as a result of the cession of more than 97% of Indian land to the United States. In return the federal government must protect Indian trust property (tribal lands and resources); protect the Indian right to self-government; and provide social, medical, educational and economic development services and other assistance necessary for the survival and advancement of tribes.

Lipan Apache Tribe

Little Shell
of Montana

Lower
Blwba
Band
of
Challan

Lumbee
Tribe

Lummi

Makah Tribe

Mashantucket-Pequot
Tribe

Mashpee
Wampanoag
Tribe

Menominee
Tribe

Mescalero Apache Trib

Miami
Indian
Tribe

Minnesota
Chippewa
Mississippi Band of



"Red Cloud - Land is not for sale" Stan Natchez

THE PROTECTION OF TRIBAL NATURAL RESOURCES

The land base and natural resources of Indian nations continue to be critical factors in the preservation of Indian sovereignty. Through control over tribal lands and resources, Indian tribes can regain a degree of economic self-sufficiency necessary for Indian self-determination.

There are approximately 56 million acres of Indian-controlled land in the continental United States which constitutes only 2.3 percent of their former territory. Three-fourths of this acreage is tribally owned and one-fourth is individually owned. Additionally, there are about 44 million acres in Alaska which are owned by Natives after the 1971 Alaska Native Claims Settlement Act.

The federal government has, in many instances, failed to fulfill its trust duty to protect Indian tribes and their property rights. The Native American Rights Fund concentrates much of its legal representation on cases that will ensure a sufficient natural resource base for tribes.

Land Claims Cases

In 1970, NARF undertook representation of the Winnebago Tribe of Nebraska to save a portion of its tribal lands. At that time, the Army Corps of Engineers was attempting to condemn Winnebago Reservation land which bordered a proposed recreation and flood control project on the Missouri River. Six years later, an appellate court ruled that the Corps had no authority to violate the Tribe's treaty — one which guaranteed the Winnebago ownership of the land forever. The project was stopped.

President Carter signed the Rhode Island Indian Claim Settlement, known as the Narragansett Settlement, on October 2, 1978. It was the first of NARF's Eastern Indian land claims cases to be settled. The Act provided the Tribe with 1,800 acres of land to be held by an Indian-controlled corporation.

The largest return of land to Indian people in U.S. history came in the Maine Land Claim Settlement in 1980 when 300,000 acres were turned over to the Passamaquoddy Tribe, the Penobscot Nation and Houlton Band of Maliseet Indians. The Tribes' initial claim involved nearly 12.5 million acres, an area equivalent to 60% of the state of Maine. The settlement also included \$27 million and another \$54 million for purchase of the 300,000 acres of land.

In a 1985 landmark Supreme Court decision, the Court confirmed the right of the Oneida Indians to sue to protect their property lost in 1795. In *County of Oneida v. Oneida Indian Nation*, the Court found that tribal property rights could not be lost because of state statutes of limitations. The Court's decision invalidated the State of New York's attempted 1795 purchase of Oneida aboriginal land and established, in effect, the ownership of 250,000 acres to three Oneida bands. NARF represented the Wisconsin Oneidas and argued the case in the Supreme Court.

Trade and Intercourse Acts - These acts, passed between 1790 and 1834, were for protection against unlawful settlement and fraudulent land deals by non-Indians. States and individuals were prohibited from settling on Indian lands, entering them for hunting or grazing, or acquiring lands by purchase or treaty. Only the federal government could acquire good title to Indian lands.

Muckleshoot
Tribe

Muscogee
(Creek)
Nation

Narragansett
Tribe

Native
Village
of
Larser
Bay

Native
Village
of Karluk

Native
Village of Gambel

Native Villa
of Stebbins

Native
Village
of Dot

On August 18, 1987, President Reagan signed into law a bill which settled the land claim of the Gayhead Wampanoag Tribe of Massachusetts. NARF asserted on the Tribe's behalf that their land was lost in violation of the Non-Intercourse Act of 1790, which requires federal approval of any Indian land transactions. Under the terms of the settlement legislation, the Tribe acquired 178 acres of land suitable for tribal housing. An additional 250 acres of land will be kept in its natural state. All the settlement lands will be held in trust for the Tribe and will not be subject to town or state taxation unless it is used for commercial purposes. The State retained civil and criminal jurisdiction over the settlement lands.

Since 1882, a railroad cut through the Walker River Paiute Reservation in Nevada. But the right-of-way was never approved by the federal government or the Tribe. On behalf of the Walker River Paiute, NARF established that the railroad was in trespass and that tribal consent was necessary before the Secretary of Interior could grant right-of-way across the reservation. In a 1989 settlement, the railroad agreed to pay trespass damages and future rentals to the Tribe.

President Clinton signed the Catawba Indian Land Claim Settlement Act of 1993 into law on October 27, 1993. In addition to settling the Tribe's 1763 Treaty land claim of 144,000 acres in South Carolina, it also restores the Catawba's status as a federally recognized Indian tribe that had been terminated by Congress in 1959. Since 1975, NARF had been asserting on behalf of the Tribe that the land was illegally taken by the state in 1840 in violation of the 1790 Non-

Intercourse Act. The settlement provides for payment of \$50 million to the Tribe that will be placed in trust for land acquisition, education, economic development, social services, and per capita distribution. It also provides for an additional \$30-\$40 million in services to the Tribe.

