

Third Annual Report, 1974

Native American Rights Fund

The Native American Rights Fund is a national Indian law firm devoted to the protection of Indian rights and to the orderly development of the massive body of law affecting Native American people. NARF's major emphasis is upon the preservation of Indian tribal existence and resources and the fulfillment of the nation's long standing obligations to Indian people. NARF's headquarters are located in Boulder, Colorado; a small branch office is maintained in Washington, D.C.

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Resident, North Slope Borough, Barrow, Alaska

LaNada Boyer, *Shoshone-Bannock*

Resident, Fort Hall Indian Reservation, Blackfoot, Idaho

John Clifford, *Rosebud Sioux*

Educator, South Milwaukee, Wisconsin

Val Cordova, *Taos Pueblo*

Educator, University of New Mexico, Albuquerque, New Mexico

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Chief, Mattaponi Tribe, West Point, Virginia

Lucille Dawson, *Narragansett*¹

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Martha Grass, *Ponca*

Director, American Indian Referral Center, Marland, Oklahoma

Leo J. LaClair, *Muckleshoot*

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Rodney Lewis, *Pima-Maricopa*²

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Project Director, National Center for Native American Language Education, D-Q University, Davis, California

Janet McCloud, *Tulalip*

Member, Tulalip Indian Tribe, residing at Yelm, Washington

David Risling, Jr., *Hoopa*

Coordinator, Native American Studies, University of California, Davis, California

John Stevens, *Passamaquoddy*

State Commissioner of Indian Affairs, Augusta, Maine

Joseph Upicksoun, *Inupiat Eskimo*⁴

President, Arctic Slope Native Association, Barrow, Alaska

EXECUTIVE COMMITTEE

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John Stevens, *Vice-Chairman*

Leo LaClair

LaNada Boyer⁵

Val Cordova⁶

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John E. Echohawk, *Pawnee*

Executive Director

Thomas W. Fredericks, *Mandan*

Vice-Executive Director

Joan C. Lieberman

Secretary-Treasurer

¹Elected October, 1974

²Until October, 1974

³Elected October, 1974

⁴Elected October, 1974

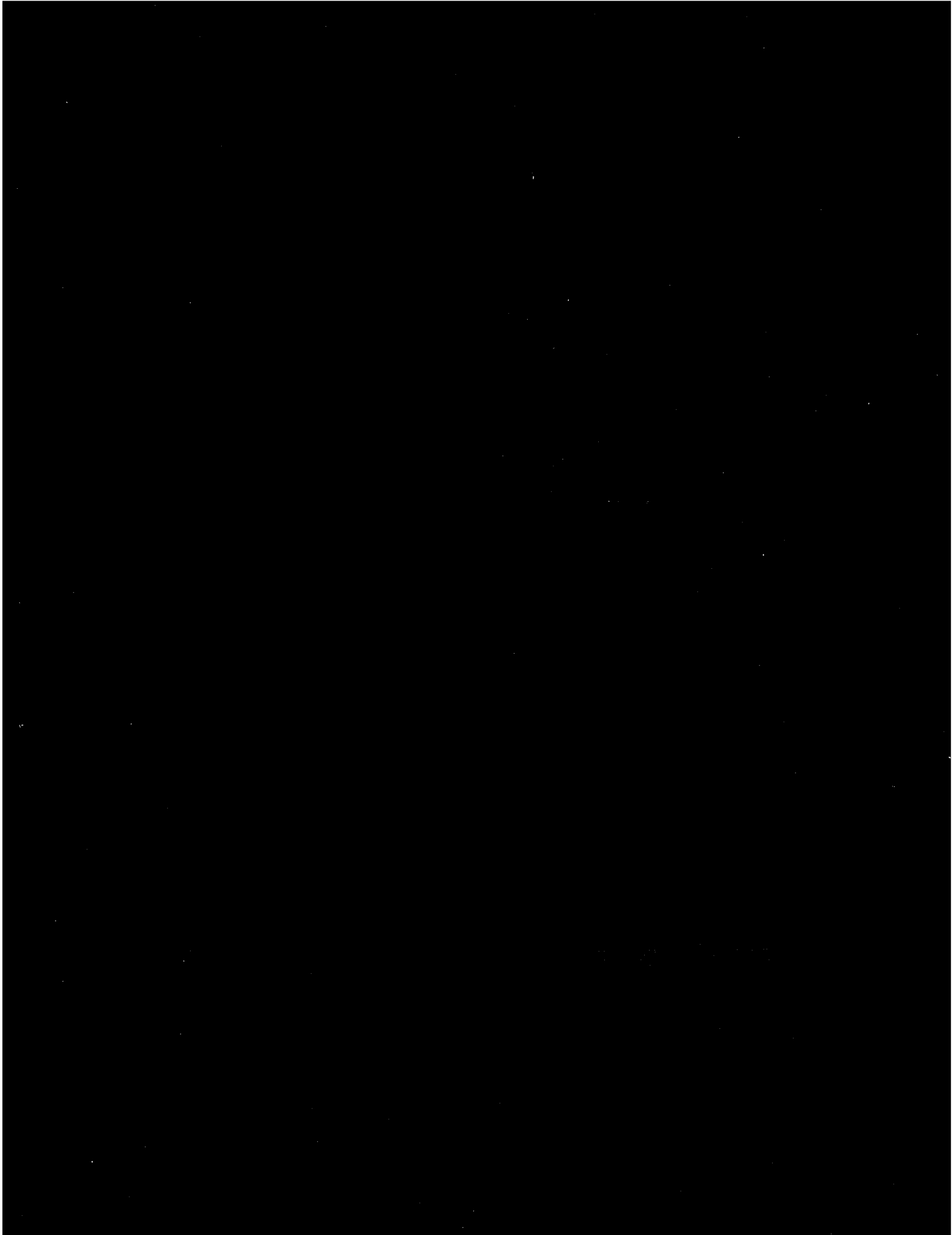
⁵Until October, 1974

⁶Non-Voting Members

⁷Until October, 1974

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DIRECTOR'S REPORT

The Indian world is extremely complex. America's nearly one million Native Americans come from over 200 culturally distinct tribes. Although they have been citizens for the last 50 years, they are also subject to a complicated body of federal Indian law. It is complicated because no two tribes have the same legal history and status, and some are not even recognized as such by the federal government. Those tribes and their members that have reservations are subject to various combinations of tribal, state and federal law. Despite the stifling control exerted over their lives by the federal government, Indians reluctantly cling to their special status because their cultural and economic survival, tenuous as it is, often depends on it.

During the past decade, Indian people have found that precisely because their lives are so heavily regulated by this maze of laws, many of their problems are uniquely subject to clarification and resolution in the courts. By and large, however, the judicial system of this country has been inaccessible to Native American people for any positive use. As the poorest of this nation's poor, they have found it difficult to bear the financial burden necessary to obtain justice in our system, even though their very existence as Indian people has often been at stake. Equally as difficult has been the task of finding lawyers who can bridge the gap between cultures by transforming the aspirations of proud, traditional Indian nations into a legal form which will elicit a meaningful response from the courts of the dominant society.

It was this complex set of legal and political realities which the Ford Foundation confronted in 1970 when it began to develop a national legal program for Indians. The approach chosen was to start with a program which had already dealt with these realities with some success. California Indian Legal Services (CILS), a program funded by the Office of Economic Opportunity, was selected to implement a pilot project with a \$155,000 18-month planning grant. The project took on a few major Indian law cases as tests of the need for a national program. Early positive results encouraged Ford and the pilot staff, so in July, 1971, the Native American Rights Fund (NARF) was incorporated and established independently with headquarters in Boulder, Colorado. In October of that year, the Ford Foundation made its largest grant to Indians -- a three-year, \$1.2 million commitment to NARF's legal work.

In three years NARF has grown from a three-lawyer project with a few major cases into a 17-man law firm. In that time it has become involved in most of the significant Indian litigation now before the courts. This growth and the success are attributable to several important factors. Beginning with a legal staff with a background in Indian law and a governing board intimately familiar with a variety of the most pressing issues kept start-up time to a minimum. The emphasis on the importance of an all-Indian governing board and the recruiting of Indian staff (seven of NARF's 17 attorneys and about 75 percent of the support staff are Indian) added to the sensitivity and responsiveness of the program and its acceptance by the national Indian community. Using the model of a specialized law firm with one central office and a small Washington office, as opposed to a system of retaining a network of private attorneys or establishing field offices, provided an ideal atmosphere for the development of legal theories and strategies so crucial in this complex field.

Most important, however, has been the fact that NARF in almost every case or matter has been able to merge its resources and technical know-how with other institutions and individuals -- from the federal government, to the largest private firms, to one-man legal services offices and local tribal attorneys. It has worked with the best technical experts, with national Indian organizations, with small community groups, and with the members of congressional committees involved in Indian affairs.

Along with NARF, each of these group and individual commitments to hard work have borne fruit. These hard won successes have been tremendously important to hundreds of thousands of Indians economically, culturally, and as footholds for further progress. For example, since its work began a few years ago achievements for which NARF and its co-workers may claim a measure of credit include:

- Saving Pyramid Lake from destruction as the basis of tribal and economic survival for the Paiutes of Nevada. (Pyramid Lake Paiute Tribe v. Morton).
- Securing century old treaty rights to fish commercially and for subsistence to thousands of Western Washington Indians. (United States v. Washington).

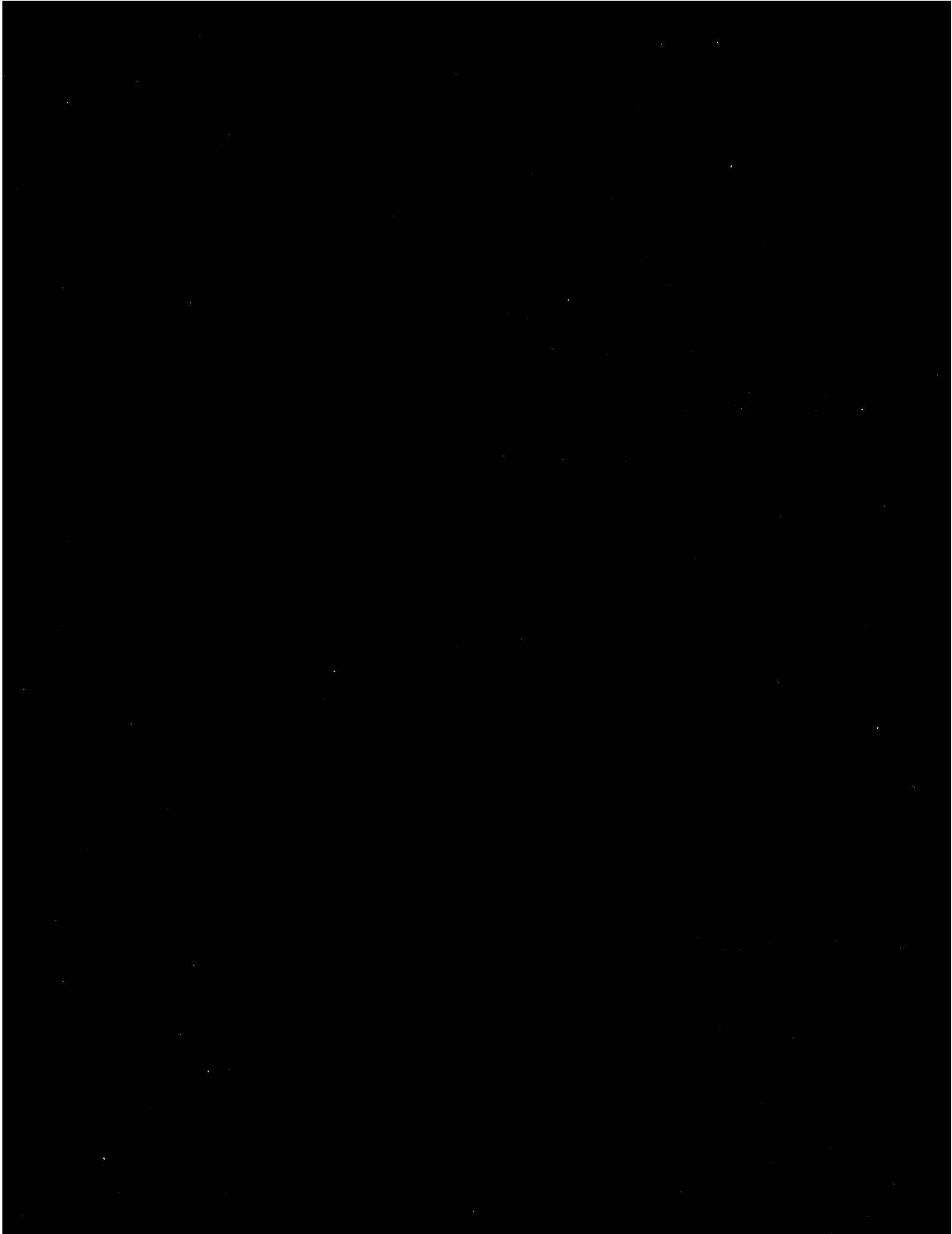
- Undertaking the first action to assert federal legal obligations which would apply to nearly 200,000 "unrecognized" Indians in the Eastern United States. (Passamaquoddy v. Morton).
- Establishing Eskimo control over the world's largest local government in their historic homeland -- the oil rich North Slope of Alaska. (Mobil Oil v. Local Boundary Commission).
- Paving the way for economic self-determination by removing the obstacles of state taxation of sales of tobacco products on the Walker River Reservation. (Walker River Tribe v. Sheehan).
- Reversing the tide of terminating American Indian tribes through the enactment of the Menominee Restoration Act.
- Obtaining the release of millions of dollars of Indian education and health funds illegally impounded by the Nixon Administration. (Minnesota Chippewa Tribe v. Carlucci; National Tribal Chairmen's Association v. Weinberger).
- Establishing the first precedent for Indians to sue to force federal officials to act consistent with their fiduciary obligations to Indians. (Pyramid Lake Paiute Tribe v. Morton).
- Tripling the land base of the Cocopah Reservation. (Cocopah Tribe v. Morton).
- Establishing fishing and hunting rights for terminated Klamath Indians. (Kimball v. Callahan).
- Establishing that a railroad that crossed a reservation since 1882 was in trespass. (Walker River Paiute Tribe v. Southern Pacific Transportation Co.).
- Insuring that, for the first time, Indian education funds are used for their intended purposes. (Natonabah v. Board of Education); and that Indian parents control the use of the funds (new Johnson-O'Malley regulations).

In these and hundreds of pending cases, NARF is making the white man's legal system work for -- not against -- Native Americans. Of course, innumerable matters, as yet unaddressed, cry out for attention and the first three years of NARF's work is just the long overdue beginning. In that time, cases and controversies of immense economic importance to Indians and their adversaries have risen to the surface, but in most cases the test and the work are yet to come. Therefore, in what is in large part a war of attrition, Indians have no hope without the requisite legal ammunition. Without the joint efforts of others working in the field and the kind of financial backing NARF has received during the past three years, Indian history would have continued to repeat itself.

So to each co-counsel, expert, foundation, corporation and individual American who has contributed to our work this year or in the past I extend the gratitude and appreciation of myself, the Steering Committee and staff, and our clients. We hope you will continue to work with us until this long struggle is over.

John E. Echohawk
Director

January, 1975



THE PROGRAM

Development

The First Triennium

"A very effective law firm rendering services that are almost indispensable to Indian survival and development in America."

The Native American Rights Fund has now provided legal representation to Indian clients throughout the United States for a triennium. In that period of time it has represented more than 700 tribal, organizational and individual clients in over 500 matters.

NARF's caseload reflects the tremendous diversity of the Indian world, because just as each one of NARF's clients or client groups is unique so are their legal needs. Just as each has a different language, life style and world view -- so do they have need for widely diverse kinds and degrees of legal services. Providing legal representation under such circumstances requires separate, individualized and culturally-sensitive representation. It puts NARF lawyers, who themselves come from seven different Indian tribes, as well as Jewish and Christian backgrounds, not "between two cultures", but in the midst of a multitude of cultures.

The situation facing NARF lawyers is made even more challenging by the massive body of laws, statutes, regulations, treaties, tribal codes, and customs which are the tools NARF must use in attempting to solve the problems created by two centuries of conquest, forced assimilation, and acculturation.

NARF was developed, and in this triennium largely supported, by the Ford Foundation of New York. The Ford Foundation's \$1.2 million three-year grant made to NARF in October, 1971, represented "...the Foundation's largest single grant to assist American Indians". This year during the final 12 months of the grant the Ford Foundation conducted an extensive evaluation of NARF in order to assess the impact of its largest commitment to Native American people. The evaluation was conducted by Ford Foundation personnel and two specially retained outside consultants. It consisted

of on-site visits to NARF's offices in Boulder, Colorado, and Washington, D.C.; consultation with NARF's clients in states from Alaska to Maine; and meetings with NARF's co-counsel, opposing counsel, and judges who have either tried NARF cases or who were familiar with NARF's legal work. It also included conversations with national Indian leaders, BIA officials and congressional and other governmental personnel working in Indian affairs. The contents of the evaluation are, of course, confidential; however, the Ford Foundation has provided NARF with a copy of the conclusions of their report, and these have been incorporated as discussion points for this Third Annual Report.

NARF has conducted self-evaluations and has recognized its successes and failures in the courts and at the negotiating table on behalf of particular clients, but it has not had the resources or monies necessary to make a national survey designed to measure the overall response to and the impact of NARF's efforts -- particularly not one of the scope that the Ford Foundation has made this past year. Therefore, the Ford report is an important measurement tool which NARF hopes to use to improve its services as it moves into its fourth year. As the Ford study points out, NARF is not without its critics, but in its closing statement, Ford evaluators indicate that by any fair measure NARF has completed a highly successful first triennium.

When all these issues have been raised and some critical points highlighted, as an evaluation should, it is important to place these in the highly positive perspective in which these evaluators see NARF after an extensive and we hope thorough review. This is a very effective law firm rendering services that are almost indispensable to Indian survival and development in America. As the institution matures and the young lawyers gain more experience, even better results should be forthcoming.