The Pottawatomie Nation in Canada has been granted permission by Congress in 1994 to present claims in the United States Court of Federal Claims against the United States for outstanding treaty entitlements. For the past 100 years the Tribe has tried unsuccessfully to obtain payment of annuities on a per capita basis. The payments were promised under a series of Treaties concluded between 1795 and 1846 in exchange for the cession of land in the states of Ohio, Michigan, Indiana, Illinois, and Wisconsin. In 1949, the Pottawatomie Nation was foreclosed from presenting their claim based on jurisdictional grounds because their ancestors fled the United States to escape removal.

"I think we will still win, I think there are enough people who wish to understand the Indian mind, that we are not going to harm anyone, that we are peaceful people, we are not aggressive people. In this lies our strength and from here we will pick up. I believe that we will survive, I still believe we will survive. That is our dream." - An Indian Grandfather

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With NARF's assistance in *Swinomish Tribal Community v. Burlington Northern Inc.* the Swinomish Tribe achieved favorable out-of-court settlements concluded in 1993 that allow the Tribe to regain, through purchase, tidelands and other submerged lands that border the uplands of the reservation.

Hunting & Fishing Rights Cases

The right to hunt and fish is critical to the livelihood, economic and cultural survival of many Tribes. NARF has long been instrumental in assisting the nation's Indian people to assert these rights, which are guaranteed by treaty or federal law.

In 1974, a federal district court upheld an 1855 treaty guaranteeing Washington Tribes the right to fish and to take up to 50 percent of the harvestable catch passing through their traditional fishing sites. NARF served as lead counsel at the trial stage. The ruling was eventually upheld by the Supreme Court in 1979.

In 1979, a Michigan federal district court held that tribal members of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians have the right to fish free of state regulation in areas of Lakes Superior, Michigan and Huron. The Indians contended that although this area was ceded in an 1836 treaty, they retained the right to go into the ceded waters and fish for commercial and subsistence purposes. The court ruled that the treaty rights included the right to fish in all of the ceded waters of the Great Lakes.

The case of *Callahan v. Kimball* was filed to establish the continuing existence of treaty hunting and fishing rights for the Klamath Indians in Oregon, despite the Klamath Termination Act of 1953 which ended federal supervision over the Tribe. Reversing an adverse decision in the federal district court, the Ninth Circuit Court of Appeals held that the treaty hunting and fishing rights of the Tribe had survived termination since they were not expressly abrogated. Oregon state officials sought review of the decision in the United States Supreme Court but it was denied, thus assuring the Klamaths their traditional rights to hunt and fish within their former reservation free of state regulation.

In 1995, a federal appeals court ruled in favor of two Athabascan elders represented by NARF who were denied their right to subsistence fish at traditional sites. The court held that the federal subsistence priority law applies to navigable waters in which the U.S. has reserved water rights, which includes nearly all lakes and rivers, as well as coastal waters up to three miles offshore, in the state of Alaska. The court ruled that the State of Alaska lacks jurisdiction to manage subsistence fishing in these navigable waters. The court further ruled that the Federal Subsistence Board has authority to set day-to-day

Indian Civil Rights Act of 1968 - Placed certain restrictions on the actions of Indian governments similar to those placed upon the U.S. government and the states by the U.S. Constitution since the courts have recognized that provisions in the U.S. Constitution do not apply to Indian governments because they existed before the establishment of both the U.S. and the Constitution. Congress restricted the freedom of an Indian nation to maintain a governmental system consistent with its own laws and customs.

Native Hawaiians

Native

Village of Kotzeb

Native

Village of Akiachuk

Native Village of Solomon

Native Village of Moat

Native Village of Koyuk

Native Village of Venet

Native Village of Kluti Kaah

Native Village of Unalakleet

Native Village of Savoonga

season and bag limits on all federal lands and navigable waters. The federal subsistence priority enacted into law in 1980 provides for a rural subsistence priority for Alaska residents on federal public lands.

Water Rights Cases

Water is one of the most crucial Indian resources in the western states to which the trust obligations of the United States apply. Indians have a firm right to sufficient quantities of water and the United States is legally bound to protect that right by whatever action is appropriate. The Native American Rights Fund continues to take the lead in the battle to secure water rights for current and future tribal needs.

NARF filed *Pyramid Lake Paiute Tribe v. Morton* in 1970. A 1972 ruling found that the Secretary of Interior, in diverting water away from Pyramid Lake in Nevada, had not acted consistently with the federal trust responsibility to the Pyramid Lake Paiute Tribe. For years, the Pyramid Lake Paiute Indians were denied water for Pyramid Lake, the Tribe's only resource as a fishery and viable body of water. That ruling led to the filing of another case in 1973 by the United States seeking to claim sufficient water rights for the Tribe to maintain Pyramid Lake.

In *U.S. v. Adair*, NARF won favorable judgment for the Klamath Tribe of Oregon. In 1984, a federal appeals court upheld the Tribe's right to water from the Williamson River — water which maintains its treaty hunting and fishing rights on former reservation lands. The Court ruled that Tribes with fishing rights also have a right to sufficient water to protect the fisheries resource.

During 1987, NARF successfully helped the Muckleshoot Tribe of Washington reach an out-of-court settlement with Puget Sound Power and Light. In 1911, a hydroelectric plant was constructed on the White River which flows through the middle of the Muckleshoot Reservation. The plant diverted substantially all of the river's flow away from the reservation to the power plant. The water was returned to the River "below" the Reservation. In 1985, a federal district court upheld the Tribe's water rights to sustain a fishery. The power company agreed to construct and maintain a large fish hatchery on the White River and to provide additional water from its upstream dams - enough to facilitate migration of adult fish through the reservation. The agreement achieved a fourfold increase of White River water through the Reservation.

In 1985, the Southern Ute Tribe, represented by the Native American Rights Fund, joined the Ute Mountain Ute Tribe, the State of Colorado, and non-Indian water users in the region in settlement discussions. The focal point for the discussions was the Animas - La Plata Project, a congressionally authorized federal reclamation project which would provide

"NARF has played a role in establishing Indian law. When NARF began, tribes were struggling for the basic right to exist. That right has been recognized."

- Melody McCoy, NARF Attorney

NATIVE AMERICAN RIGHTS FUND

25 YEARS OF JUSTICE

agricultural, municipal, and industrial supplies to cities and farmers in southwest Colorado, as well as to the Southern Ute and Ute Mountain Ute Tribes. Under NARF's guidance in 1986, the groups drafted and signed an agreement which provided the Southern Ute Tribe with \$20 million for economic development and over 40,000 acre feet of water for industrial, agricultural, and other beneficial purposes. The settlement agreement was eventually approved by Congress in 1988.

President Bush signed the historical Northern Cheyenne-Montana Compact on September 30, 1992, resolving all issues concerning the nature, extent and administration of the Tribe's water rights in the state of Mon-

"Needless to say we're very pleased with NARF. No one here had legal expertise. There is no way we could have reached a settlement. Life has changed quite a bit. First, we're getting our housing and health care in order. We're building new roads and our cultural preservation program is busy. Two things really come to mind though and that is we are seeing a renewed interest in our culture by our young people. They are coming back to the reservation. And second we've established a new rapport with the surrounding community. Things are going really well."

Chief Gilbert Blue, Catawba Nation

tana. The compact, which is the result of several years of negotiations between the state and the Tribe, confirms tribal rights to water from the Tongue River, the Yellowtail Reservoir on the Horn River, and Rosebud Creek; provides that all tribal water uses will be administered by the Tribe and the Tribe has the right to market water off the reservation; and provides for the establishment of a tribal development fund of \$21.5 million to be used for land and natural resources development.

After years of water rights negotiations, the Yavapai Indians of Fort McDowell Indian Community in Arizona obtained resolution of their claims when the Secretary of the Interior signed an agreement in 1993 implementing legislation to resolve the long-standing dispute over the Tribe's water rights. Although the reservation straddles the Verde River, the Tribe's water use was severely restricted since the late 1800's. As a result, development lagged behind that of surrounding communities and prevented the Tribe from making the reservation into the homeland it was intended to be. Under the settlement, the Tribe will receive a maximum annual diversion right of 36,350 acre-feet of water from the Verde River; it may lease a portion of its water; and the federal government will provide the Community with a development fund of \$31 million and a Small Reclamation Project Act loan of \$13 million for irrigation development on the reservation. The agreement was in direct accordance with the Fort McDowell Indian Community Water Rights Settlement Act signed by President Bush in 1990.

Reserved rights doctrine - Asserts that tribes retain all rights to their land, water, and resources unless they have expressly granted them to, or had them taken by, the federal government.

Native Village
of Tyonek
Native Village
of Kawerak

Native
Village
of Shaktoolik

Native
Village
of St. Michael

Native Village of Kotlik

Native Village
of Teller

Navajo
Nation

Nez Perce
Tribe

Nisqually



"Black Robe comes to the Kiowas" Stan Natchez

THE PROMOTION OF HUMAN RIGHTS

NARF has utilized much of its resources to protect the First Amendment rights of Native American students, prisoners, and members of the Native American Church. It has also worked effectively with tribes in the repatriation of burial remains, preventing the desecration of Indian remains and burial items, and in the protection of sacred sites.

Religious Freedom

Most Americans take freedom of worship for granted, as a pillar upon which our nation was founded. Religious freedom has always been given a preferred place in American concepts of individual liberty. However, there has been a long history of government suppression of traditional religions practiced by American Indians that is unprecedented for any other religion in our nation. The suppression of traditional Indian religions began in 1492 and has continued to the present, ranging from the government's outright prohibition of Indian religious practices in the late 19th and 20th centuries to current government developments which threaten to destroy sacred sites.

In 1978, Congress enacted the American Indian Religious Freedom Act (AIRFA) in an effort to create a policy that reversed this deplorable treatment. Since then, two United States Supreme Court decisions attested to the ineffectiveness of AIRFA. In the 1988 *Lyng v. Northwest Indian Cemetery Protection Association* decision, the United States Supreme Court ruled that construction of a logging road through an area held sacred by the Karok, Tolowa and Yurok peoples of California, would not violate the First Amendment rights of these American Indians whose spiritual lives are inextricably linked to that area. Two years later in *Employ-*

ment Division, Department of Human Resources of Oregon v. Smith, the United States Supreme Court found that the possession and sacramental use of peyote by members of the Native American Church, an Indian religion of pre-Columbian antiquity, was likewise not necessarily protected by the First Amendment's free exercise clause. The United States Supreme Court also restricted the free exercise clause as it applies to prisoners, leaving prisoners' religious rights to the discretion of prison officials in *O'Lone v. Estate of Shabazz*.