From coast to coast, and in Alaska and Hawaii, as well, NARF has been and continues to be involved in cases, disputes, and controversies whose importance to Indian and non-Indian is difficult to exaggerate. During 1974, these were some of the major issues confronting NARF and its clients.

-- In Montana, Wyoming, North and South Dakota

and Nebraska, the issue was billions of tons of coal, water, power and the environment in the midst of a world energy crisis.

- In Northern Nevada, the question was the survival of Pyramid Lake which could mean \$30 million a year or more in income to the Pyramid Lake Paiute Tribe from recreational revenues and a commercial fishery.
- In Utah, it was the Central Utah Project. Would the water from the Uintah and Ouray Reservation be utilized by the Ute Tribe or would it be invested in the growth of Salt Lake City? In either case, will sufficient water be available to develop the Ute Tribe's invaluable mineral resources?
- In the State of Washington, the issue was the fisheries in virtually all of that state's lakes, streams, and rivers--the Indians subsistence and commercial needs were getting in the way of the prior non-Indian monopoly.
- In Alaska, it was North Slope oil--sharing the revenues between the Native Eskimos, the oil companies and the state and federal governments.
- In Arizona, the issue was familiar -- water. Indian water rights were suddenly getting in the way of the half-century old dream of the Phoenix-Tucson megalopolis.
- In Maine and New York -- and potentially all along the Eastern Seaboard, the issue was land -- thousands, perhaps even millions of acres, which were taken illegally by the states and individual people almost two hundred years ago.

All over the country, NARF and its clients challenged and are continuing to challenge the accepted assumptions, laws, attitudes, and policies that have heretofore relegated Indians to second class status and put their resources up for grabs. So far, the results have been remarkable, but the element of surprise is gone, and NARF senses that the war has just begun.

THE PROGRAM

Community Response

"NARF has come in only for praise from the Indian clients it has served."

Laws play such a disproportionately large role in regulating the lives of American Indians in comparison to non-Indian American citizens, that the potential impact of NARF's work on its Indian clients is much greater than what Black, Chicano or other legal rights and public interest programs may have on their clients. Further, the diverse needs and interests of Indian clients necessitate that NARF adhere closely to the model of a private law firm, carefully avoiding conflicts of interest among its client constituency. Unfortunately NARF is almost the only resource available to those Indian clients unable to pay for legal advocacy, and so the pressures to provide services are enormous and the demands are steadily increasing as NARF's reputation grows.

In addition to the very real ethical considerations NARF faces in accepting cases, the staff must follow the specific policy guidelines set by the Steering Committee, as well as dealing with the practical realities of whether or not a particular client's problem can be solved through legal remedies. After all of these considerations have been taken, NARF is still confronted with the problems caused by the uncertainties of foundation and public support which further delineate the areas, as well as the time span, in which NARF may provide services.

In short, this tangle of considerations makes the management of NARF's caseload and client relationships almost as intricate as the legal problems themselves. These same considerations create a surfeit of public relations problems which would severely test the dexterity of the best professionals in the field.

It is not surprising then that the Ford Foundation evaluation of the legal and client communities' response to NARF shows some unevenness. NARF knows that it has made mistakes - most of them in the field of "manners" - few in

the field of legal strategies. In some instances, the mistakes have been due to the fact that others have misread youth and commitment as brashness, and informality as disrespect. In still other instances, the problem is the problem. That is, the issues in the Indian legal world are so inordinately complex and frustrating that there is virtually no way to avoid human conflict and misunderstanding.

Because NARF's practice encompasses some 40 states, its central office structure means that it must associate with tribal or local counsel in almost all of its case work. Despite the inherent problems in such arrangements, NARF has usually developed good working relationships with other attorneys and has earned the respect, if not the final approval, of co-counsel, the federal government, and the "old" Indian bar -- those private firms and practitioners who have long handled Indian claims cases and those who are retained by the more affluent tribes as general counsel.

Whatever mistakes NARF's advocates have made in the past or may make in the future, none will have stemmed from a lack of commitment on the part of NARF staff members to the survival and growth of Native American people. Further, NARF's first priority must be to its clients, and as the Ford report points out even NARF's critics recognize this fact.

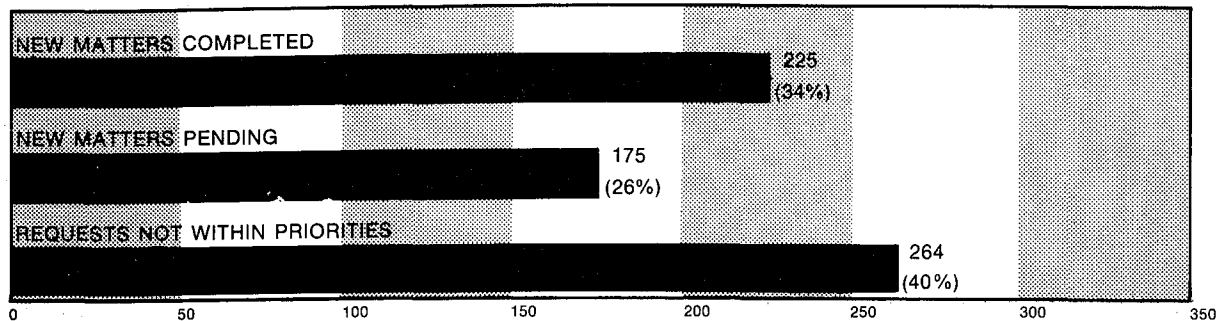
That clients are satisfied is not lost on the professional peers of NARF and even on the Bureau of Indian Affairs. [A BIA official states] that he regards NARF as "the best thing that has come down the pike for Indians in a long time".

During 1974 NARF has been forced, as it was during its first two years, to turn away Indian clients needing legal assistance. As the graph on the following page illustrates, 40% of the requests for assistance NARF received during 1974 were not within NARF's priorities and therefore referrals or suggestions for other legal resources had to be made. Although NARF received a higher number of such requests in 1974, the percentage comparison with total requests in 1974 shows a 4% drop in requests not within NARF's priorities. This percentage decrease in clients seeking assistance which NARF cannot provide is reflective, hopefully, of an increased community awareness of NARF's specific program goals.

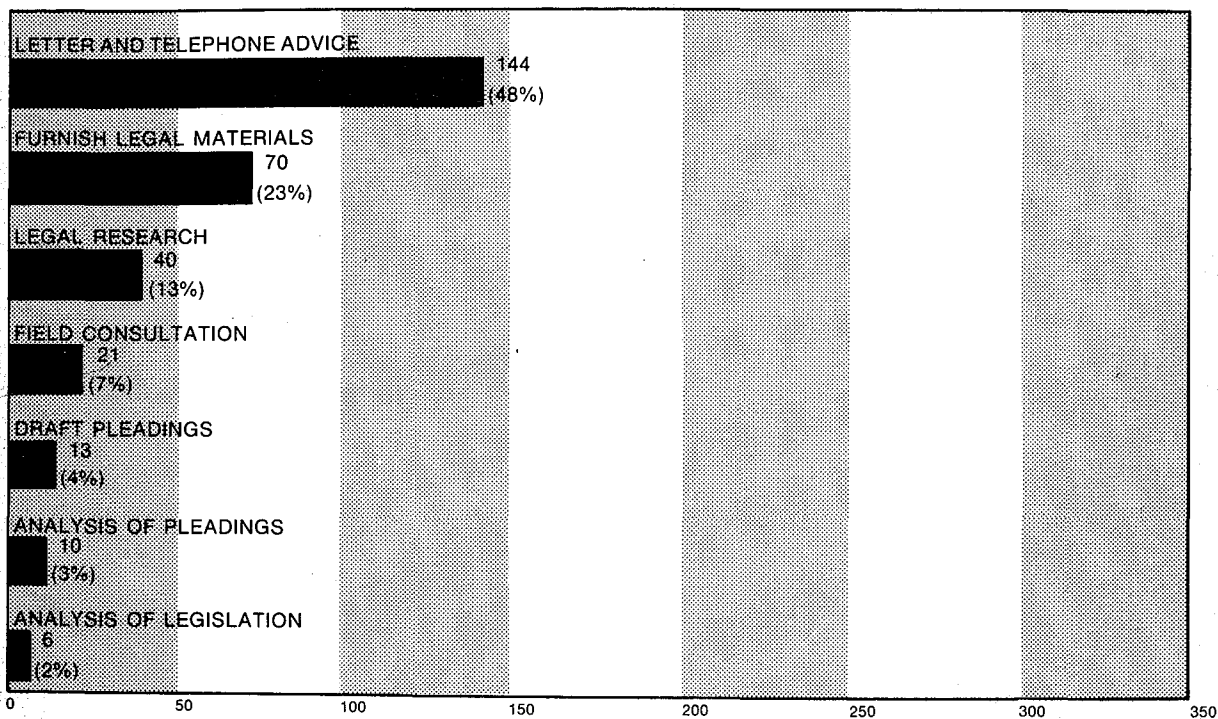
Native American Rights Fund

Requests for Assistance and Information, 1974

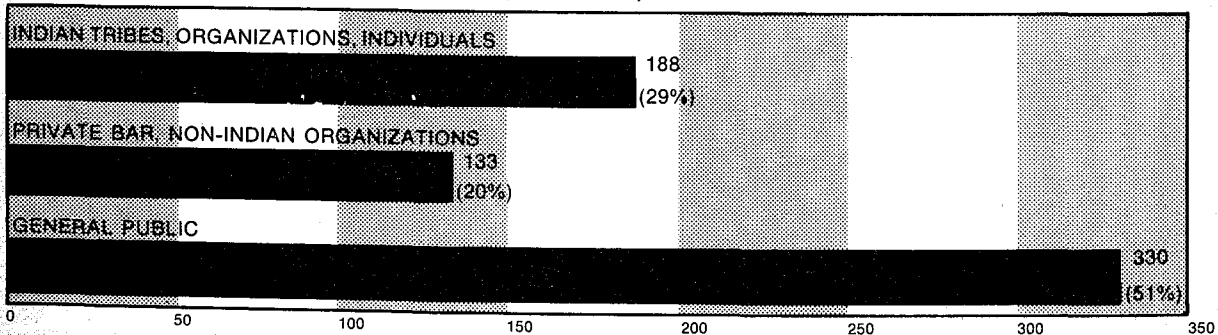
Native American Rights Fund requests for Assistance (664 total)



Indian Law Backup Center Requests for Assistance (304 total)



General Requests for Information (651 total)



NARF's overall intake, i.e., client requests which it did accept, increased by 90 matters or some 23%. However, in 1973, 39% of new intake problems were completed compared to only 34% in 1974. Of the 400 new matters for which NARF assumed responsibility in 1974, 175 were still pending at the end of the year. This represents a 9% increase over 1973, and is indicative of the growth and financing problems NARF will face as its caseload continues to burgeon.

The Ford Foundation evaluators also saw the problems faced by programs like NARF which are caused by inadequate funding. Throughout this triennium, NARF has acted as the Office of Economic Opportunity's Indian Law Backup Center. In this capacity, NARF, through a special contract with the federal government and the University of Colorado, has attempted to provide technical assistance and support to government funded legal services programs which have Indian clients.

The dollar amount of the OEO contract is less than \$65,000 per year and has not increased since 1971 although requests for Backup Center assistance have been steadily increasing. In 1973 there were 182, in 1974 there were 304 - a 41% increase. Despite this increase and NARF's attempts to meet as many backup needs as possible by supplementing the OEO contract with unrestricted funds, many unmet needs remained during 1974 for technical assistance to legal services practitioners. These needs did not go unnoticed by the Ford evaluators:

It is regrettable that up to this point NARF has not done more on legal services back-up (sic) of the kind envisioned in the OEO grant, since there appears to be great potential for rendering service as the legal aid lawyer's lawyer. The far-flung legal aid offices are often poorly equipped to deal with difficult legal problems and would probably welcome assistance from an organization of the standing of NARF, if it were only more accessible.

Unfortunately, under the current federal provisions for the new Legal Services Corporation there will be no more monies for backup centers after September, 1975. Therefore, there appears to be little likelihood that NARF will be able to increase its services in this area without special private funding of the Indian Law Backup Center at an increased operational level.

As the lower graph on the preceding page shows, NARF received almost three inquiries every working day during 1974 from persons seeking general information about NARF or some aspect of Indian affairs. The number of such requests coming from the general public jumped from 63 in 1973 to 330 in 1974. There were smaller increases in the inquiries from Indian tribes, organizations, and individuals, (163 to 188), as well as from the private bar and other non-Indian organizations (93 to 133). Not included in these figures are the more than 4,500 individuals who made contributions to NARF's work in 1974, most of with whom NARF had personal correspondence or contact.

THE PROGRAM

Areas of Involvement

"In practice, NARF has in most instances exhibited considerable pragmatism in selecting cases based upon the tangible benefits that will be realized for Indian clients."

There are three sovereigns in American federalism. People are almost always conscious of two of them - the federal government and the state governments. They have resisted recognition of the third - the Indian nations. Therefore, in selecting cases NARF attempts to choose those that have the greatest potential for reminding America that its federalism includes the third Indian sovereignty.

Tribal government in American federalism is the key to the cultural survival of Native American people. Indians know that without tribal governments, they will truly be but another deprived racial minority in the American system of democracy, where the interests of the majority generally prevail.

Although Indian tribes have limited powers of self-government strictly delineated by federal law, the tribal exercise of power over internal affairs is far more preferable than the exercise of those powers by state governments. Indians who have left the reservation speak from experience, having learned firsthand how alien the "other" system is. Through tribal governments, Indian people can govern many of their own affairs in ways chosen by them and have an opportunity to maintain the small land bases they have left. In short, they can preserve what remains of the Indian way of life.

In ascertaining the priorities for legal assistance among Indian people, it is not surprising to find that high among those priorities are the protection and preservation of tribal governments and tribal land bases. This emphasis contrasts sharply with the thrust of legal programs for other minorities which work heavily in the civil rights field of law, struggling for equal treatment within the dominant society. Such matters are important to Indians as well, but are necessarily subordinate to their desire to maintain the ability to remain distinctly "Indian."

NARF, in deploying its limited resources, has been directed by its 13-member all Indian Steering Committee to concentrate heavily on issues involving the special status of Indian tribes and the protection of their land base. It is likely to continue to do so in the future because it is these issues which are significant to Indian people and on which their continued existence as a people is staked. NARF is needed by Indian people because participation in this arena of the law calls into play a complex body of Indian law which is unknown to most lawyers, and as a specialized firm for Indian advocacy, NARF is a unique resource for Indians in their struggle to survive as a people.

In the past three years, NARF has been instrumental in the development of several major legal principles which the Steering Committee believes have produced, and the Ford evaluators agree, significant, tangible results for Native Americans. The development of these principles has also brought about a very real awareness on the part of the federal and state governments of the existence and needs of the third sovereign. The next several years will undoubtedly be a critical testing time for all three because most of the needs of the third, Indian sovereignty, are in direct conflict with the interests of the other two - the federal and state governments.

NARF's Steering Committee has been forced to draw boundaries around the areas of NARF's involvement in the Indian legal world. It did so because NARF's resources are too limited to permit its staff to represent clients in every area of conflict. The Committee's boundaries are defined by the following priorities and are intended to guide NARF attorneys as they attempt to measure the importance of each client's legal problems to the Indian community as a whole.

Priorities of

Native American Rights Fund

1. Tribal Existence, including religion, Indian ways, treaty obligations, tax and jurisdiction problems.
2. Tribal Resources, including trust responsibility and protection from abusive economic development programs.
3. Human Rights, including education, health and prison reform.

4. Accountability of tribal, state, federal and local governments.

5. Indian Law Development, including strengthening important legal precedents, development of local legal resources and dispersal of Indian legal information.

The graph on the following page illustrates how NARF's legal resources were spent when measured against the Committee's priority areas during 1974. Comparative figures for 1973 are also included for these same priority areas. This year, as in the past, nearly equal amounts of time were spent on tribal existence, tribal resources and human rights. As has also been the tradition, and is appropriate in terms of the Steering Committee's ranking of its priorities, significantly fewer resources were spent in the areas of accountability and Indian law development. However, the graph does not include NARF resources spent for the operation of the National Indian Law Library, which is considered critical to NARF's efforts to assist with the orderly development of Indian law which is such an obscure and highly specialized field.