To combat this injustice, NARF and other Native organizations formed the American Indian Religious Freedom Coalition, composed of over 100 Indian tribes, Native organizations, religious groups, environmental organizations and human rights groups, to develop and support federal legislation to overturn these Supreme Court cases and restore Native Americans to the protections of the First Amendment.

In representing the Native American Church of North America, NARF played a key role in the passage of legislation in 1994 that exempts the religious use of peyote by Indians in bona fide traditional ceremonies from controlled substance laws of the federal and state governments. It also prohibits discrimination against Indians for such religious use, including the denial of otherwise applicable benefits under public assistance programs. On October 6, 1994, President Clinton signed the bill into law, Public

Indian Removal Act of 1830 - In an effort to solve the increasing demands of white settlers for additional land, the federal government forced the involuntary removal of Indians from their traditional lands in the eastern half of the United States to unsettled, infertile lands west of the Mississippi River. Presidents Monroe, John Quincy Adams and Andrew Jackson supported this policy which continued until about 1887.

Community
Moosack Tribe
Northern Cheyenne Tribe
Northwestern Band of Shoshone
Oglala Sioux Tribe
Omaha Tribe
Oneida Indian Nation
Oneida Tribe
Ojibwa-Missouri Tribe
Ottawa-Chippewa Tribe
Ottawa of Michigan
Pawnee Tribe
Pawnee

Law 103-344. This bill closes the door to governmental prohibition of sacramental use of peyote and effectively reverses the Smith decision. NARF continues to press for protection of Native American sacred sites and the right of Native American inmates to practice their traditional religions.

The Confederated Salish and Kootenai Tribes of Montana, the Kootenai Tribe of Idaho, the Lower Kootenay Band of Canada and NARF worked together for nearly a decade to successfully stop construction of a dam and hydroelectric project on a sacred religious site at Kootenai Falls in northwest Montana. Kootenai Falls has served as a sacred vision questing site and center of the Kootenai religion since the beginning of time, and the Kootenai people felt a sacred obligation to maintain the spirituality of Kootenai Falls for future generations in order to preserve the integrity of tribal existence. In 1987, the Federal Energy Regulatory Commission denied a construction license to Northern Lights, Inc., a rural electric cooperative. NARF contended that the license application should be denied because it would not serve the public interest under the Federal Power Act and because construction would seriously impair the free exercise of Kootenai religion.

Repatriation

In *Charrier v. Bell*, NARF was successful on behalf of the Tunica-Biloxi Tribe in a case of illegal excavation of an ancient burial ground. A Louisiana court ruled in 1985 that the artifacts dug from the graves belonged to the Tribe. The Court found that the Tunica Biloxi Indians are descendants of the people who crafted the

artifacts and that the artifacts were never abandoned by the Tunicas.

In 1991, the Kansas legislature enacted a state bill banning unregulated public displays of human remains and protecting unmarked graves from unnecessary disturbances. The legislature also passed necessary legislation that allowed for the reburial of deceased ancestors of the Pawnee, Wichita and Arikara Tribes who were on public display for over 50 years at a tourist attraction. The Salina Burial Pit opened to the public in 1935, but in response to strong tribal opposition and public outcry, was closed in 1989.

NARF was a leading proponent of the Native American Graves Protection and Repatriation Act, which President Bush signed into law on November 23, 1990. The act 1) requires federal agencies and private museums that receive federal funding to inventory their collections of Native American human remains and funerary objects, notify the tribe of origin, and return the ancestral remains and funerary objects to the tribe upon request;

"In 1990 the Native American Grave Protection and Repatriation Act was passed. Repatriation is considered by some to be the most important human rights legislation ever passed for Indians." -

Walter Echo-Hawk, NARF Attorney

NATIVE AMERICAN RIGHTS FUND

25 YEARS OF JUSTICE

2) makes clear that Indian tribes have ownership of human remains and cultural items which are excavated or discovered on federal or tribal land and that they alone have the right to determine disposition of Indian human remains and cultural remains discovered in these areas; 3) prohibits the trafficking of Native American human remains and cultural items where the items are obtained in violation of the Act; and 4) requires federal agencies and private museums that receive federal funds to create a summary of sacred objects in their possession. If a tribe can prove a right of possession to these objects then they must be returned upon request of the tribe.

In 1991, a Nebraska state court ruled in favor of the Pawnee Tribe in a dispute with the Nebraska State Historical Society (NSHS) as to whether the NSHS was required to disclose records of skeletal remains and burial goods unearthed and held by the agency. The NSHS refused to comply with the state public records law contending that it was a non-profit organization and not a state agency, thus making its records not subject to disclosure. The court agreed with the Tribe's counter-claim that the NSHS is a state agency and that it had violated the law. One-thousand of these remains are identifiable to the Pawnee, Wichita and Arikara Tribes. Thus far, 400-500 of these remains have been returned to the Pawnee for reburial in accordance with tribal religious traditions.

NARF was successful in negotiating with the Smithsonian Institution for the return of 750 Alaska Native remains and associated burial offerings to the Larsen Bay Tribal Council that were taken years ago from the traditional village site located on Kodiak Island, Alaska. In 1991, the remains and

artifacts were reburied at the original site in a traditional ceremony.

Education

In the past and even today, most federal and state education programs and processes circumvent tribal governments and maintain non-Indian federal and state government control over the intent, goals, approaches, funding, staffing and curriculum for Indian education. For over two decades, the Native American Rights Fund has focused its educational efforts on increasing Indian self-determination and transferring control back to the tribes.