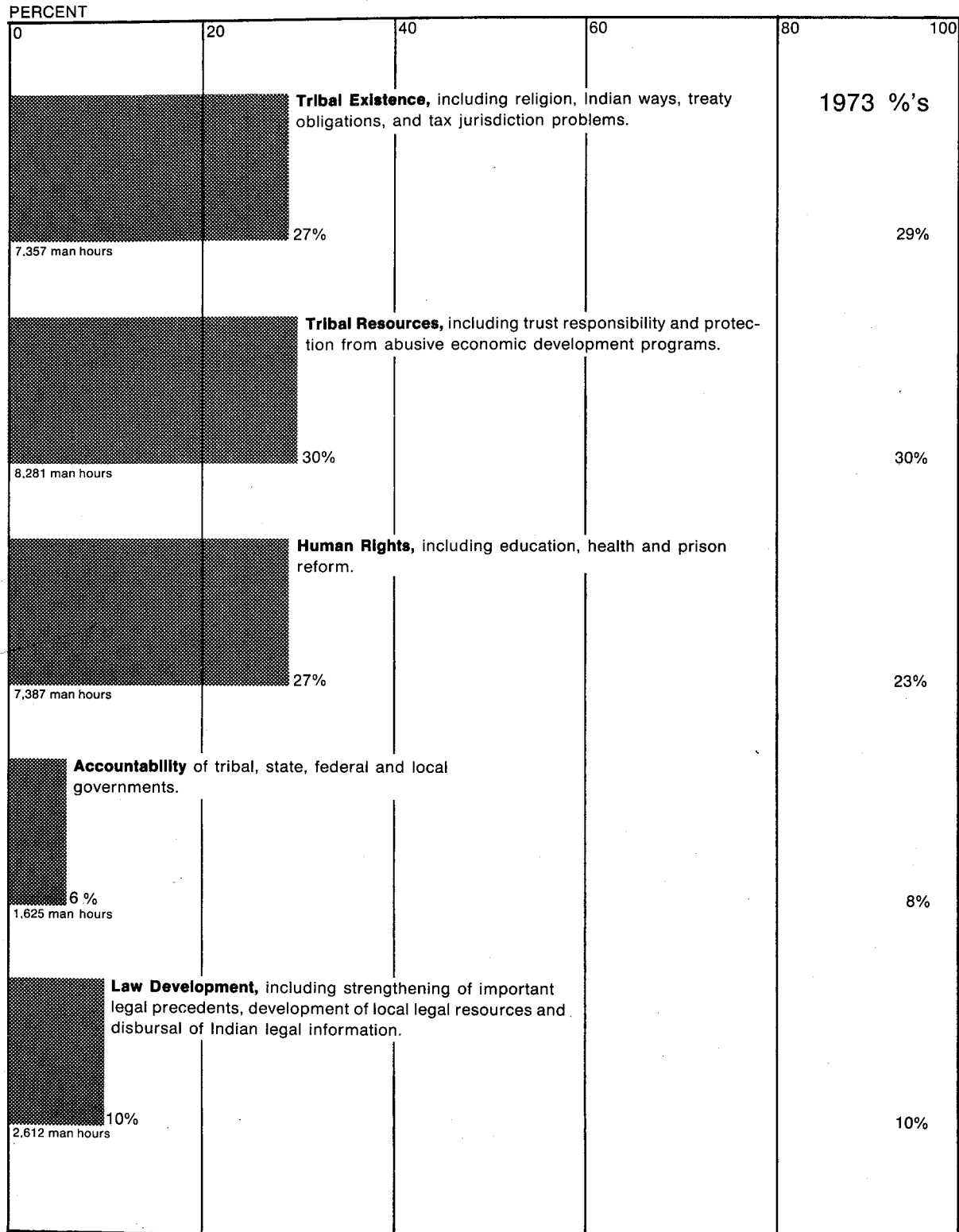
In order to disseminate as much information as possible about Indian legal issues, NARF initiated the National Indian Law Library (NILL) in May, 1972. NILL is designed to gather, index, and distribute case materials and articles dealing with Indian law issues. In the past two years NILL has assembled over 6,000 special documents and has catalogued them into 1500 research files, and its holdings are increasing each day. In 1974 nearly 3,000 users requests were processed. An analysis of these requests is shown on the page after next. The total number of NILL inquiries in 1973 was 2,544. The 1974 total amounted to a 17% increase in the use of the NILL collection.

NARF is now involved in litigation before courts in 40 different states. It is also working for clients on matters which are still under investigation or where the clients' needs dictate only technical legal assistance, or legislative and administrative advocacy. Whatever forum NARF is in, its work can be described or categorized under one or more of the Steering Committee's priorities.

NARF's internal operation is that of a specialized law firm with 15 attorneys working out of the offices in Boulder, Colorado, and a small one-attorney office in Washington, D. C. Another attorney, living in Calais, Maine, is presently working on a full-time Of Counsel basis. The central office model is preferable to a system of regional

Native American Rights Fund

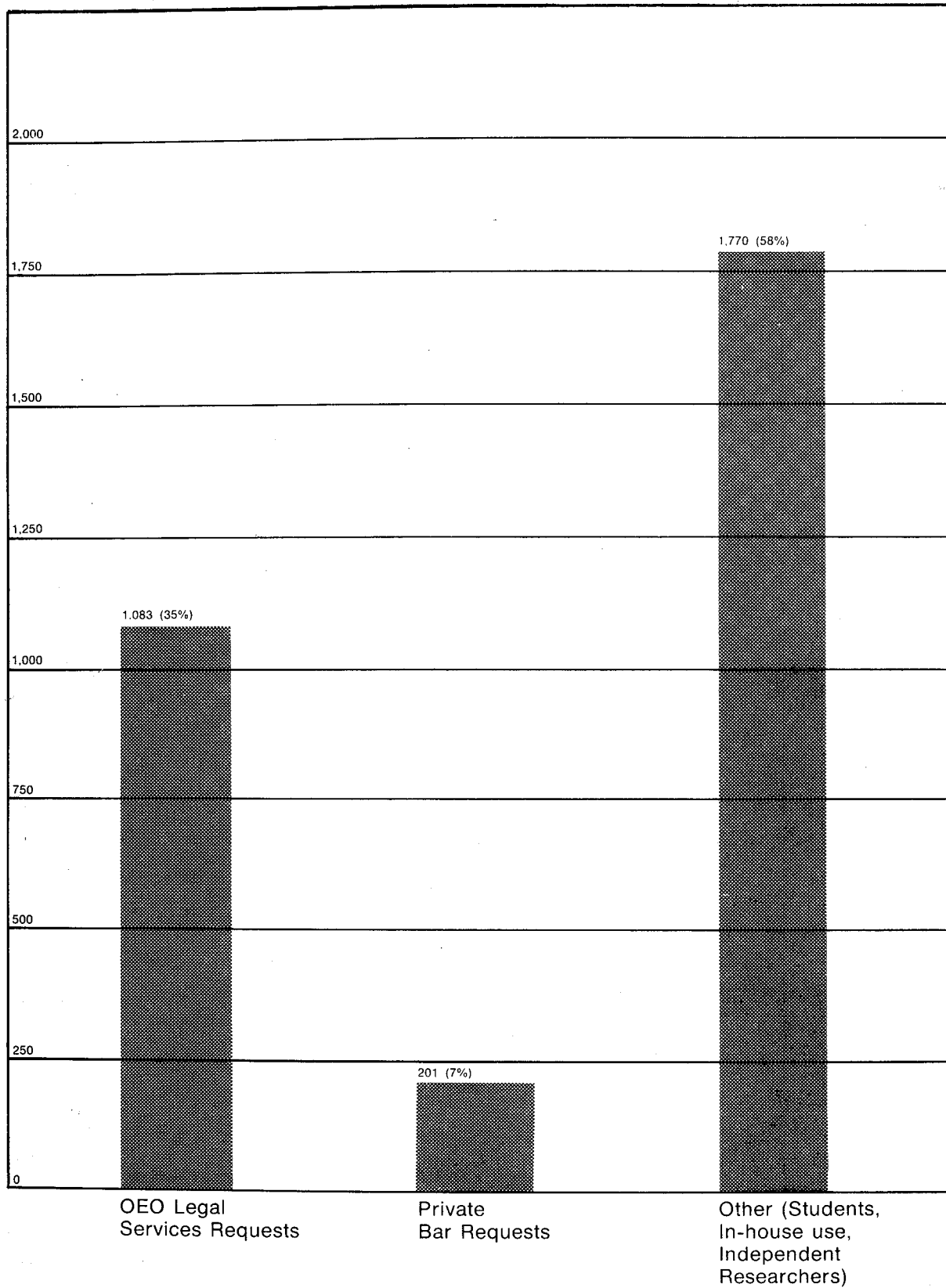
Allocation of Attorney Man-hours by Priority, 1974



Total Attorney man hours 27,262

Native American Rights Fund
National Indian Law Library

Requests for Assistance and Materials, 1974



Total number of requests: 3,054

offices or a network of private attorneys because of the opportunities it presents for training new Indian lawyers, for closer coordination of strategies, and for the utilization of peculiar staff specialities as needs arise. The Washington office, in addition to handling cases arising in the East, works closely with attorneys in the Boulder office on the many matters which require contacts with federal agencies, congressional committees and the courts in the District of Columbia, as well as conducting searches for documents in the federal archives. The attorney in Maine is retained in an Of Counsel capacity because of his special expertise in the law affecting the more than 250,000 Indians living east of the Mississippi.

Requests for NARF's legal assistance arrive daily by mail and telephone. As previously indicated they number many more than NARF can handle. They are screened by the Director or individual staff attorneys according to the Steering Committee priorities. Questions about appropriateness of undertaking particular matters are resolved by the Director, who must approve all commitments before they are made. Special efforts are made to refer those matters which cannot be undertaken by NARF to other attorneys or legal services programs. Many requests for assistance require an investigation before a decision can be made and these are conducted mainly by correspondence and telephone to save as much time and expense as possible. When a decision has been made to undertake a case, however, special emphasis is placed on travel for client consultation. On an average each NARF attorney now spends seven days out of each month on the road.

Although the caseloads of NARF attorneys are relatively small in number compared to private practitioners, they are composed of some of the most complex litigation in the courts today. Each requires extensive investigation, travel, research and preparation. For training and experience, the less experienced attorneys team with the more experienced attorneys whenever feasible. Litigation strategies and pleadings are reviewed by the Director or senior staff attorneys in all cases.

The decision of whether or not to undertake cases that raise particularly sensitive issues and may be questionable in terms of strengthening Indian sovereignty, such as a case against a tribal government, are first considered by the full attorney staff and then by the Steering Committee.

NARF has tried to be aware of its limitations, as well as its strengths. It has struggled hard to stay away from Indian politics, from community organizing, and from taking independent stands on issues on its own as opposed to representing the interests of a client. It has remained a law firm.

Sometimes the failure of NARF's initial legal efforts have made it apparent that lawyers and the courts cannot provide the best answers to the problems of NARF clients. In several of these instances, NARF, recognizing its limits, but concerned that an appropriate solution be found, has assisted in the creation of new organizations better suited to deal with the issues at hand. Some examples are the Organization of Forgotten Americans (Klamath), the Coalition of Eastern Native Americans, the American Indian Higher Education Consortium, the Coalition of Hawaiian Native Claims Corporation, the Coalition of Native American Prisoners, the Native American Natural Resource Development Federation, and the Coalition of Indian Controlled School Boards.

The Ford Foundation and individual contributors have provided a unique kind of support for NARF because their monies have been given without restriction and NARF has been able to use them in virtually all of its priority areas, as well as to cover temporary gaps in funding for special projects when they have occurred without interrupting services to clients or hampering critical legal strategies.

Unlike Ford, most foundations are reluctant to make general support grants, and because NARF does not yet have an adequate base of public support the Steering Committee has had to seek six additional major grants for specific aspects of NARF work. These special grant projects are essential funding tools used to assist NARF in representing clients in those problem areas which fall within the Steering Committee's priorities and which also may have the effect of strengthening Indian sovereignty.

For example, during 1974, the Lilly Endowment of Indianapolis funded NARF's Eastern Indian Legal Support Project (EILSP), so that NARF could work on behalf of Eastern Indian clients on problems involving land claims, (tribal existence and resources), federal recognition (tribal existence), as well as federal and state services (human rights).

Beginning in July, 1974, the Department of Health, Education and Welfare's Office of Native American Programs provided support for the operation of the Indian Education Legal Support Project (IELSP). This project is designed to help monitor the implementation of federal Indian education programs (accountability) and to assist those

Indian parents who wish to assume the responsibility for the control of their schools and to halt racial discrimination against Indian children attending public school (human rights).

The Field Foundation has been assisting NARF since 1971 with NARF's attempts to assist Indian tribes in the Southwest in the preservation of their environment which has been threatened by the development of a massive power complex in the Four Corners area of Colorado, New Mexico, Utah and Arizona. These efforts have been pulled together under the Southwest Indian Education Project (SWIEP) and involve issues of tribal existence, tribal resources, human rights and accountability. The most recent Field Foundation grant for SWIEP ended December 31, 1974.

As previously mentioned NARF has continued to operate the OEO Indian Law Backup Center during 1974. This effort is classified as being primarily in the area of Indian law development; however, individual cases assumed in connection with the Backup Center during 1974 involved treaty rights and taxation (tribal existence), and water rights (tribal resources).

The Irwin-Sweeney-Miller Foundation gave NARF the ability to substantially increase its efforts in the priority area of human rights and accountability during 1974 by funding an Indian Corrections Project (ICP). This project was developed to work on matters involving the equal treatment and rehabilitation of Indian inmates and to attempt to provide them with the freedom of worship and special cultural programs.

In October, 1974, the Donner Foundation agreed to support for one year NARF's work program involving resource management problems of the 26 Great Plains Tribes. The project, called the Northern Great Plains Natural Resource Project (NGPNRP), is designed to assist the 26 member tribes of the Native American Natural Resource Development Federation (NANRDF) with technical legal assistance for the management of their considerable coal and water resources (tribal resources).

Whatever the project, NARF's impact has been felt in virtually all of the areas of the Indian legal world which the Steering Committee has included in NARF's work program. Throughout 1975 and well beyond, NARF will continue to represent Indian people in areas as diverse as the culture itself, and will attempt to do so in a manner consistent with the highest standards of accountability.

THE PROGRAM

Measurable Results

As the Ford Foundation evaluation shows, NARF has proved itself as an effective advocate for Indian people in their struggle for survival and self-determination. By choosing the slow, sometimes tedious process of the courtroom rather than the more dramatic expedient of the barricades, NARF has been testing the American system of justice. In effect, we are all on trial because NARF's current litigation efforts involve many of this country's most pressing social and economic dilemmas. NARF's victories never come easily. The following are a few of the battles NARF was successful in during 1974, as well as some specific examples of the inherent difficulties of protecting these hard won perimeters of Indian sovereignty.

Treaty Rights

Treaties between the United States and the Indian tribes typically involved cessions of huge land areas on the part of the Indians in exchange for a federally protected land base, federal benefits and a confirmation of certain rights in the Indians. Although most treaty provisions are now encompassed in or altered by federal law, some provisions have retained their original vitality and are highly cherished by American Indian people.

This year NARF has played a critical role in making certain that the federal and state governments recognize just how important these rights are to Native Americans. The process of reaffirmation has been tedious and painful. More often than not the dominant society has found itself in the uncomfortable role of having to share with another culture the resources it took from them generations ago.

The most significant treaty rights case in recent history is U.S. v. Washington, 384 F.Supp 312 (W.D. Wash. 1974). The issue was not simply the existence of a treaty right, but how that right was to be interpreted. Washington State authorities, for years, have held a very restrictive view of Indian treaty rights to fish off the reservations at their usual and accustomed places. Following a series of indecisive court rulings and violent confrontations, the United States finally filed suit in 1970 and NARF

intervened on behalf of several treaty tribes. NARF successfully advocated on behalf of its tribal clients a stronger position than that of the United States, and in a sweeping decision, the court recently ruled that the Indians were entitled to 50% of the harvestable fish and that the regulation of off-reservation treaty fishing was a matter of tribal, not state, jurisdiction.

Ahead in 1975 and beyond is the implementation of the U.S. v. Washington decision, a determination of the state's liability for depletion of the fish runs by reason of environmental damage to fish habitat, and a decision by the Ninth Circuit Court of Appeals on the State of Washington's appeal of the case.

In 1974, the very existence of an Indian treaty right was at stake. In Kimball v. Callahan, 493 F.2d 564 (9th Cir. 1974), NARF confirmed the existence of treaty hunting and fishing rights, free of state control, for the Klamath Indians of Oregon. Although the Klamath Tribe had its federal Indian status terminated by Congress almost 20 years ago, NARF successfully asserted that these treaty rights survived since they were not expressly extinguished by Congress. The State of Oregon sought Supreme Court review of the decision, but the Court declined to review and the victory stands.

Although Congress, by exercising its plenary power over Indian affairs, can affect the degree of sovereignty which Indian tribal governments can exercise, the states cannot. The encroachment on tribal jurisdiction by the states, however, has been repeatedly attempted as the law has developed in this area. In a recent landmark case, the Supreme Court turned back the State of Arizona's bid to extend their taxing authority to include the incomes of reservation Indians. McClanahan v. State Tax Commission of Arizona, 411 U.S. 164 (1973). This year, NARF won an associated victory which benefits all Indians who live on reservations other than their own in the State of Montana. The Montana District Court ruled that all federally recognized Indians have the right to be free of state taxation as long as they are living on a federal reservation regardless of whether or not they have membership in the tribe of that reservation. Boxer v. Montana, ____ P.2d ____ (D.Mont. Civ.No. 8093, decided March 22, 1974).

Conflicts with the states have been especially evident on reservations within which non-Indians were able to

settle when tribal lands were allotted to tribal members and the remaining lands thrown open to settlement. Tribes have asserted jurisdiction over their members within the boundaries of the original reservation regardless of ownership pattern, and have been upheld thus far. During 1974, NARF represented the Puyallup Tribe in United States v. Washington, No. 73-1793 (9th Cir., decided April 30, 1974), which reconfirmed the boundaries and jurisdiction of that tribe. The Supreme Court declined to review the Circuit Court's decision (43 U.S.L.W. 3306, November 19, 1974).

Other major issues of treaty rights involving tribal sovereignty included the jurisdiction of state courts to adjudicate the water rights of Indian tribes. In U.S. v. Akin, No. 73-1807, the Tenth Circuit Court of Appeals ruled in favor of NARF's clients, two Colorado Ute Indian tribes whose federal water rights case was threatened by the State of Colorado's attempt to force them into state court. At stake was the measure of the vast reserved water rights owned by the tribes which was so coveted by the water-short western states. Also resolved were questions concerning the jurisdiction of the tribes over non-Indians on the reservation. In Oliphant v. Schile, No. 511-73C2 (W.D. Wash., decided Jan. 25, 1974), NARF represented several tribes as amicus curiae. The court ruled that Indian tribes do have jurisdiction over non-Indians committing offenses against the tribe on tribal land.

Another NARF case involved the right of Alaska Natives in the North Slope to organize a borough, a local unit of state government, consisting of 56.5 million acres. Seven major oil companies doing business on the North Slope contested the taxing authority of the Native-controlled government by filing suit against the Local Boundary Commission, which had approved the formation of the borough, seeking to invalidate the creation of the unit. NARF intervened on behalf of the Natives and successfully defended against the suit all the way to the Alaska Supreme Court. Mobil Oil Company v. Local Boundary Commission, 528 P.2d 92 (Alaska, decided January 14, 1974). The victory means that the borough will be able to utilize the tax base provided by the activities of the oil companies on the North Slope to build roads, new schools and other badly needed facilities for the native population.

In addition the Supreme Court awarded attorneys fees and costs to the Natives in excess of \$20,000.

Tribal Resources

American Indians still own some 55 million acres of land. The preservation of this land base is essential to their economic existence and their survival as a distinct culture. The remaining Indian resource base, however, is still too often a target for exploitation and cupidity on the part of governmental, state and private interests.

During 1974, coal development has presented serious problems for the 26 tribes in the Northern Great Plains whose reservations lie within the States of Montana, Wyoming, North Dakota, South Dakota, and Nebraska. The world energy crisis has centered the demands of the dominant society on the vast coal resources located on the lands of these tribes. The low sulphur coal deposits have drawn international attention and have stimulated a considerable amount of modern day cupidity.

NARF has been providing a wide variety of assistance to the Three Affiliated Tribes of the Fort Berthold Reservation and the Crow Tribe of Montana on these issues. The work for the Crow Tribe alone during 1974 has involved more than 700 attorney man-hours in successfully protecting the Tribe's right to enter into coal leases in a lawsuit brought by environmentalists and private owners of the surface estate, Redding v. Morton, (CV-74-12-BLG, D.C. Mont., March 29, 1974); in representing the Tribe's interests in the new federal strip mining bill; in petitioning the Secretary of the Interior to cancel existing leases on about half a billion tons of Crow coal because of a violation of the government's regulations resulting in windfall profits for the coal companies and finally in successfully renegotiating these leases.

Thus, Crow coal has involved NARF attorneys in the fullest possible range of legal activities -- negotiating contracts, litigation, administrative proceedings and legislative advocacy in Congress. The result for the Crow Tribe and other Great Plains tribes is that NARF has restructured the basic economic and production terms of the first Northern Plains coal lease which involves one billion tons of sub-bituminous coal. It has more than doubled royalties and has obtained many additional benefits for the Crow Tribe and set important negotiating precedents for its tribal neighbors.

Because the resource problems are so immense and interwoven between the 26 Great Plains tribes, the five states, the federal government, and private developers, NARF has been in-

strumental throughout 1974 in putting together the Native American Natural Resource Development Federation (NANRDF), which is made up of the 26 tribes of the Northern Great Plains. The Federation's purpose is to assist member tribes in the planning and development of Indian coal and water resources. Without this kind of coordinated effort, the individual tribes may be overrun politically and economically in their struggle to obtain a fair share of the profits from the coal mining while still trying to preserve their environments and sacred land bases. NARF has also obtained monies to assist NANRDF in obtaining still more monies -- the hundreds of thousands of dollars that will be necessary to buy the expertise of coal and mining experts, hydrologists, agro-economists, and soil scientists so that they can make decisions based on an accurate assessment of their resources and the real impact of their use.

Issues involving the protection of the resources of the third sovereign strike at all levels of the dominant society. Sometimes NARF finds itself representing a client against the so-called "public interest", at other times against corporate bodies, and at still others, against the federal or state governments and the interests of the individual non-Indian citizens.

In Cocopah Tribe of Indians v. Morton, Civ. No. 70-573-PHX-WEC (D. Ariz., decided Sept. 24, 1973), NARF was successful in securing the tiny Cocopah Tribe's right to nearly 1,000 acres of accreted land along the Colorado River in Arizona which has been declared part of the public domain and was under the control of the Bureau of Land Management. In this instance, the land meant little to the public, but nearly tripled the size of the Cocopah Reservation. This year, NARF was successful in adding 400 additional acres to the Cocopah Reservation in exchange for a federal right-of-way across a portion of their land for a waste canal from a nearby desalinization plant. The Tribe felt it should be awarded land greatly in excess of the right-of-way and with NARF's assistance Congress was persuaded to award the land to the Tribe.

A right-of-way used by the Southern Pacific Railroad Company since 1882 across the Walker River Paiute Reservation in Nevada was invalidated by a NARF suit this year because it was never ratified. Walker River Paiute Tribe v. Southern Pacific Railroad Co., Civ. No. R-2707 (D. Nev., decided May 28, 1974). On the basis of this decision, NARF is appealing the portion of the decision which denied monetary compensation for the trespass.

Human Rights

As citizens of the United States and the states they reside in, Indians are entitled to the same rights, privileges, and immunities as are other citizens.

In the area of human rights for Indian prisoners, NARF has been involved in a series of lawsuits designed to provide Indian religious and cultural programs and meaningful rehabilitation for Indian inmates. During 1974, NARF attorneys obtained the right, through administrative advocacy, for all Indian inmates incarcerated in federal institutions across the United States to wear their hair in the traditional style of their ancestors in accordance with their spiritual beliefs. NARF obtained this same right through litigation for Indians who are prisoners in the Iowa State Penitentiary (Teterud v. Gillman, Civ. No. 73-85-2 (D. Iowa, decided November 20, 1974)). Earlier in 1974, a similar victory was achieved for Indian prisoners incarcerated in state institutions in Nebraska. In addition, the right for Indians in Nebraska State prisons to have access to religious leaders and Indian cultural programs was also won (Indian Inmates v. Wolff, Civ. No. 72-L-156 (D. Nebraska, settled October 31, 1974)).

Self-determination is a hollow phrase if tribes lack the trained people to make decisions and implement new programs in an increasingly sophisticated world. Given the sad state of affairs in Indian education, the prospects for meaningful self-determination are not good. In the past three years, however, NARF has played an increasingly major role in stopping the destructive educational processes which Indian people have been subjected to.

In public schools, which are attended by most Indian children, one of the most chronic problems has been the flagrant misuse of millions of federal dollars intended to benefit Indian children through special, supplemental programs by public school districts with substantial Indian enrollments.

As co-counsel, NARF participated in an action against the New Mexico public school district with the largest Indian enrollment and was successful in establishing, for the first time, gross abuses of special Johnson-O'Malley Act Indian education funds. Natonabah v. Board of Education, 355 F.Supp. 716 (D. N.M. 1973). Widespread misuse of monies, provided by Title I of the Elementary and Secondary Education Act of 1965, for supplemental programs for disadvantaged students and massive discrimination in the allocation of facilities and equipment, were also established. Using the Natonabah precedent, a

similar result at one-fourth the expense was reached in 1974 through settlement in Denetclarence v. Board of Education, Civ. No. 8872 (D. N.M., settled February 15, 1974), an action against another New Mexico district. Most significantly, the Denetclarence settlement also included the first court-ordered bilingual-bicultural program for Indian students.

Having achieved a major victory on the Johnson-O'Malley issue in the courts, NARF and some 40 other Indian education groups then banded together in the spring of 1974 to begin to change the national Johnson-O'Malley regulations issued by the Bureau of Indian Affairs in an attempt to extend the Natonabah decision to all public school districts receiving such funds. NARF drafted the regulations and the Bureau of Indian Affairs, under the threat of legal action, reluctantly agreed to adopt the new regulations. Included in them were provisions clarifying the right of Indian groups to administer the funds themselves and an expression of the power of parent advisory committees.

In a similar effort, NARF also provided extensive organizational assistance and legal advice to the American Indian Higher Education Consortium (AIHEC) during 1974. AIHEC is an association of ten new Indian controlled colleges, which is designed to provide technical assistance to the member schools in the development of their curricula, administrative policies, and financial support. The success of AIHEC and its member colleges will be critical to the success of Indian higher education in the next decade.

Accountability

Arising out of Indian treaties and federal laws enacted for the benefit and protection of Indian people are certain obligations incumbent on the United States. The Bureau of Indian Affairs, within the Department of the Interior, is the agency principally charged with the administration of these obligations. In dealings with Indians, the courts have generally recognized that the United States government is charged with a moral responsibility despite the fact that this has often been thwarted by conflicts of interests on the part of the trustee United States which places anti-Indian interests above those of the beneficiary Indians. These conflicts often raise serious issues of accountability which are present in almost all of NARF's work. Two particular instances of enforcing federal accountability were part of NARF's 1974 efforts.

In the spring of 1974, the Supreme Court issued an order asserting that only federal courts have jurisdiction over Indian land. The Court issued a sweeping opinion which reasserted the federal government's obligation to protect all types of Indian property including aboriginal lands. This case, Oneida Indian Nation v. County of Oneida, 414 U.S. 661 (1974), is of particularly great significance to Eastern Indian tribes whose lands were taken by states and private individuals without federal permission.

NARF's work as an amicus curiae participant in a case called Morton v. Ruiz, 415 U.S. 199 (1974), paid off in 1974 when the Supreme Court reaffirmed the Bureau of Indian Affairs' obligation to provide welfare assistance to Papago Indians residing off the Papago Reservation. The case, decided on February 20, 1974, significantly strengthened BIA accountability to all Indians in this regard.

Indian Law Development

NARF's work in the area of Indian law development and the strengthening of those laws which are most critical to the protection of the third sovereignty included a wide range of activities in 1974.

NARF's major activity under this priority area was the continued operation of the National Indian Law Library (NILL) which handled over 3,000 requests for information. NILL's collection of Indian legal materials grew by more than 2,500 documents during 1974. Volume 2 of the NILL Catalogue was published in June of this year and the printing and distribution of the first 29 volumes of the Decisions of the Indian Claims Commission was also completed. During 1973, NILL published a comprehensive and unique Index to the Decisions of the Indian Claims Commission covering these volumes. Then in August, 1974, NILL completed the preparation and publication of a pocket-supplement which updates the Index to include the Indian law issues touched upon by the ICC in their decisions set out in Volumes 30-34.

NARF's role as the Indian Law Backup Center, for those legal services programs with Indian clients, included a major training function during the summer of 1974. NARF, in conjunction with the Legal Services Training Corporation, sponsored a week-long workshop session in Denver for some 80 attorneys working for legal services units whose case-loads involved Indian law issues.

Beyond the many client oriented legislative efforts in 1974, NARF attorneys were also asked to provide input on several pieces of Indian related legislation, as well as to assist with and participate in over 50 conferences and workshops where Indian law issues were discussed. Assistance was given to three tribes in the preparation of new or modification of old tribal codes in an effort to strengthen Indian self-government.

Of course virtually all of NARF's litigation activities have been efforts to strengthen the massive body of law surrounding Indian lives today.

Implementing and Protecting Victories

The initial results of NARF's litigation or advocacy efforts are already requiring an enormous amount of follow-up. An example of NARF's need to implement victories can be seen by looking at NARF's workload in relation to the Menominee Tribe of Wisconsin.

In 1972, dismayed by their worsening condition, but encouraged by recent changes in federal Indian policy, the Menominees petitioned Congress to be restored as an Indian tribe. With magnificent leadership and fierce determination, they were successful in their efforts with the passage of the Menominee Restoration Act in December, 1973. NARF played an important role in this process as drafters of the historic legislation which restored the Tribe. In 1974, NARF attorneys spent twice as many hours as they did in 1973 in drafting the legislation assisting Menominees by providing assistance on the complicated legal questions of turning a corporation back into a self-governing Indian tribe. A considerable amount of work will also be required in 1975 before NARF's assistance with the restoration of the Menominees will be complete.

In many instances, one legal victory leads to two, three, sometimes four new confrontations in the courts. Such has been the circumstance with NARF's representation of the Pyramid Lake Paiute Tribe of Nevada. The Paiutes, one of NARF's first clients, had struggled for years to secure sufficient waters to maintain Pyramid Lake, their tribally owned lake which is the basis of their sustenance, against federally authorized diversion of water. Upstream on the river which feeds the lake is a Bureau of Reclamation project which takes the water for non-Indian farmers many miles away. Although the Tribe has superior water rights, they were not decreed and the Tribe did not have the resources to undertake a court adjudication of their rights, and for many years, the United States flatly refused to sue on their behalf because of the flagrant conflict of interest.

In 1971, NARF filed a suit for the Paiutes, (Pyramid Lake Paiute Tribe v. Morton, 354 F. Supp. 352 (D. D.C. 1973)), against the Secretary of the Interior to enjoin him from diverting excessive amounts of water for the Reclamation project, and after three years of costly litigation the Court held that the Secretary's conduct was "arbitrary, capricious, an abuse of discretion" and violated his trust responsibility to the Indians. The Secretary was ordered to publish, implement, and enforce new regulations which would provide Pyramid Lake with more than 100,000 acre-feet additional inflow, enough to stabilize the lake at approximately its current level.

A year later, after the Secretary had given notice to the water users on the Reclamation project that the Department of the Interior would take over operation of the project at the end of the 1974 water year to insure that the water actually got to Pyramid Lake, the water users sued the Secretary in the Federal District Court in Reno to enjoin him from taking over the project and from enforcing his new regulations. NARF had to intervene in this suit on behalf of the Pyramid Lake Paiute Tribe to protect its hard won victory.

Then a second suit was filed by the City of Fallon and the Nevada Wildlife Federation claiming that the Secretary's new regulations could not be implemented until he complied with the National Environmental Policy Act of 1969. NARF again intervened on behalf of the Tribe in this suit to protect the Tribe's first victory.

In another related action after the Tribe's initial victory, NARF attorneys moved for an award of attorneys' fees and other litigation expenses. Despite the fact that no other case had held the federal government liable for such costs, the District Court awarded the Tribe \$100,000. 369 F.Supp. 669 (D. D.C. 1973). Unfortunately, the government appealed this portion of the suit and in June, 1974, the Court of Appeals reversed the District Court's decision. NARF attorneys have filed a Petition for Certiorari to the Supreme Court on this vital issue. If it is successful, the Pyramid Lake litigation will have established not only that courts will enforce the trust relationship between Indian tribes and the United States*, but also that the government will have to reimburse tribes for the enormous expenses entailed in such litigation.

* Prior to Pyramid Lake, the only remedy for breach of the trust relationship had been the award of money damages.

Finally, as a result of the Tribe's success in the initial phases of its litigation and while its suit against the Secretary was still pending, the government was moved to honor its fiduciary duty and filed suit on behalf of the Paiutes to establish their water rights. Although the Supreme Court did not accept jurisdiction of the original action filed by the United States, U.S. v. Nevada and California, 412 U.S. 534 (1973), a similar action on behalf of the Indians was then filed by the government in Nevada against the State and 13,000 water users, U.S. v. Truckee-Carson Irrigation District, Civ. No. R-2987 (D. Nev., filed December, 1973).

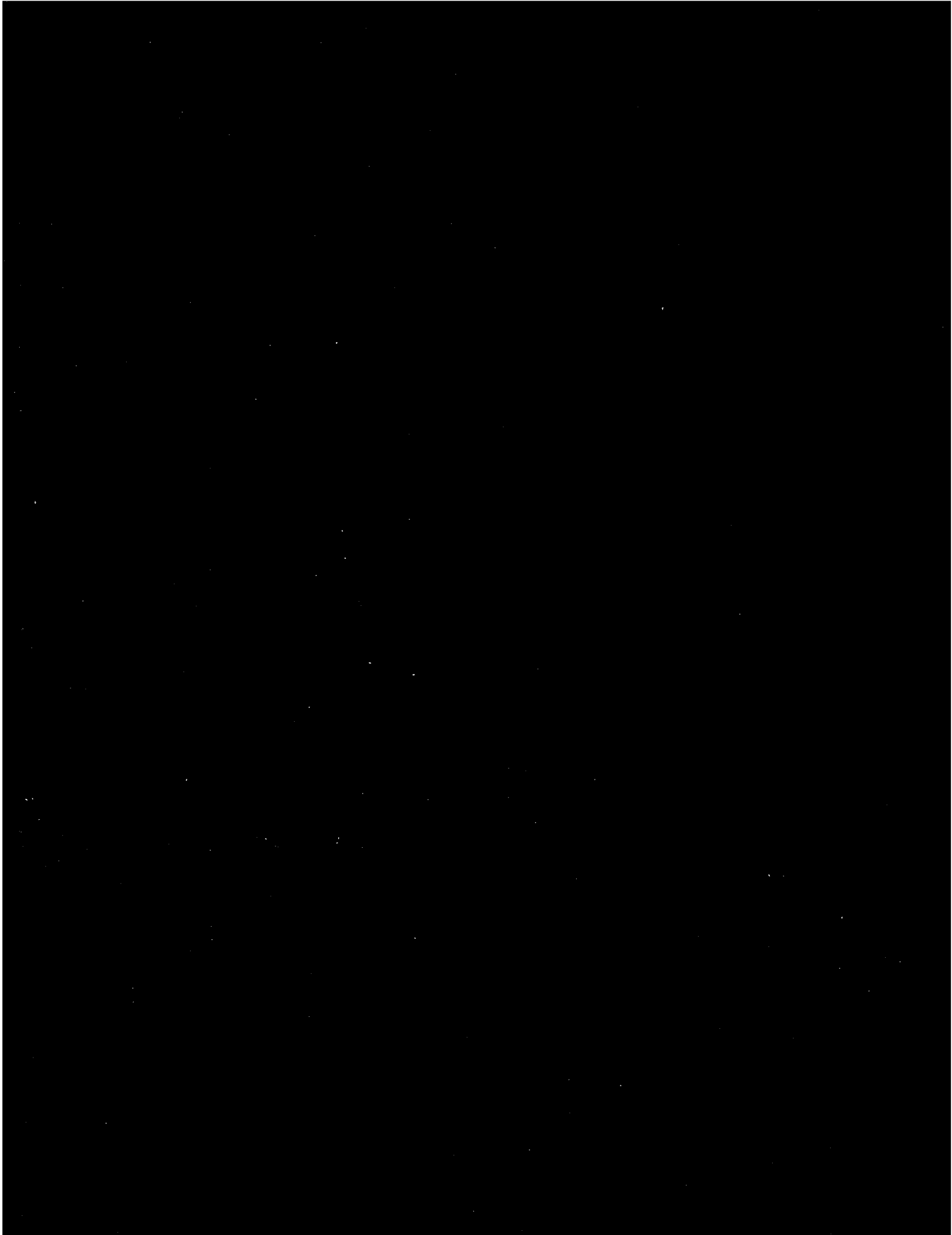
Once again NARF has intervened in the Nevada case on behalf of the Tribe, and is working closely with government attorneys in the preparation of the case. If it is successful, the suit will expand the Winters Doctrine by establishing that the Tribe has a prior and paramount right to the waters of the Truckee River to maintain and preserve Pyramid Lake and its fishery. So far, Winters Doctrine water rights have been awarded to Indian tribes only for agricultural purposes. This major water rights suit is necessary because unless the Tribe establishes a right to Truckee River water, the water that was won in the Pyramid Lake Tribe v. Morton suit and the other water which has flowed into Pyramid Lake might be taken and diverted by others.