In the early 1970's, NARF participated in revising the Johnson-O'Malley funding regulations. These regulations are the guidelines by which certain Indian education funds are distributed to public schools. Previous misuse of the funds resulted in Indian children not receiving the full benefits to which they were entitled.

Some of NARF's other early education activities include preventing proposed shutdowns of Bureau of Indian Affairs (BIA) schools, obtaining injunctions requiring bilingual programs and construction of schools, and enforcing provisions of the Impact Aid laws to provide for participation by Indian parents.

In June 1982, Congress amended the 1965 Voting Rights Act prohibiting discriminatory electoral process. These amendments led

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The Winters Doctrine - When lands are reserved for tribal use, Indian tribes are entitled, under federal law, to sufficient water for present and future needs, with a priority date at least as early as the establishment of their reservations. These tribal water rights are superior to all state-recognized water rights created after the tribal priority dates, which in most cases gives tribes valuable senior water rights.

Pascua Yaqui Tribe

Passamaquoddy Tribe

Pawnee Tribe

Pembina (Chippewa)

Penobscot Tribe

Piscataway Conoy Indian Tribe

Pitt River Tribe

Poarch Creek Tribe

Ponca Tribe of Oklahoma

Port Gamble Band of Klallam

Pottawatom Nation of Canada

Pottawatom Nation of Oklahoma

Pueblo twenty-fifth anniversary 21 of Isleta

NARF to file its first voting rights case against a school board, *Buckanaga v. Sisseton Independent School District*. In 1986, NARF reached a settlement with the school district. The agreement modified at-large district voting procedures which had, in effect, prevented Indian representation on a local school board.

NARF successfully challenged a New York State election law in 1985 which prohibited reservation Indians from serving on school boards. The lawsuit, on behalf of a Seneca Nation resident, established that the state law was unconstitutional. A federal court ordered NARF's client's name on the ballot.

With the help of the Native American Rights Fund, the Rosebud Sioux Tribe of South Dakota adopted a precedent-setting Tribal Education Code in 1991 that enables them to assert direct control over education on their reservation. The Rosebud Sioux Education Code is precedent-setting because it is the first effort by a tribe to regulate the state public schools that serve tribal children on an Indian reservation. For the first time, schools on the reservation will meet the needs of the tribal members through efforts targeting curriculum and education standards; teacher certification and hiring; alcohol and substance abuse; and parental and community involvement. The situation of the Rosebud Sioux is similar to the national picture of Indian education in that over 80% of the tribal elementary and secondary students attend state public schools. NARF developed the legal theory to support the exercise of tribal jurisdiction under federal law in such situations based on the unique sovereign rights of Indian tribes. The Rosebud Sioux Education Code also regulates all schools serving tribal members from pre-school through post-secondary and adult education.

NARF implemented an Indian Education Legal Support Project in 1993 with its central theme of "tribalizing education." The goal is to give tribes more control over their most precious resource, their children, and help them to improve Indian education and tribal societies. Rather than focusing on traditional civil rights work such as racial discrimination claims, NARF's efforts are devoted to confirming the unique sovereign rights of Indian tribes based on principles of Indian law. To date these rights and principles have not been addressed adequately in the context of education.

Under the Project, NARF strives to strengthen tribal rights in education. This means helping tribes gain control of the formal education of their members, regardless of the government that primarily provides the education — federal, state, or tribal. As NARF continues to develop and successfully promote cutting-edge legal theories about tribal control of education, work continues in developing tribal education laws, such as education codes, policies, and plans, and developing tribal-state agreements and compacts as necessary to implement tribal laws; reforming federal and state education laws and policies; and litigation to enforce tribal rights in education.

"The principle that those powers which are lawfully vested in an Indian Tribe, are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished." - Felix Cohen, Handbook of Federal Indian Law

Voting Rights

In 1992, NARF successfully worked with a coalition of minority groups to get Congress to pass a reauthorization of Section 203 of the Federal Voting Rights Act. As a result, language was adopted making reservations the operative geographic jurisdiction by which to determine tribal populations, as opposed to counties. Also, language assistance will continue to be provided to speakers of Indian languages, many of whom cannot understand the English language ballot.

Anti-Crime Bill

NARF was instrumental in the inclusion of an amendment to the Omnibus Anti-Crime Bill of 1994 which prohibits the death penalty provision of the bill from being applied to Indian country. Under the amendment, tribes can decide for themselves whether the death penalty for first degree murder should apply on their reservations.

Indian Child Welfare Act (ICWA)

In *Fisher v. Montana* in 1976, the U.S. Supreme Court overturned a decision of the Montana Supreme Court. The Court held that the jurisdiction over adoption proceedings, in which all parties are tribal members and residents of the reservation, rests exclusively in the tribal court. NARF filed an amicus brief for the Northern Cheyenne Tribe.

The U.S. Supreme Court in 1989, in *Mississippi Band of Choctaw Indians v. Holyfield*, upheld the jurisdiction of the Mississippi Choctaw Tribal Court. The case involved

the adoption of twin Indian children born off the Choctaw Reservation, although their parents lived on the Reservation. The Court stressed the social and psychological damage to children removed from their cultural setting and the effect of separating families on the long-term survival of Tribes. NARF participated in an amicus brief in support of the Tribe.

Prison Reform

NARF assisted several Alaska state prison inmate groups in 1985 in the development and implementation of policy changes. As a result, inmates may now participate in religious ceremonies, eat traditional Native foods, and participate in cultural activities.

A federal appeals court ruled in *Teterud v. Burns* in 1975 that traditional Indian hair styles are a tenet of Indian religion — protected by the First Amendment. NARF filed the case on behalf of Indian inmates at the Iowa State Penitentiary. *Crowe v. Erickson* in 1977 resulted in revised prison policies regarding Indian religion, culture, discrimination, rehabilitation, medical treatment and access to courts for Indian inmates at the South Dakota Penitentiary. A comprehensive decree in *Indian Inmates of Nebraska Penitentiary v. Vitek* in 1976 ordered inmate access to a sweat lodge, medicine men and Indian studies classes.



Tribe - A group of individuals bound together by ancestry, kinship, language, culture and political authority. Of the 600 tribes in the United States (includes bands, rancherias, pueblos, Hawaiian Natives, and Alaska Native villages), 510 are federally "recognized." "Unrecognized" and "terminated" tribes are still governments but they have no political relationship with the federal government. They are not eligible for the services and benefits granted to federally recognized tribes.

Puyallup
Tribe

Pyramid
Lake
Paiute
Tribe

Quileute Tribe

Quinalt
Tribe

Red Lake
(Chippewa)

Rosebud
Sioux
Tribe

Sac & Fox
Nation
of Iowa

Saginaw
Chippewa
Tribe

San
Carlos
Apache
Tribe

San Juan
Southern
Paiute
Tribe

Santa Clara Pueblo

Santee
Tribe



"Save the Women and Children" Stan Natchez

THE ACCOUNTABILITY OF GOVERNMENTS

The Native American Rights Fund seeks to hold all levels of government accountable for the proper enforcement of the many laws and regulations which govern the lives of Native American people.

Over 17,000 Indian damage claims were in danger of being lost in 1982. In *Covelo Indian Community, et. al. v. Watt*, NARF charged that the federal government was not carrying out its responsibility to resolve these damage claims. As a result, the federal district court in Washington, D.C. ordered the federal government to either litigate the claims or submit legislative proposals to resolve them. Congress subsequently extended the statute of limitations and directed timely handling of all the claims.

In 1984, NARF's Indian Law Support Center, together with Oklahoma Indian Legal Services sued the United States Department of the Interior for its failure to fulfill its responsibilities to Indian allottees in the Anadarko area of Oklahoma that own interests in oil and gas wells. The lawsuit, *Kauley v. United States*, was filed on behalf of 7,000 allottees seeking to protect

their rights under the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA). FOGRMA expressly vests the Secretary of Interior with the responsibility of administering federal and Indian oil and gas resources leased to private developers. In 1991, the federal district court in Oklahoma approved a settlement agreement between the parties. The United States accepted its trust responsibility to properly manage the Indian oil and gas leases, agreed to improve its management procedures, and will pay interest on any oil and gas royalties that are paid late.

A federal appeals court in 1993 affirmed and upheld a federal district court decision that would allow the Cheyenne-Arapaho Tribe to renegotiate three of four disputed oil and gas leases at fair competitive rates, or to operate the wells as a tribal economic development project. The Bureau of Indian Affairs, in breach of its federal trust obligations to the Tribe, had improperly exercised its discretion and extended the terms of the leases at below market value rates without tribal consent.

"We have inherent rights from time immemorial to make our own laws and to be governed by them. The government has a special trust relationship with Indians which is different than any relationship the United States has with any other people in the world. The fight for people's rights is never over. While we move toward the 21st century we need to remember where we came from. We need to preserve cultural integrity." - Evelyn Stevenson, Chairman of the Board, NARF, tribal attorney/Salish Kootenai Tribe.