Thus, one NARF suit has become four, and NARF's commitments to the Paiutes have been extended over the next decade. Such is the nature of the war and the sad result of over 200 years neglect of legal rights of Native American people.

The continuing availability of legal representation from the Native American Rights Fund is important to Indian people at this time of greater sensitivity and receptivity. Indeed, it may be crucial. The tremendous progress of Native Americans in the past few years has not come without concessions or losses by anti-Indian interests. Some observers are predicting a backlash against Indians similar to that which the Black movement experienced after the height of the civil rights movement. If so, Indians cannot continue to expect the receptiveness they have found in recent years in Washington from the federal government trustee. They will be forced to rely heavily on the legal process and non-government sources such as NARF.

Whatever the political climate, the demand for NARF services will continue and increase. How NARF meets that demand and its existing commitments over the next three years will depend in large measure on the continued cooperation of others working in this treacherous field and on the level of financial support provided by the Ford Foundation, its other major grantors and individual American citizens.

In the following section, entitled The Priorities, are brief summary descriptions of NARF's major cases and activities during 1974. They have been reported on alphabetically under the primary priority designations established by the NARF Steering Committee.



Sandstone Cliff painting, Ralls County, Missouri



TRIBAL EXISTENCE

We Preferred Our Own Way of Living

Crazy Horse, Sioux, 1877

TRIBAL EXISTENCE

Summaries of Major Cases and Activities

Akins v. Richardson, United States District Court, District of Maine (filed December 1973)

This action was filed on behalf of nine Indians of the Micmac, Maliseet, Passamaquoddy and Penobscot Tribes and an Indian-owned agricultural cooperative against the U.S. Attorney General and the Secretary of the Treasury to secure their rights under the Jay Treaty of 1794 to pass freely across the Canadian border without regard to U.S. immigration laws and to bring goods and materials across the border duty-free without regard to U.S. customs law. The court agreed that the Treaty exempted the North American Indians of half or more Indian blood from the immigration laws, but ruled that the customs issue must be presented to the U.S. Customs Court. NARF participated as co-counsel in the case with Pine Tree Legal Services of Maine.

Alabama Creek Nation Lands and Recognition

The Creek Nation East of the Mississippi is not recognized as an Indian tribe by the federal government primarily because it has no lands in federal trust. NARF, in conjunction with Pine Tree Legal Services of Maine, has negotiated on behalf of the Nation and arranged for the transfer of land formerly used for Indian school purposes from a county school board to the state government for Indian use. Negotiations are in progress with state officials and the federal government to have the land taken in federal trust for the Indians, thus establishing federal recognition and federal Indian services.

Blackfeet Tribe Reserved Rights

After a court decision affirmed the vitality of Blackfeet tribal rights under an 1895 agreement reserving free access to and hunting, fishing and timber privileges on what is now a portion of Glacier National Park in Montana, the Tribe began preparations to negotiate an agreement with the Secretary of Interior to preserve and regulate their reserved rights. NARF, together with the Tribe's attorney, is preparing a petition and a conservation agreement to be submitted to the Secretary to confirm these rights.

Boxer v. State of Montana, Montana Supreme Court

The State of Montana's attempt to tax income earned on the Fort Peck Reservation by a Chippewa Indian residing on the reservation but who is not a member of the Assiniboine and Sioux Tribes of the Fort Peck Reservation was denied by a lower state court and appealed by the state to the State Supreme Court. The case will extend to non-member Indians the same immunity from state income taxation guaranteed to Indians residing on their home reservations. NARF is co-counsel in the case.

Bryan v. Itasca County, Minnesota, Minnesota Supreme Court

This suit challenges the County's authority to impose a personal property tax on an Indian-owned mobile home located on tribal land within the Leech Lake Chippewa Reservation. The lower court upheld the tax, rejecting the argument that the limited jurisdiction over Indians granted to the state by the federal government through Public Law 280 in 1953 precluded the tax, and the case was appealed. The suit was brought by Leech Lake Legal Services Project and NARF is participating as Of Counsel.

Callahan v. Kimball, United States Supreme Court (filed February 1973)

This case 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.

Confederated Tribes of the Umatilla Indian Reservation v. Callaway, United States District Court, District of Oregon (filed December 1974)

The Umatilla Tribes oppose the construction of an Army Corps of Engineers dam across Catherine Creek near the reservation because it will impair the exercise of the Tribes' treaty

rights to fish, hunt and gather in that area. After efforts to stop Congressional appropriations for the project proved unsuccessful, a suit was filed to enjoin construction of the project on the grounds that the Tribes' treaty rights cannot be taken by the Corps without express Congressional authority, which is lacking. NARF is assisted in the case by Hogan & Hartson of Washington, D.C. on a pro bono basis.

Confederated Tribes of the Umatilla Indian
Reservation Retrocession of Jurisdiction

The State of Oregon was given limited jurisdiction by the federal government over the Umatilla Tribes through Public Law 280 in 1953. Pursuant to a 1968 amendment to Public Law 280, that jurisdiction may be retained to the Tribes with the consent of all parties. NARF has been advising the Tribes in their efforts to regain their tribal jurisdiction from the state.

County of Thurston v. Morton, United States
District Court, District of Nebraska

Indian trust allotments on the Omaha and Winnebago Reservations are subject to local property taxes by federal law, although the lands cannot be taken for non-payment of taxes. The Secretary of the Interior is "authorized" to pay the tax out of an allottee's rent money held by the Bureau of Indian Affairs. The County has filed suit to compel the Secretary to pay over \$200,000 in individual Indian monies for back taxes. NARF has intervened in the case on behalf of the Omaha and Winnebago Tribes and, emphasizing the trust responsibility, asserts that it is not mandatory for the Secretary to make the payments.

Erickson v. Feather, United States
Supreme Court

Many Indian reservations were allotted in the late nineteenth century among the members of the tribe with the surplus land being opened for non-Indian settlement. This case presents the question of whether South Dakota has criminal jurisdiction over Indians on non-Indian owned land located within the boundaries of the Sisseton-Wahpeton Sioux Reservation. NARF filed an amicus curiae brief on behalf of the Tribe setting forth its position against state jurisdiction in favor of tribal and federal jurisdiction and urging the Court to affirm the favorable position of the lower federal appeals court.

Fort Buford Development Corporation
Federal Services

Some 1,600 members of the Turtle Mountain Chippewa Band in North Dakota received allotments years ago on public domain land several miles west of the Reservation because of a shortage of reservation land. Although they were guaranteed all rights and privileges as tribal members, they have been receiving only limited services from the Bureau of Indian Affairs. NARF assisted the allottees, organized as the Fort Buford Development Corporation, in securing funds in the Bureau of Indian Affairs' budgetary process for additional services.

Godfroy v. Board of County Commissioners,
United States District Court, Northern District
of Indiana (filed May 1974)

This case seeks to establish the immunity from state taxation of an allotment established by an 1838 treaty and held by a Miami Indian. As an Indian allotment, it is protected from state taxation by the Northwest Ordinance of 1787 despite the fact that the bulk of the Miami Tribe was removed westward in 1840. The case, which raises important questions concerning continued federal protection of eastern Indian land, was brought by NARF in conjunction with Pine Tree Legal Services of Maine.

Idaho State Tax Commission v. Mahoney,
United States Supreme Court

After the Idaho Supreme Court held invalid the application of state cigarette tax laws to an Indian doing business on the Coeur d'Alene Reservation, a rehearing was granted. On rehearing, NARF filed an amicus curiae brief with tribal attorneys asserting the state's lack of jurisdiction on the Reservation on behalf of the Nez Perce and Kootenai Tribes of Idaho, the Duck Valley Tribe of Idaho and Nevada, the Walker River Paiute of Nevada, the Makah, Lummi, Suquamish, Colville and Yakima Tribes of Washington, and the Affiliated Tribes of Northwest Indians. The Idaho Supreme Court affirmed its decision against the tax on rehearing. The State sought review in the United States Supreme Court but the Court declined to review it.

Maynor v. Morton, United States Court of
Appeals, District of Columbia (filed February 1973)

In this action, NARF is seeking to establish the eligibility of a group of North Carolina Lumbee Indians for federal recognition

and services under the Indian Reorganization Act of 1934. In 1938, the Indians were formally recognized as eligible by the Department of the Interior, but the Department now claims this was extinguished by a 1956 Act of Congress which recognized the cultural identity of the Lumbee Indians. The Federal District Court for the District of Columbia held that their eligibility had been lost and the case has been appealed.

Menominee Tribe Restoration

Terminated from federal supervision and recognition in 1954, the Menominee Tribe of Wisconsin has suffered from economic difficulties and the loss of tribal lands. In 1973, with assistance from NARF, they secured historic federal legislation repealing termination, restoring the Tribe's status as a federally recognized Indian tribe and returning tribal lands to trust status. NARF has continued its assistance to the Tribe by negotiating a complex plan with the Department of the Interior, the State of Wisconsin and Congressional representatives to implement the Menominee Restoration Act. NARF is also preparing new tribal enrollment procedures and a constitution and by-laws and attempting to exempt the Tribe from state jurisdiction as much as possible.

Mobil Oil v. Local Boundary Commission, Alaska Supreme Court

Several oil companies brought suit to invalidate a decision by the Alaska Local Boundary Commission granting the application by the Arctic Slope Native Association to establish a borough, a local unit of government, consisting of 56.5 million acres on the North Slope of Alaska. The oil companies do not want to submit to the taxing authority of the Alaskan Native controlled borough, but the Natives see their many local needs being met by the tax revenues. ASNA, represented by NARF, intervened in the suit and was successful in Alaska Superior Court in defeating the oil companies' efforts to invalidate the creation of the borough. The oil companies appealed, but the decision was affirmed in the Alaska Supreme Court and attorneys' fees awarded against the oil companies.

Nevada Tribes Retrocession of Jurisdiction

A 1973 act of the Nevada legislature offered to retrocede back to the Indians state jurisdiction acquired on Indian reservations

in that state from the federal government under Public Law 280 in 1953. NARF provided technical assistance and advice to the Nevada Indian Commission and the Nevada tribes on the complex process of accepting the retrocession. Fourteen Indian reservations in Nevada have now reassumed criminal and civil jurisdiction from the state as part of their tribal government operations.

Oliphant v. Schile, United States Court of Appeals, Ninth Circuit

A non-Indian was convicted in the Suquamish Tribal Court in Washington state for assaulting tribal officers and resisting lawful arrest, and sought to invalidate the Tribe's jurisdiction in federal court. Because of the importance of the case, NARF filed an amicus curiae brief on behalf of the National Tribal Chairmans' Association, the Pima-Maricopa Tribes of the Gila River Reservation in Arizona, and the Nisqually and Squaxin Island Tribes of Washington state, asserting the Tribe's inherent sovereign powers. The court upheld the concurrent jurisdiction of the Tribe over minor offenses committed by non-Indians against Indians on tribal trust land and the decision has been appealed.

Omaha Tribe v. Peters, United States Court of Appeals, Eighth Circuit (filed February 1974)

On behalf of the Omaha, Santee Sioux and Winnebago Tribes and several individuals, NARF has filed suit against Nebraska state officials to enjoin them from applying state income tax laws to Indian income earned exclusively within the confines of the reservations. The suit challenges the state's position that Public Law 280, a 1953 Act of Congress conferring limited civil and criminal jurisdiction in Indian country upon the state, also authorizes the extension of state tax laws on the reservations. The Federal District Court upheld the state's position and the case has been appealed.

Passamaquoddy Tribe v. Morton, United States District Court, District of Maine (filed June 1972)

When the Passamaquoddy Tribe petitioned the United States to initiate a lawsuit on its behalf against the State of Maine to recover for non-federally approved land transactions dating back to 1794 which violated the 1790 Indian Non-Intercourse Act, the government refused on the grounds that no trust relationship existed with the Tribe. Since a statute of limitations threatened

the claim, NARF filed suit on behalf of the Tribe against the federal government and obtained a court order requiring the government to file a protective suit against the State of Maine for the Indians pending final deposition of the suit. The court is preparing to rule on the issue of whether a trust relationship exists with the Tribe and, if the Tribe is successful, it can have its claims against the state decided and settled.

Quileute Tribe v. Washington, United States
District Court, Western District of Washington
(filed December 1974)

This is an action by several tribes and individual Indians in western Washington to declare their right to be free from state business and occupation taxes and retail sales and use taxes when doing business within their reservations. They dispute the state's contention that Public Law 280, a 1953 Act of Congress conferring limited civil and criminal jurisdiction in Indian country upon the state, also authorizes the application of state tax laws on the reservations. NARF is participating as co-counsel with tribal attorneys on behalf of the Confederated Tribes of the Chehalis Reservation, the Nisqually Indian Community, the Muckleshoot, Skokomish, Squaxin Island and Shoalwater Bay Tribes and an individual Indian businessman.

Sac and Fox Tribe v. Licklider, United States
District Court, Northern District of Iowa
(filed July 1974)

This suit on behalf of the Sac and Fox Tribe of the Mississippi in Iowa seeks a declaration that state hunting and fishing laws do not apply to Indians within the exterior boundaries of the reservation. The Tribe asserts that its treaty hunting and fishing rights have never been expressly abrogated by federal law and that the state has not acquired jurisdiction over those rights. NARF is co-counsel in the case with the Tribe's attorney.

State of Idaho v. Coffee, District Court
of the First Judicial District of the
State of Idaho

A member of the Kootenai Tribe of Idaho was arrested and prosecuted by the State of Idaho for hunting deer out of season in violation of state law. The alleged offense occurred on

lands which were formerly Kootenai tribal lands. NARF has participated as defense co-counsel, asserting as a defense the aboriginal hunting rights of the Kootenai Tribe which exist because no treaty or federal law has extinguished them. This defense was rejected by the court and the defendant was convicted. The case is being appealed.

Stillaguamish Tribal Recognition

The Stillaguamish Tribe of Washington state has not been acknowledged as a federally recognized tribe by the Department of the Interior despite its distinct cultural heritage, its previous treaty relations with the United States, its land claim award against the United States, its contacts with the Bureau of Indian Affairs, its powers of self-government and its acceptance by other Indian tribes. NARF has challenged the Department's position that the Tribe cannot be recognized because it lacks trust lands with an administrative petition to the Secretary of the Interior seeking an acknowledgement of federal recognition. Such recognition would authorize land to be taken in trust for the Tribe and protects its treaty fishing rights.

Tomow v. Menominee Enterprises, Inc., United States Supreme Court

When the Menominee Tribe of Wisconsin had their federal trust relationship terminated in 1954, each tribal member received shares of stock in the tribal assets and the "holders of the shares" were required to approve tribal land sales. The Wisconsin Supreme Court decided that all shares were "held" by a seven member voting trust, thus excluding tribal members from the land sales approval process. NARF filed an amicus curiae brief in the Supreme Court on behalf of the National Congress of American Indians, the National Tribal Chairmen's Association and the American Indian Law Center urging the Court to hear the case and reverse the Wisconsin Supreme Court decision. The Supreme Court, however, declined to review the case.

U.S. v. Akin, United States Court of Appeals, Tenth Circuit

This case was originally filed by the United States to determine the water rights of the United States and the Southern Ute and Ute Mountain Tribes in rivers and streams in southwestern Colorado. The Federal District Court, however, held

that the case should be heard in Colorado state courts, even though Indian trust property rights are involved which have traditionally been adjudicated in federal courts. On appeal, NARF filed an amicus curiae brief on behalf of the two Ute tribes and the National Tribal Chairmans' Association. The Court of Appeals reversed, holding that it was improper for the Federal District Court to abstain from hearing the case. An appeal to the Supreme Court by state officials is expected.

U.S. v. Bushyhead, United States District
Court, Western District of Oklahoma

Fourteen Indians from various tribes in western Oklahoma were charged with the illegal sale of federally protected migratory bird feathers as a result of sales of Indian artifacts to non-Indians. In addition to assisting the Indian defendants in securing defense counsel and coordinating legal efforts on their behalf, NARF also provided research assistance in briefing those issues relating to Indian use of feathers in exercising traditional religious beliefs. This First Amendment argument, however, was rejected by the court and thirteen of the defendants were convicted and released on probation.

U.S. v. Mazurie, United States Supreme Court

A federal appeals court held that a specific Congressional delegation of authority to Indian tribes to control liquor sales within Indian reservations was unconstitutional as applied to non-Indians conducting business on non-Indian owned land within reservation boundaries. Because of the decision's adverse impact on tribal powers, NARF filed an amicus curiae brief in the Supreme Court on behalf of the National Tribal Chairmans' Association supporting the United States' petition for review. The brief stressed the problems which would confront the tribes if they lacked authority to control non-Indian businesses on the reservation. The Supreme Court agreed to review the decision.

U.S. v. Michigan, United States District
Court, Western District of Michigan

The United States brought suit on behalf of the Bay Mills Indian community against the state of Michigan asserting the existence of Indian treaty fishing rights in Lake Superior for members of the Bay Mills Indian community and limiting

the power of the state to regulate treaty fishing. In conjunction with Upper Penninsula Legal Services and Michigan Legal Services Assistance Program, NARF is representing the Bay Mills Indian community as a plaintiff-intervenor in the case to assert additional claims to Indian treaty fishing rights beyond those raised by the United States and to raise additional arguments as to their continued existence.

U.S. v. Oregon, United States Court of Appeals, Ninth Circuit

In a 1969 decision, the Oregon Federal District Court recognized the existence of Indian treaty fishing rights and the limitations of the state's regulatory powers. The court has maintained continuing jurisdiction in the case to insure that the Indians receive a fair and equitable share of the fish and NARF has represented the Umatilla Tribes as intervenors in these proceedings. When the Court further defined the Indians' fair share as 50% of the harvest, the state appealed. NARF is continuing its representation of the Umatilla Tribes on appeal.

U.S. v. Washington, United States Court of Appeals, Ninth Circuit

The federal government filed suit in 1970 against the state of Washington asserting that the enforcement of state laws and regulations interfere with the treaty fishing rights of several tribes in western Washington guaranteed under several treaties. NARF, in conjunction with Seattle Legal Services, intervened on behalf of the Muckleshoot, Squaxin Island, Sauk-Suiattle, Skokomish, and Stillaguamish Tribes to present additional arguments. After extensive pre-trial proceedings and a lengthy trial, a favorable decision was obtained. The Court held unlawful the state laws and regulations restricting Indian fishing that were not necessary for preservation of the fish runs and also recognized the authority of the tribes to regulate the off-reservation treaty fishing rights of its members. Furthermore, it was held that the Indians were entitled to 50% of the harvestable fish. The decision has been appealed.

U.S. v. Winnebago Tribe, United States District Court, District of Nebraska; U.S. v. Winnebago Tribe, United States District Court, Northern Division of Iowa

The United States filed these suits to condemn certain Winnebago reservation lands along the Missouri River for a recrea-

tion complex. Questions of land title evaluation are being determined by the respective federal courts. At the conclusion of the proceedings, an appeal is planned from the Courts' decisions rejecting the Tribe's claim that the clear Congressional intent required to abrogate their treaty, which guarantees them the land "forever", is not present and there is no authority to condemn. NARF is co-counsel in the case with tribal attorneys.

Washington v. U.S., United States Supreme Court

The United States filed suit on behalf of the Puyallup Tribe seeking a declaration that the Indians have an exclusive right to regulate all fishing in the Puyallup River within the Puyallup Indian Reservation. The Federal District Court in Washington rejected the claim, holding that the reservation no longer existed. In the Ninth Circuit Court of Appeals, where NARF represented the Tribe as amicus curiae, the decision was reversed with the Court holding that the reservation continues to exist since it had not been specifically disestablished by the Congress. The state sought review of this decision in the Supreme Court, but it was denied.

Wildcat v. Adamany, United States District Court, Western District of Wisconsin (filed June 1974)

This is an action to declare the Wisconsin state tax laws inapplicable to the incomes of Indians residing on the reservation whose incomes are earned on the reservation. The state contends that Public Law 280, a 1953 Act of Congress conferring limited civil and criminal jurisdiction in Indian country on the state, authorizes the application of its tax laws. The case was brought on behalf of several individual Indians and the tribes and bands occupying the Bad River, Red Cliff, Lac du Flambeau, Lac Courte Oreilles, Mole Lake (Sokaogon), St. Croix, Stockbridge-Munsee, Oneida, Pottawatomie and Winnebago Reservations. NARF is co-counsel in the case with Wisconsin Judicare.

Zaste v. North Dakota, United States District
Court, District of North Dakota (filed
November 1974)

This case seeks to establish the inapplicability of state liquor laws on the Turtle Mountain Chippewa Reservation in North Dakota. The suit was brought by an Indian businessman who holds a valid liquor license, but liquor wholesalers refuse to do business with him because he lacks the state and county licenses which the state requires. The state laws do not extend to Indian country without specific Congressional authority and it is asserted that no such express authority exists.

Apache limestone rock shelter painting, Terrell County, Texas



TRIBAL RESOURCES

I Love the Land and the Buffalo and Will Not Part With it.

Santana, Kiowa, 1867

TRIBAL RESOURCES

Summaries of Major Cases and Activities

Arkansas River Trust Authority

Seven Oklahoma tribes -- the Kaw, Ponca, Tonkawa, Pawnee, Otoe, Osage and Creek tribes -- formed the Arkansas River Trust Authority in order to press their water rights claims and their claims to the riverbed of the Arkansas River. Adverse claimants to the Indians are largely non-Indian land owners along the river. Because of the magnitude of the case, NARF has assisted the Authority in securing funds from the trustee United States for technical assistance as well as conducting preliminary research on the claims, NARF is also assisting the Authority in negotiating the contract with the Bureau of Indian Affairs for additional technical assistance with their claims.

Chemehuevi Tribe v. Federal Power Commission, United States Supreme Court (filed September 1971)

On behalf of the Chemehuevi Tribe, the Cocopah Tribe and individual Navajos, NARF filed a petition in the Federal Power Commission against several southwestern power companies seeking to compel the FPC to take licensing jurisdiction over a complex of six coal-fired power plants on or near Indian lands in the Southwest. The FPC held that it only had jurisdiction over hydro-electric plants and dismissed the petition. On appeal, the Federal Court of Appeals in the District of Columbia disagreed. Although it was held that not all coal-fired plants had to be licensed, it did hold that those plants using surplus water from behind government dams had to be licensed by the FPC. The FPC petitioned the Supreme Court for review, and the Court has decided to hear the case.

City of Fallon v. Morton, United States District Court, District Of Nevada

This case was brought by the City of Fallon and others against the Secretary of Interior challenging the Secretary's new regulations for operation of the Newlands Reclamation Project on the grounds that the Secretary failed to file an impact statement as required under the National Environmental Policy Act. The Secretary's new regulations severely limit the amount

of water diverted to the Project from the Truckee River which feeds Pyramid Lake and, therefore, will result in a great increase of water to the Lake. The Pyramid Lake Paiute Tribe, represented by NARF, has intervened in the case against the city in order to support the validity of the favorable new regulations.

Cocopah Land Acquisition

A major public works project to desalinize Colorado River water is proposed near the Cocopah Reservation in Arizona. The waste canal for the project is planned to go across Cocopah lands. The Tribe took the position that they should be awarded land greatly in excess of the amount which will be used by the waste canal. With NARF assistance, they persuaded the Congress to amend the authorization act and award approximately 400 acres to the Cocopah Tribe.

Committee to Save Black Mesa v. Environmental Protection Agency (filed March 1973), Committee to Save Black Mesa v. Environmental Protection Agency (filed April 1974), United States Court of Appeals, Ninth Circuit

When the EPA rejected Arizona's plan for implementing controls over emissions from coal-burning power plants pursuant to the Clean Air Act, the EPA eventually issued its own plan for controlling these emissions. Because of the environmental impact on Indians near the plants, NARF filed suits against the EPA on behalf of the Committee to Save Black Mesa, individual Navajos, a Navajo chapter and the Jicarilla Apache Tribe. The suits asserted that the EPA plan was also insufficient and that more stringent controls were required. The suits were settled with the EPA's 70% sulfur oxide removal standard being accepted in exchange for a \$1.5 million EPA program to test the standard at the Navajo Power Plant in Arizona.

Crow-Westmoreland Coal Lease Negotiations

NARF assisted the Crow Tribe in renegotiating a coal lease with Westmoreland resources covering some 40,000 acres off the Reservation in which the Tribe holds the mineral estate. The previous lease, which had been negotiated for the Tribe by the BIA, was unfavorable in several respects and the Tribe had threatened legal action to set it aside. The new lease provides substantially higher returns for the Tribe and should

provide tribal income near \$10 million annually within the next ten years.

Fort Berthold Coal Lease Dispute

The Three Affiliated Tribes of the Fort Berthold Reservation, through the Bureau of Indian Affairs, entered into a prospecting agreement with a coal company. Prior to the expiration of the agreement, the coal company notified the BIA of its intention to lease a substantial portion of the Reservation pursuant to a preference right to lease contained in the BIA's prospecting agreement. The Tribes have decided against developing their coal reserves at this time and oppose the coal company's efforts to lease reservation land. NARF had been advising the Tribes on the illegality of the preference right provision under federal law.

Fort McDowell-Orme Dam Negotiations

As part of the Central Arizona Project, which will transport Colorado River water to the Phoenix-Tucson area, federal officials plan to construct a storage dam and reservoir on the Fort McDowell Indian Reservation. The condemnation has been authorized by federal law and would include the major portion of the 17,000 acre Reservation. NARF is assisting the Fort McDowell people in their review of the project's impact on the Reservation as they formulate a tribal position on the matter. Studies have been initiated to survey alternative sites for the project and to determine the socio-economic impact of the project on the Tribe.

Jicarilla Apache Tribe v. Environmental Protection Agency, Goodman v. Environmental Protection Agency (filed March 1973), Jicarilla Tribe v. Environmental Protection Agency (filed April 1974), Gillis v. Environmental Protection Agency (filed June 1974), United States Court of Appeals, Tenth Circuit

When the EPA rejected New Mexico's and Utah's plans for implementing emission controls over coal-burning power plants pursuant to the Clean Air Act, The EPA eventually issued its own plan for controlling these emissions. Because of the environmental impact on Indians near the plants, NARF filed suits against the EPA on behalf of the Jicarilla Apache Tribe, individual Navajos, the Committee to Save Black Mesa and a

Navajo chapter. The suits asserted that the EPA plan was also insufficient and more stringent controls were required. Following EPA's review and reissue of its plan, additional suits challenging that action were filed and settlement negotiations are in progress.

Lac Courte Oreilles Band of Lake Superior
Chippewa Indians v. Federal Power Commission,
United States Court of Appeals, District of
Columbia (filed October 1973)

A Wisconsin power company is seeking to renew its Federal Power Commission license to operate a project which uses Lac Courte Oreilles tribal land for reservoir purposes. On behalf of the Band and in association with tribal attorneys, NARF intervened in the FPC relicensing proceeding challenging the jurisdiction of the FPC to issue the license over the Band's veto under its tribal powers. When the FPC rejected the jurisdictional challenge, the decision was taken to a federal appeals court for review.

Lac Courte Oreilles Band of Lake Superior
Chippewa Indians -- Federal Power Commission
Project #108

NARF has intervened on behalf of the Lac Courte Oreilles Band in the Federal Power Commission relicensing proceedings for a Wisconsin power company's operation of an FPC project on tribal land. In addition to opposing the relicensing of the power project, the Band, joined by the Agriculture and Interior Departments, is seeking a non-power license to operate the project under the joint management of the Band and the U.S. Forest Service. Alternatively, it is asserted that any new license issued must include protections of the Band's rights to grow and gather wild rice.

Muckleshoot Tribe -- Federal Power Commission
Project #2494

The Muckleshoot Tribe of Washington, represented by NARF and Seattle-King County Legal Services, has intervened in Federal Power Commission relicensing proceedings for a Washington power company's operation of a FPC project on the White River. The power company is asserting that the FPC no longer has jurisdiction over the project. The Tribe is supporting the retention of jurisdiction, since relicensing proceedings will allow them to present their claims that their fishing rights and water rights have been impaired by diversions of the power company's

upstream facilities and to seek protective provisions in the license.

Muckleshoot Tribe v. Puget Sound Power and Light Company, United States District Court, Western District of Washington (filed July 1972)

This action was filed on behalf of the Muckleshoot Tribe to protect their fishery and water rights in the White River. The defendant power company operates upstream power facilities which divert the waters of the river away from the Reservation. The Tribe seeks a release of sufficient waters to maintain the fish runs and for other beneficial purposes and also seeks damages. The Tribe is represented by NARF and Seattle-King County Legal Services. The case is pending during related proceedings in the Federal Power Commission.

Narragansett Tribe Land Claims

Because of past land transactions with the State of Rhode Island, the Narragansett Tribe has very little land remaining. Since these land transactions do not appear to have been approved by the federal government as required by the Indian Non-Intercourse Act of 1790, the Tribe may have a claim for lands. NARF, in conjunction with Pine Tree Legal Services of Maine, is investigating these claims and advising the Tribe.

Native American Natural Resources Development Federation

NARF has assisted the 26 tribes of the northern great plains area in organizing and establishing the Native American Natural Resources Development Federation. The role of the Federation is to assist the 26 member tribes in making informed decisions on the development of their coal reserves and water rights. In response to the development pressures created by the current energy crisis, a declaration of rights was developed which reaffirms Indian ownership of their valuable water and mineral resources. Financial assistance will be sought to secure the necessary technical consultants required by the tribes.

Oljato Chapter of the Navajo Tribe v. Fri,
United States Court of Appeals, District
of Columbia (filed May 1973)

Under the Clean Air Act, the EPA is required to set new source standards on sulfur oxide emissions on new coal-fired power plants. Since the new source standards proposed by the EPA would require no such controls over the power plants planned near the southwestern Indian reservations, NARF filed suit against the EPA on behalf of a Navajo chapter and individual Navajos. The suit seeks to compel the EPA to revise the new source standards up to an adequate level. After dismissal for lack of jurisdiction, it was refiled in the federal appeals court which does have jurisdiction.

Oneida Nation v. Williams, United States
District Court, Northern District of New
York (filed April 1974)

The Oneida Nation, represented by NARF, seeks to regain possession of 727 acres of land currently occupied by several non-Indians. The suit asserts that their land titles derived from Indian land transactions which were not approved by the federal government as required by the Indian Non-Intercourse Act of 1790. Damages are also sought for trespass upon the lands.

Otoe-Missouria Tribes v. Oklahoma Gas & Electric,
Federal Power Commission (filed May 1974)

An Oklahoma power company is planning construction of a power and cooling reservoir which would flood a number of the few remaining Otoe-Missouria Indian allotments. The Tribe is opposed to the project and, with NARF representation, has filed a complaint in the Federal Power Commission to force the power company to seek an FPC license. The complaint asserts that the project will use surplus water from behind a government dam, thus requiring a FPC license.

Papago Tribal Water Rights

The Papago Reservation is located in arid southern Arizona and the Tribe depends upon the surface and sub-surface water in the Santa Cruz River basin for one portion of the Reservation. NARF, in conjunction with Papago Legal Services and the federal government, is investigating the impairment of Papago water rights as a result of non-Indian water wells in the area.

Pit River -- Federal Power Commission
Project # 233

For years, the Pit River Tribe of northern California has sought unsuccessfully to regain a portion of their ancestral homeland. One of the largest landowners in the area is a power company whose license to operate a Federal Power Commission project has expired. NARF, in conjunction with California Indian Legal Services, is preparing to intervene on behalf of the Tribe in the FPC relicensing proceedings to seek a power license to operate the project in association with local municipalities and power companies. Such a license would provide the Tribe with land, revenues and jobs.

Pyramid Lake Paiute Tribal Lands

NARF is investigating the title to a 500 acre ranch in private ownership within the Pyramid Lake Paiute Reservation. The creek on which the Tribe's fish hatchery is located originates on this parcel of land and indications are that the patent issued for the land did not comply with an act of Congress requiring good faith occupancy and possession for at least 21 years prior to the act.

Pyramid Lake Paiute Tribe v. Morton,
United States Supreme Court (filed August 1970)

This suit on behalf of the Pyramid Lake Paiutes was successful in establishing a violation of the Secretary of the Interior's trust responsibility in allowing excessive diversions of water to a reclamation project on the Truckee River, which feeds Pyramid Lake on the Reservation in Nevada. Over the years, these diversions had reduced the level of Pyramid Lake and threatened its existence as well as the Tribe's. NARF, in association with the tribal attorney, was also successful in obtaining an order for attorneys' fees and expenses from the government because of its breach of fiduciary duties. The award of attorneys' fees was appealed by the government and reversed by the Federal Court of Appeals on the grounds that it was beyond the Court's jurisdiction. NARF is seeking a review of this decision in the Supreme Court, arguing that the breach of trust is sufficient to sustain the award.

Redding v. Morton, United States Court
of Appeals, Ninth Circuit

The Crow Tribe has entered into coal leases to develop its mineral interest in the ceded portion of the Reservation. Several non-Indian ranchers who own surface estates on the ceded portion brought suit against the federal government, the coal company and the Crow Tribe to enjoin the mining operations. In conjunction with the tribal attorney, NARF defended the Tribe in the action. The court held that the non-Indians lack standing to bring the suit, that they were barred for failure to exhaust administrative remedies and by sovereign immunity of the government, and that there were no violations of environmental laws. The non-Indians have appealed the case and NARF is continuing its representation of the Tribe on appeal.

Rincon & LaJolla Bands of Mission Indians v.
Escondido Mutual Water Company, United States
District Court, Southern District of California
(filed July 1969)

This suit on behalf of two bands of Mission Indians against a municipal water company seeks damages and the invalidation of contracts for use of Indian water from the San Luis Rey River in southern California on the ground that the contracts violate federal Indian contracting laws. The government has filed a similar suit on behalf of the Bands. The case is being handled in conjunction with California Indian Legal Services and is pending during the Federal Power Commission re-licensing proceedings which affect the diversion facilities.

San Luis Rey -- Federal Power Commission
Project #176

The Rincon & LaJolla Bands of Mission Indians, represented by NARF and California Indian Legal Services, are opposing a water company's renewal of their Federal Power Commission license for facilities which divert the flow of the San Luis Rey River from their reservations in southern California. The Indians assert that the water contracts involved are defective and that the original FPC license has been violated by the water company. The Indians, with the support of the Secretary of the Interior, are also seeking a non-power FPC license to take over the facilities now held by the water company. Extensive hearings before the FPC have been held in southern California and Washington, D.C.

Shoalwater Bay Tidelands

The Shoalwater Bay Tribe along the Washington coast claims that the tidelands to the south of the Reservation are a part of their Reservation. An old Department of the Interior decision, however, holds that the Tribe does not own these tidelands. NARF is investigating the claim and preparing a petition to the Interior Department to overturn the previous decision.