Sault Ste
Marie Chippewa

Schaghticoke Tribe

Seminole
Tribe

Seneca Nation

Seneca-Cayuga

Tribe
Shinnecock
Tribe

Siletz Trib

Sisseton-Wahpet
Sioux Trib

Skokomish Tribe

Southern
Tribe

Squaxin
Island
Tribe

St. Croix
Chippewa
Tribe

St. Regis Mohav

Tribe

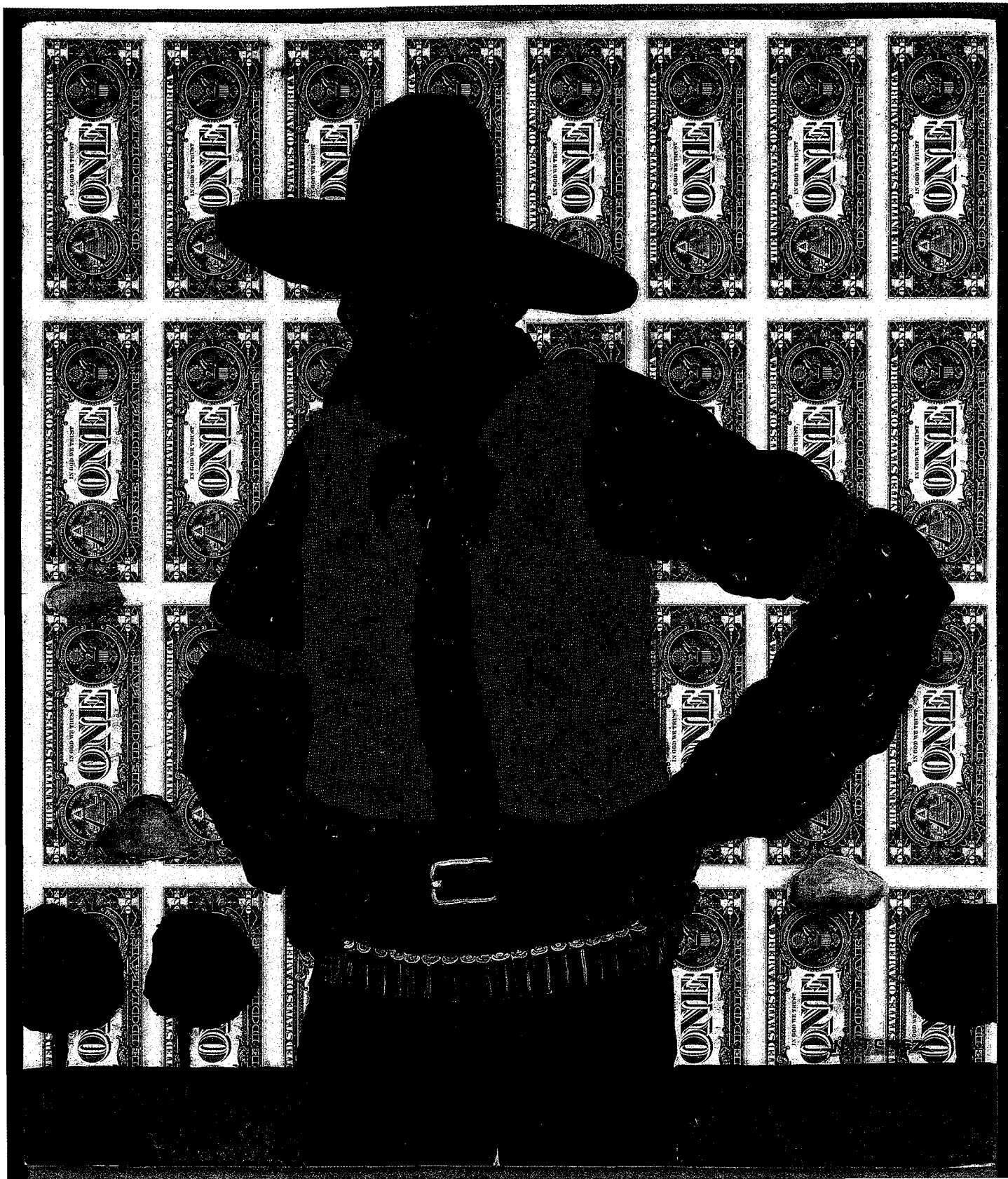
Standing Rock
Sioux Tribe

Stillaguamish

Stockbridge

Munsee
Tribe

twenty-fifth anniversary 25
Squamish Indian Trib



"Homage to T.C. Cannon on Dollar Bills" Stan Natchez

THE DEVELOPMENT OF INDIAN LAW

The systematic development of Indian law is essential for the continued protection of Indian rights. This primarily involves establishing favorable court precedents, distributing information and law materials, encouraging and fostering Indian legal education, and forming alliances with Indian law practitioners and other Indian organizations. The Native American Rights Fund recognizes the importance of the Development of Indian Law and continues to manage and participate in a variety of projects specifically aimed at achieving this goal.

Indian Law Support Center (ILSC)

The Indian Law Support Center is one of 16 national support centers funded by the Legal Services Corporation. It provides backup legal assistance to legal services programs serving Indians on reservations and in urban areas nationwide. The types of support offered by ILSC includes providing legal advice, furnishing legal materials, co-counseling in cases, conducting legal research, and watching legislative action. Since it was first established in 1972, the Indian Law Support Center has written and widely distributed six manuals on major areas of Indian law: A Manual on Tribal Regulatory Systems, A Self-Help Manual for Indian Economic Development, A Handbook of Federal Indian Education Law, A Manual for Protecting Indian Natural Resources, A Manual on the Indian Child Welfare Act and Laws Affecting Indian Juveniles, and A Manual on Prison Law and the Rights of Native American Prisoners. The Indian Law Support Center also publishes the ILSC Reporter, a monthly newsletter.