Skokomish Indian Tribe v. General Services Administration, United States District Court, Western District of Washington

The General Services Administration ignored a Bureau of Indian Affairs application for use of excess federal property for the benefit of the Skokomish Tribe and proceeded to assign the property to another federal agency for disposal to a state agency as surplus property. The Tribe, represented by Seattle-King County Legal Services and NARF, filed suit against GSA. The case challenges GSA's position that the BIA and the Tribe are ineligible for excess federal property under federal law, especially in light of the trust responsibility of the United States.

Stray Calf v. Scott Land & Livestock Company, United States District Court, District of Montana (filed April 1974)

NARF is representing a group of Crow landowners against several of their non-Indian lessees to halt their illegal leasing practices of Indian land on the Crow Reservation. The practice, which consists of agreements to cancel the existing leases and re-lease the land for another full term, violates the Crow Allotment Act limiting the duration of lease periods. The suit asserts that these practices abuse the protections of federal law intended to benefit Indian land owners.

Taylor v. Bangor Hydro-Electric Company, United States District Court, District of Maine (filed July 1972)

In association with Pine Tree Legal Services, NARF is representing several Penobscot Indian landowners who are challenging the validity of easements for flooding issued by the State of Maine to a power company. The suit asserts that the state's action affecting Indian property interests violates the 1790 Non-Intercourse Act which prohibits Indian land transactions without federal approval. The case is stayed pending the outcome of a related case in the same court.

Truckee-Carson Irrigation District v. Morton,
United States District Court, District of Nevada

The Secretary of the Interior issued new regulations limiting the amount of Truckee River water which could be diverted to a reclamation project, thereby increasing the flow of water into Pyramid Lake on the Pyramid Lake Paiute Reservation. When the private operators of the reclamation project refused to abide by the new regulations, the Secretary terminated their contract to operate the project. The private operators then sued the Secretary to set aside the regulations and restore the contract. The Pyramid Lake Paiute Tribe, represented by NARF and the tribal attorney intervened in the suit supporting the new regulations.

United States v. Truckee-Carson Irrigation
District, United States District Court,
District of Nevada

For years, the federal government has been in a conflict of interest situation in allocating the waters of the Truckee River in Nevada between a federal reclamation project and the Pyramid Lake Paiute Tribe. Largely through NARF's efforts in related proceedings, the federal government has been forced to perform its duties as trustee for the Tribe and protect the Tribe's water rights in the Truckee River, which feeds Pyramid Lake on the Reservation. The federal government, on its own behalf and behalf of the Tribe, filed suit against some 13,000 water users along the Truckee to adjudicate the water rights of the Tribe and the government. The Tribe, represented by NARF and the tribal attorney, has intervened in the case to assert additional arguments as to the Tribe's right to sufficient water to maintain Pyramid Lake.

Walker River Paiute Tribe v. Southern Pacific
Railroad, United States Court of Appeals,
Ninth Circuit (filed July 1972)

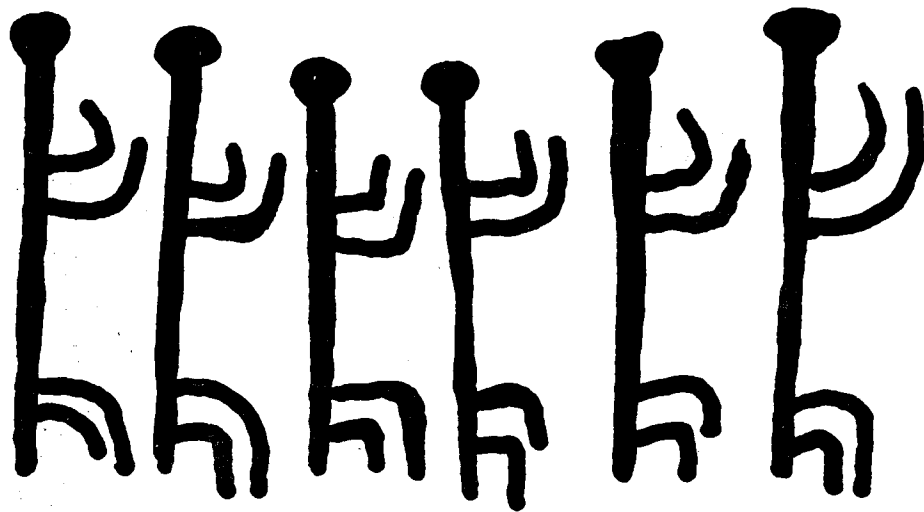
This suit on behalf of the Walker River Paiute Tribe and individual allottees seeks to invalidate Southern Pacific's purported right-of-way across the Walker River Reservation and to have damages assessed for trespass. The suit claims that the 1882 agreement between the Indians and the Railroad for the right-of-way was never ratified by the Congress as required by federal law. The Federal District Court held that the right-of-way was invalid, that the Railroad had a revocable license and, therefore, the Tribe was not entitled to

damages for trespass since 1882. When the Railroad appealed the decision on the right-of-way, the Tribe cross-appealed the issue of damages.

Wampanoag Tribal Council of Gay Head v.
Madison, United States District Court,
District of Massachusetts (filed November 1974)

This is an action by the Wampanoag Tribal Council of Gay Head against the Town of Gay Head to recover 250 acres of "common lands" from the Town. The land was conveyed to the Town by the state pursuant to an 1870 act of the state legislation. The suit contends that the 1870 transaction is void under the 1790 Indian Non-Intercourse Act which voids Indian land transactions which are not approved by the federal government.

Sandstone Cliff painting, Parunuweap Canyon, Zion National Park, Utah



HUMAN RIGHTS

Brother, the Great Spirit Has Made Us All

Red Jacket, Seneca, 1792

HUMAN RIGHTS

Summaries of Major Cases and Activities

American Indian Higher Education Consortium

The American Indian Higher Education Consortium is an association of Indian controlled colleges organized for the purpose of providing research, training and services that will strengthen and develop the member institutions. The member colleges are Sinte Gleska College Center, Turtle Mountain Enrichment Center, Fort Berthold Community College, Navajo Community College, Sisseton-Wahpeton Community College, Lakota Higher Education Center, American Indian Satellite Community College, Cheyenne River Community College, Hehaka Sapa Community College, and the Standing Rock Community College. In addition to providing direct assistance to some of these colleges, NARF has advised the Consortium on matters relating to its tax exempt status and funding.

Brigman v. Inchelium Board of Education, Holdford v. Fry, Washington Superior Court

The Inchelium School District in the State of Washington is one of the few public school districts governed by an Indian controlled school board. When the district encountered severe financial problems, the state and individual taxpayers filed suits to remove the school board members from office and to recover amounts expended over the approved budget. NARF and the Coalition of Indian Controlled School Boards assisted in keeping the school board in office and the school open. NARF is defending the school board in the cases and settlement negotiations are pending.

Calf Looking v. Richardson, United States District Court, District of Columbia (filed August 1973)

This is a suit on behalf of individual Indian inmates at McNeil Island Federal Penitentiary in Washington State and their Indian religious counselor against officials of the Federal Bureau of Prisons. The relief sought is an injunction against the federal officials from denying visitation rights to the Indian counselor without due process requirements of notice, reasons for denial, and an opportunity to be heard. After the suit was filed, federal

officials changed their position and agreed to visitation privileges for the Indian inmates' counselor.

Coalition of Hawaiian Native Claims Corporation

After receiving several requests for assistance from Hawaiian Natives concerning the protection of their remaining land base, NARF undertook a review of the legal status and problems of Hawaiian Natives. Meetings were held in Hawaii with several Hawaiian Native organizations and their land problems were assessed. As a result, NARF has assisted in organizing the Coalition of Hawaiian Native Claims Corporation, a legal project controlled by Hawaiians to protect their land rights. Organizational and fund raising assistance has also been provided.

Coalition of Native American Prisoners

Indian inmate cultural groups from throughout the country have been in contact with NARF concerning the restrictive prison policies in regard to Indian religious and cultural programs, Indian studies programs and other programs in prisons. NARF has been advising the groups in assisting the inmates in developing programs. Together, several of the cultural groups have formed the Coalition of Native American Prisoners to further the overall development of Indian cultural and rehabilitation programs. NARF has provided legal advice and organizational assistance to the Coalition.

Crowe v. Erickson, United States District
Court, District of South Dakota (filed
December 1972)

NARF is representing Indian inmates in South Dakota State Prison where Indians constitute one-third of the inmate population. The suit was filed against state prison officials attacking their mail censorship practices, the lack of due process in disciplinary matters, the lack of adequate medical care, employment discrimination in the prison, and a lack of Indian rehabilitation programs. Interim relief has been obtained against arbitrary disciplinary procedures and mail censorship practices. Relief has also been sought against prison rules restricting Indians from wearing their hair in long traditional style. Discovery is proceeding on other issues in the case.

Decoteau v. Tangedahl, United States District Court, District of South Dakota (filed March, 1974).

This was an action by several individual Indians of the Devil's Lake and Sisseton-Wahpeton Sioux Tribes against the State of North Dakota to compel the State to operate the Food Stamp Program on North Dakota reservations. The State had declined to extend its program to the reservations, asserting that it had no jurisdiction to correct any abuses on the reservations. Following the filing of the suit, which asserted the Indians' right to equal state and federal services, the case was settled with a consent judgment being filed guaranteeing Indian participation in the Food Stamp Program. The Food Research and Action Center and North Dakota Legal Services handled the case and NARF participated as co-counsel.

DeFunis v. Odegaard, United States Supreme Court

The white student who was refused admission to the University of Washington Law School filed suit, claiming that he was statistically better qualified than some minority students admitted to the Law School under a minority admissions program. The claim was successful at the trial court level, but was reversed by the Washington State Supreme Court in a decision which upheld the constitutionality of the Law School Program. The case was appealed to the United States Supreme Court where, by a 4-4 vote, the decision was affirmed. NARF participated in the case as co-counsel on amicus curiae briefs submitted on behalf of the American Indian Law Students Association and the American Indian Lawyers Association.

Denetclarence v. Board of Education, United States District Court, District of New Mexico

This is an action against the Central School District in New Mexico by Navajo students and parents for misuse of Title I and Johnson-O'Malley funds intended to benefit the large Indian student population. NARF was co-counsel in the case with DNA, the Navajo Legal Services program which originally filed the case, and the Harvard Center on Law and Education. After a court decision favorable to Indians in a related case, a settlement was reached in this case. Misuse of federal funds was established and corrective measures were adopted. Also, the right of Indian students to a bilingual education program was recognized.

Federal Prison Hair Length Regulations

Negotiations were held with the Federal Bureau of Prisons on behalf of Indian inmates who were disciplined for refusing to cut their hair, worn in long traditional style, in violation of regulations. Just prior to the initiation of litigation by NARF, the Federal Bureau of Prisons announced that they were eliminating their rule against long hair on inmates. The Indian long hair issue is a focal point in NARF's efforts to sensitize correctional institutions of the special cultural and rehabilitation needs of Native American inmates.

Indian Education Assistance Act

Federal programs to assist public school districts in educating Indian school children and to provide for their special educational needs have been a source of controversy among states, federal agencies and Indians. When legislation was introduced in Congress to alter these special Indian education programs and substitute a new formula for assistance to public school districts with Indian students, Indian education organizations voiced strong opposition to the proposed changes. Because of NARF's experience with education law, NARF submitted a comprehensive analysis of the adverse impact which the legislation would have on Indian education. As a result of these pressures, the legislation was modified substantially to strengthen rather than disrupt, the existing Indian education programs and it was passed by the Congress.

Indian Higher Education Financial Assistance

At the request of Indian college students and educators in North Dakota, NARF investigated the refusal of college financial aid officers to consider the financial assistance received from the Bureau of Indian Affairs by Indian students as a student contribution, thereby entitling the student to matching grants of federal funds. After meetings and correspondence with officials from the Department of Health, Education and Welfare and North Dakota colleges, NARF was instrumental in obtaining a HEW opinion allowing the students' BIA money to be matched by higher education grant funds. As a result, Indian students are entitled to additional financial assistance in the form of federal grants for their college educations.

Indian Inmates of the Nebraska Penitentiary v.
Vitek, United States District Court, District
of Nebraska

Indian inmates in the Nebraska State Prison filed petitions with the federal court charging state prison officials with widespread discrimination. NARF undertook representation of the inmates and negotiations with the prison officials. The case was settled, with Indian inmates now being entitled to wear their hair in long traditional style, have access to Indian religious leaders in the prison at state expense, and to maintain Indian cultural clubs. An affirmative action hiring plan for Indians and the implementation of Indian studies courses were also obtained.

Johnson-O'Malley National Regulations

The Johnson-O'Malley Act of 1934 provides funds for special supplementary education programs for Indian students attending public schools. The Bureau of Indian Affairs' regulations administering the funds, however, were not adequate to prevent the expenditure of the funds for the general purposes of the school district. Following reports of widespread misuse and a court decision obtained by NARF actually establishing a misuse of JOM funds, Indian education organizations began pushing for new regulations to administer the funds. NARF provided technical assistance to these groups in drafting the new regulations which were finally adopted by the BIA under threat of litigation. The new regulations insure the use of the funds for supplemental programs, increase the authority of the parent advisory committees, and allow Indian organizations to contract to administer the funds.

Kila v. Hawaiian Homes Commission, United
States District Court, District of Hawaii

The Hawaiian Homes Commission was created by Congress in 1920 to provide homesites for landless Hawaiian Natives. The continuation of the Commission was a condition accepted by the State of Hawaii in gaining statehood. In a case concerning the administration of the Commission, the constitutionality of the condition, and thus the continued existence of the Commission, was raised. Because of the importance of the issue to Hawaiian Natives, NARF filed an amicus curiae brief supporting the constitutionality, but the case was disposed of on other grounds and the Commission remains in operation.

Kinale v. Dowe, United States District Court,
Southern District of California (filed
September 1973)

NARF filed suit in conjunction with California Indian Legal Services on behalf of the Indian inmates in the Imperial County Jail against jail officials. Injunctive relief was obtained prohibiting unreasonable mail censorship, disciplinary procedures without certain due process requirements, incarceration of pre-trial detainees with those already convicted, and allowing attorneys access to the jail to interview inmates and inspect the facilities. The issues of crowded and unsanitary conditions, the lack of adequate rehabilitation programs, and employment discrimination are awaiting trial.

Kinsman Indian School

The Kinsman Indian School on the Crow Reservation in Montana is making the transition from a parochial to an Indian community controlled school. NARF has assisted in the transition by preparing incorporation papers for the Indian school board, establishing it as the school's governing body. As an Indian controlled school, it will be eligible for financial assistance from the Bureau of Indian Affairs.

LaBre Indian School

The LaBre Indian School on the Northern Cheyenne Reservation is making a transition from a parochial to an Indian community controlled school. NARF has assisted in this process by preparing incorporation papers for the Indian school board establishing it as the school's governing body. As an Indian controlled school, it will be eligible for financial assistance from the Bureau of Indian Affairs.

Lyone County, Nevada Title IV Dispute

The Yerington Indian Reservation is located within Lyons County, Nevada and the Paiute children from the Reservation attend the County's public schools. When Indian parents sought to have the county school board apply for funding for special Indian education programs under Title IV of the Indian Education Act of 1972, the school board refused. NARF assisted Nevada Indian Legal Services in preparing legal arguments which were presented to the school on the rights of the Indians to these federal programs and

the board's duty to apply for funding. Under threat of suit, the school board agreed to apply for Title IV funding for a special Indian education program.

Marty Indian School

The Marty Indian School in Marty, South Dakota is a former parochial school which has made the transition to an Indian community controlled school, it is eligible for financial assistance from the Bureau of Indian Affairs. On behalf of the School, NARF assisted in negotiating the contract for operation of the school with the Bureau of Indian Affairs.

National Advisory Council on Indian Education

The National Advisory Council on Indian Education was established in 1972 by the Indian Education Act to assist the Office of Education in planning and operating Indian education programs. NARF has advised the Council in its efforts to obtain the appointment of an Indian nominee as Deputy Commissioner of Indian Education. In addition, advice has also been rendered to the Council on the scope of its legal authority under its authorizing legislation and administrative charter.

National Indian Health Board

The National Indian Health Board is a technical assistance unit which assists the local Indian Health Advisory Boards to the Indian Health Service hospitals and monitors the overall performance of the Indian Health Service. NARF has assisted the NIHB with a compilation and report on all Indian health bills pending in the Congress. A legal analysis was also prepared for NIHB on the effect that the proposed National Health Insurance Plan on the special services to Indians presently administered by the Indian Health Service.

Natonabah v. Board of Education, United States District Court, District of New Mexico

This suit was successful in enjoining the Gallup-McKinley County School District from misusing federal Title I and Johnson-O'Malley funds intended for the benefit of Indian students and establishing that the District discriminated against Indian students in the allocation of financial resources and facilities.

The suit was originally filed by DNA, the Navajo Legal Services program, on behalf of Navajo and Zuni students and parents. NARF and the Harvard Center on Law and Education assisted as co-counsel. Further assistance has been rendered in obtaining a court-approved plan for the District calling for the construction of new schools in the predominantly Indian areas of the District and a reallocation of the District's financial resources so that Indian students receive a fair share of the District's funds.

Ojibwa Indian School

The Ojibwa Indian School in Belcourt, North Dakota has made the transition from a parochial school to an Indian community controlled school. As an Indian community controlled school, it is eligible to receive financial assistance from the Bureau of Indian Affairs. NARF has assisted the School in negotiating a contract with the Bureau of Indian Affairs for operation of the School.

Pine Ridge Unified School Board

NARF assisted the Pine Ridge Unified School Board in preparing a plan to restructure the existing school system on the Pine Ridge Reservation in South Dakota. The plan, which would integrate the several school districts on the Reservation into one unit under the central authority of the Unified School District, is currently under consideration by the seven districts involved.