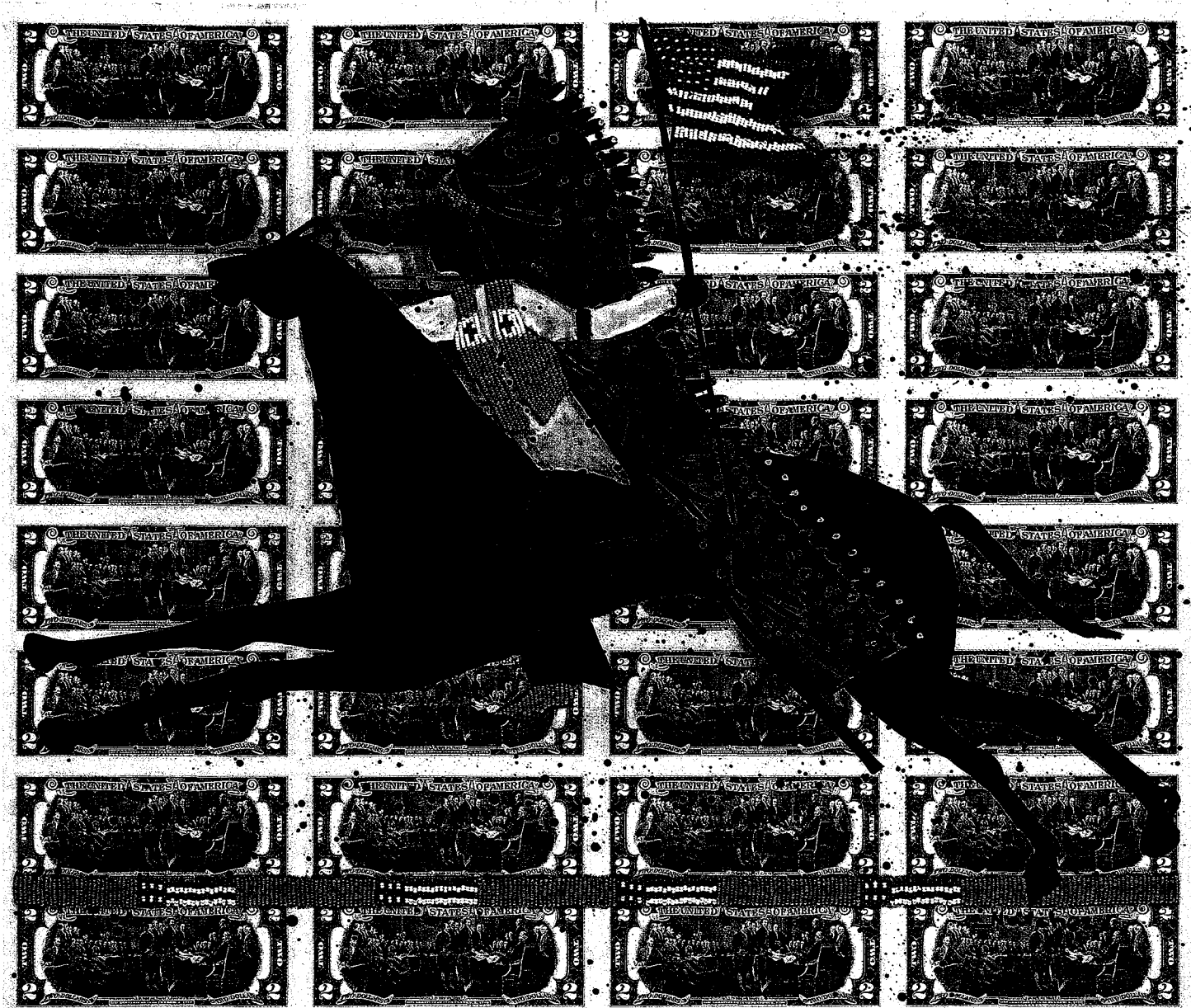
The ILSC has gained a reputation for its national Indian Law conferences that address everything from the Indian Child Welfare Act to the protection of Indian natural resources, housing, and to traditional forms of peacemaking and negotiations.

National Indian Law Library (NILL)

With start-up funding from the Carnegie Corporation, NARF established the National Indian Law Library in 1972. Today, the National Indian Law Library continues to uphold its role as the only library specializing in the collection, classification, and dissemination of legal materials essential to the practice of Indian law. Its holdings include, books, government documents, scholarly reports, journal articles, Indian newspapers, law reviews, etc. Within its collection there are over 16,000 legal pleadings and opinions in virtually every major Indian case since the 1950's. In 1988, NILL started a lending collection of tribal government documents (tribal constitutions, codes, ordinances, and resolutions.)

Outside of Indian law practitioners, the National Indian Law Library has developed a nationwide patron base that includes tribal court personnel, tribal governments, Indian organizations, libraries, students, scholars, prisoners, politicians, and members of the news media. Oftentimes, NILL users are geographically isolated, and do not have access to law libraries in their communities.

Summit Lake Paiute Tribe
Swinomish Tribal Community
Taos Pueblo
Tesuque Pueblo
Thames Band
Three Affiliated Tribes of Ft. Berthold Reservation
Tohono O'odham Nation
Tule River Tribe
Tunica-Biloxi Tribe
Turtle Mountain Chippewa Tribe
Tuscarora Nation
Umatilla Confederated Tribes
Upper Skagit Tribe



"Victory Ride" Stan Natchez

THE VISION

For the next twenty-five years the advocacy of the Native American Rights Fund will be more evident than ever. The need in Indian country for creative legal assistance to enable Indian tribes, as sovereign governments, to regain control over their resources and their destiny will continue. As tribes struggle to protect human health and environmental integrity for Indian people and on Indian lands; as tribes strive to exercise more control over their most precious resource, their children, through improvement of Indian education and tribal societies; as tribes continue their quest to provide infrastructures and more responsive governments; and, as tribes continue their unwavering fight to insure their rights to practice their religious beliefs and protect their cultures for generations to come; the Native American Rights Fund will be at their side.

With your continued support, you can join us in the struggle for justice for Native Americans. With your help, we can continue to respond to the needs of our people and insure that they will carry on the traditions and hope for the future generations.



Upper
Umpqua
Tribe

Ute
Mountain
Tribe

Walker River Paiute
Tribe

Warm Springs
Tribe

Washoe Tribes

Western
Pegot Tribe

Western
Shoshone
Tribe

White Earth
Chippewa

White
Mountain

Apache
Tribe

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