Pretty Eagle School

The Pretty Eagle School on the Crow Reservation in Montana is making the transition from a parochial school to an Indian community controlled school. NARF has assisted in this process by preparing incorporation papers for the Indian school board establishing it as the school's governing body. As an Indian-controlled school, it will be eligible for financial assistance from the Bureau of Indian Affairs.

Rolette County v. Eltobgi, North Dakota Supreme Court

This was an action by Rolette County against a non-Indian husband located out of state to recover for his failure to support

his Indian wife and child on an Indian reservation in North Dakota. The trial court had dismissed the case, holding that it had no jurisdiction because its jurisdiction would be lacking if the Indian wife had brought the support action herself. Because of the implications in denying Indians equal access to state courts, NARF filed an amicus curiae brief in the North Dakota Supreme Court on behalf of the Devil's Lake Sioux Tribe. The Supreme Court reversed, holding that jurisdiction existed and vindicating the right of Indians to sue non-Indians and state courts.

Sinajini v. Board of Education, United States
District Court, District of Utah (filed
November 1974)

Complaints of discrimination against Navajo students have arisen in the San Juan County School District in southeastern Utah where very few schools exist in the southern portion of the District where most of the Indian students live. Following unsuccessful negotiations, NARF, in conjunction with DNA, the Navajo Legal Services program, filed suit to end the discrimination. Some Indian children are bussed up to 180 miles round trip daily in order to attend school and relief is sought to end this discriminatory treatment. Relief is also sought to reallocate operational and instructional expenditures and construction funds so that a fair share of these monies will be spent for Indian students near their homes. Injunctive relief is also sought to halt the further misuse of federal Indian education funds intended to benefit Indian children and to establish a bilingual education program in the District.

South Dakota Alternatives to Incarceration Project

Because of the general dehumanizing effect of incarceration, the disproportionate number of Indians in prisons, and the lack of rehabilitation programs geared to the special needs of Indians, NARF has been exploring alternatives to incarceration of Indians in prisons. Negotiations have been held with federal corrections officials on the possibility of transferring low risk Indian inmates to a special Indian rehabilitation facility. Negotiations are also in progress with the Cheyenne River Sioux tribal government in South Dakota to operate the program and provide the facilities. Discussions have been held with federal agencies, including the Bureau of Indian Affairs, concerning possible federal funding for the Project.

South Dakota Indian Education Association

Advice on the implementation of federal programs and other matters has been rendered to the South Dakota Indian Education Association, an organization of Indian parents and educators concerned with the welfare of the large number of Indian children in the South Dakota public school system. In particular, the Association has sought advice on its efforts to have the public schools present a more accurate view of Indian history than is presently being offered in the state's instructional materials.

Teterud v. Gillman, United States District Court, Southern District of Iowa

Iowa State Prison inmates filed a petition in federal court to invalidate the prison's regulations which prevent Indians from wearing their hair in long traditional style. NARF undertook to represent the inmates in association with their local attorney. After an extensive trial which included testimony from Indian religious leaders and anthropologists, the Court upheld the right of the Indian inmates to wear long hair. The decision was based upon the free exercise of religion guaranteed in the First Amendment and specifically recognized the Indian religious beliefs of the inmate involved in the case. The decision has been appealed by the state.

Vanderbol v. Board of Education, Randall v. Board of Education, Washington Superior Court

The Inchelium School District in the State of Washington is one of the few public school districts governed by an Indian controlled school board. NARF has defended the school board in suits filed by three teachers claiming they were improperly dismissed from their jobs. After negotiations, the teachers' claims were settled in a manner favorable to the school board.

White Shield School

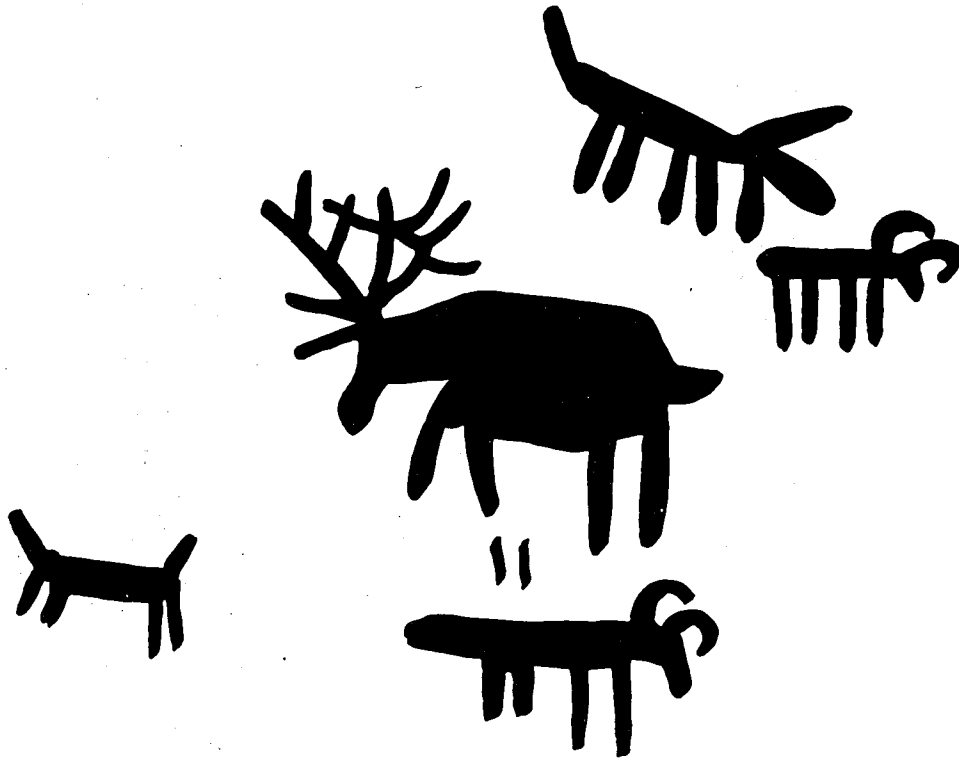
The White Shield School on the Fort Berthold Reservation in North Dakota is administered pursuant to a cooperative agreement between the Bureau of Indian Affairs and the public school district. At the request of the Fort Berthold Tribal Education Committee and the School's Indian Advisory Board, NARF is assisting in

renegotiating the cooperative agreement and has offered a plan calling for joint administrative authority between the district board and an Indian school board to be created.

Wilbur v. Board of Education, United States
District Court, Western District of Wisconsin
(filed June 1972)

NARF brought an action on behalf of Menominee Indian students and parents charging widespread discrimination against Indian students in the Shawano public school in Wisconsin. Relief is sought against excessive suspensions and expulsions, a discriminatory "tracking" system, the inequality in educational facilities, employment discrimination in schools and curriculum reform. These claims have been investigated and substantiated by the Department of Health, Education and Welfare and settlement negotiations have been underway.

Granite painting of elk, mountain sheep and other game animals, Salmon River, Idaho



ACCOUNTABILITY

If We Make Peace, You Will Not Hold It

Gall, Sioux, 1868

ACCOUNTABILITY

Summaries of Major Cases and Activities

Alaska Native Association of Oregon v. Morton,
United States District Court, District of
Columbia (filed November 1973)

NARF filed suit on behalf of several groups of Alaskan Natives who reside outside the State of Alaska challenging the election conducted by the Secretary of the Interior on the question of the creation of a Thirteenth Regional Corporation for Alaskan Natives residing outside the State of Alaska. The Alaskan Native Claims Act of 1971 required a vote on the question by the non-resident Natives during the enrollment process, but many irregularities occurred during the election which the Secretary of the Interior certified as a mandate against the creation of a Thirteenth Regional Corporation to manage the assets of the non-resident Natives received under the Act. Although the relief sought by NARF attorneys was a new election, the Court ordered the creation of the Thirteenth Regional Corporation which was the position of other Alaskan Natives who had intervened in the case.

Central Utah Project

Environmental groups filed suit against the federal government challenging the first phase of construction of the Central Utah Project, which is designed to divert water from northeastern Utah into the Salt Lake Valley. A group of Ute Indians from the Uintah and Ouray Reservation made known to the court their concerns about the impact of the Project on the water rights of the Tribe. After careful review, NARF undertook representation of the group and asserted that a 1965 agreement between the Tribe and the federal government to waive the Tribe's water rights for a 50-year period for the benefit of the Project for nominal consideration was a violation of the federal government's trust responsibility and violated the Tribe's constitution. An agreement was reached with the federal government and the Tribe temporarily waiving the group's objections to the first phase of the Project and the deferral agreement pending further review, with the understanding that tribal water resources would not be committed to the Project without a tribal referendum.

First National Bank of Circle v. Fort Belknap
Indian Community, Montana State District Court

The Fort Belknap Indian Community created a pre-fab housing manufacturing business with government and private financing, but the business experienced severe financial problems and discontinued production. In conjunction with the tribal attorney, NARF is defending a suit by the local bank to collect the \$350,000 loan to the Community. Settlement negotiations are underway and NARF, on the theory that the Bureau of Indian Affairs has violated its trust responsibilities to the Tribe for its failure to offer proper advice, is seeking financial assistance from the BIA to repay the loan.

Fort Sill Apache Tribe v. United States,
United States Supreme Court

The Indian Claims Commission Act of 1946 allows tribes to bring claims before the Commission based upon "fair and honorable dealings that are not recognized by an existing rule of law or equity". The Fort Sill Apache Tribe of Oklahoma asserted a claim under this section for the 27 years internment of Geronimo and his followers, but it was dismissed by the Commission and affirmed by the Court of Claims. The Tribe's petition to the Supreme Court to have the case reviewed was denied. NARF had filed amicus curiae briefs supporting the Tribe's claim at the Court of Claims and Supreme Court levels.

Grogan v. Cook, Grogan v. Boots, Supreme Court
of the State of New York

NARF represents three Indians on the St. Regis Mohawk Reservation who are being subjected to state legal proceeding instituted by the elected chiefs on the Reservation in an effort to have the three removed from the Reservation. Although the three Indians are attempting to live on land they have purchased, the elected chiefs are asserting that they are intruders. A state court had ordered the three removed and NARF undertook the case on appeal. It is asserted that the lower court's decision should be reversed on the grounds that unresolved questions remain concerning the membership in the Tribe of the three and violations of their civil rights.

Johnson v. Lower Elwha Tribe, United States
District Court, Western District of Washington

When the tribal council of the Lower Elwha Band of Clallum Indians revoked the land use permit of a tribal member, a suit was filed against the Band alleging violations of civil rights. Eventually, the Court held that the Band had violated the civil rights of the tribal member by its failure to provide a hearing prior to the revocation of the permit. NARF assisted the Band in establishing hearing procedures and helped them conduct the hearing for the tribal member, whose land use permit was ultimately revoked.

Logan v. Morton, United States District Court,
Northern District of Oklahoma (filed July 1974)

The Osage Tribal Council of Oklahoma is elected by Osages and non-Osages who own shares in the tribal mineral estate. Not all Osages own mineral estate shares, however, so they are not included in the electorate. Although the Tribal Council's functions are limited to the administration of the mineral estate, it administers some general reservation programs for all Osages even though it does not represent all Osages. After unsuccessful negotiations to limit the Tribal Council to its mineral estate function and create a new tribal council to represent all Osages, NARF filed suit on behalf of a group of Osages against the federal government and the Tribal Council alleging violations of voting rights or, in the alternative, that the Tribal Council is acting beyond its authority in managing the reservation-wide program.

Lomayaktewa v. Morton, United States Court of
Appeals, Ninth Circuit (filed May 1971)

The Hopi traditional and religious leaders filed suits seeking to set aside the Secretary of the Interior's approval of a coal strip mining lease by the Hopi Tribal Council. The suit is based on violations of the tribal constitution, including the lack of leasing authority and a lack of a duly constituted tribal council. After the case was transferred from a Washington, D.C. federal court, the case was dismissed by the Arizona Federal Court for failure to join indispensable parties. The decision has been appealed to the Federal Court of Appeals in San Francisco.

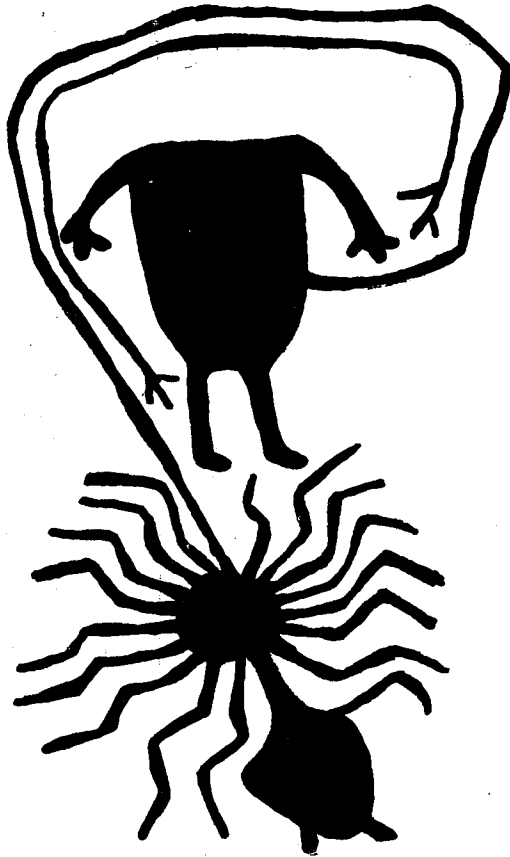
Morton v. Ruiz, United States Supreme Court

The issue before the Supreme Court in this case was the validity of a Bureau of Indian Affairs policy limiting its services to reservation Indians only, in light of a federal statute which authorizes the BIA to provide services to "Indians throughout the United States". Since nearly half of the one million American Indian population does not reside on federal reservations, NARF filed an amicus curiae brief supporting a broad interpretation of the law and arguing the due process violations of the BIA's policy. In its decision, the Supreme Court did strike down the policy as violative of due process, but held that BIA services were limited to Indians on or near reservations upon legislative history of BIA appropriation acts.

Oneida Nation v. Oneida and Madison Counties,
United States Supreme Court

The Oneida Nation brought suit asserting that transactions dating back to 1795 by which most of their lands passed to the State of New York violated the Indian Non-Intercourse Act of 1790 requiring federal approval of such transactions. The lower federal courts dismissed the case, holding that jurisdiction was lacking because no federal question was presented. When the Oneidas petitioned the Supreme Court to review the case, NARF supported the petition with an amicus curiae brief on its own behalf. When the Supreme Court agreed to hear the case, NARF assisted the Oneida Nation attorneys with their brief and, in conjunction with the Association of American Indian Affairs and several tribes, filed an amicus curiae brief on its own behalf. The Supreme Court reversed, holding that federal jurisdiction existed to hear the case, thus giving the Oneidas the opportunity to press their claims.

Headless figure connected with "power" line to unidentified symbol. It is only rock painting in Michigan located in what was Menominee Territory.



INDIAN LAW DEVELOPMENT

You Must Speak Straight So That Your Words May Go As Sunlight To Our Hearts

Cochise, Apache, 1866

INDIAN LAW DEVELOPMENT

Summaries of Major Activities

Indian Law Back Up Center

NARF serves as the Indian Law Back Up Center for the Office of Economic Opportunity's legal services programs which have Indian clients. In this capacity, NARF has continued to provide research assistance and advice to over 20 legal services programs with cases involving Indian legal questions. This general assistance is in addition to NARF's role as co-counsel with legal services programs in litigation matters mentioned above as the Indian Law Back Up Center. In order to keep those programs with Indian clientele informed about recent developments in the field, NARF has prepared and distributed on a monthly basis a publication called Indian Law Developments to interested programs. At the request of the programs, and in conjunction with the Legal Services Training Program, NARF conducted a week-long training session on Indian legal problems for new attorneys in legal services with Indian clients. The training session was attended by some 80 attorneys who received training on both procedural and substantive aspects of Indian law cases.

National Indian Law Library

NARF's National Indian Law Library project is a repository and clearinghouse for Indian legal materials. It is an invaluable research tool to those interested in the field, with its holdings retrievable through a comprehensive index which provides efficient access to the most complete collection of documents relating to Indian legal affairs. NILL's holdings include more than 6,000 documents which have been catalogued and placed into over 1,500 research files. Volume II of the National Indian Law Library Catalogue was completed, updating the list of holdings, and distributed without charge to Indian tribes, organizations and legal services programs. Copies are available to individual users at \$10 per copy. In 1974 alone, NILL responded to over 3,000 requests for library materials. Another project of NILL is the printing and distribution at cost of the Indian Claims Commission Decisions, a valuable set of Indian land claims decisions which are not available commercially. Printing and distribution of the first 27 volumes of the current 34-volume set was completed and distributed to over 60 libraries purchasing the set at cost.

Conferences and Organizational Assistance

NARF has provided information and assistance to several Indian organizations and Indian-related organizations through its participation in conferences and meetings. Among those involved were the National Congress of American Indians, the National Tribal Chairmen's Association, Affiliated Tribes of Northwest Indians, American Indian Lawyers Association, Coalition of Eastern Native Americans, American Indian Lawyer Training Program, National Indian Education Association, American Indian Cattlemen's Association, and the Indian Arts & Crafts Board. Others include the National Legal Aid and Defenders Association, the State Attorneys General Meeting on Indian Jurisdiction, the Alaska Bush Justice Conference, the Conference on Australian Aborigines and the Law, and the Conference on Archeology and the Law.

Legislation and Regulations

In addition to the small amount of client-centered work on legislation and regulations mentioned above, NARF's expertise in Indian legal affairs has been used in other situations. At the request of the Senate Judiciary Committee, NARF submitted comments on the Committee's proposed revisions of the Federal Criminal Code affecting federal jurisdiction on Indian reservations. NARF also raised several points in regard to the Legal Services Corporation Act and its effect on Indians and Indian legal services. NARF has also consulted with the Justice Department in their preparation of legislation concerning the adjudication of federal water rights and Indian water rights.

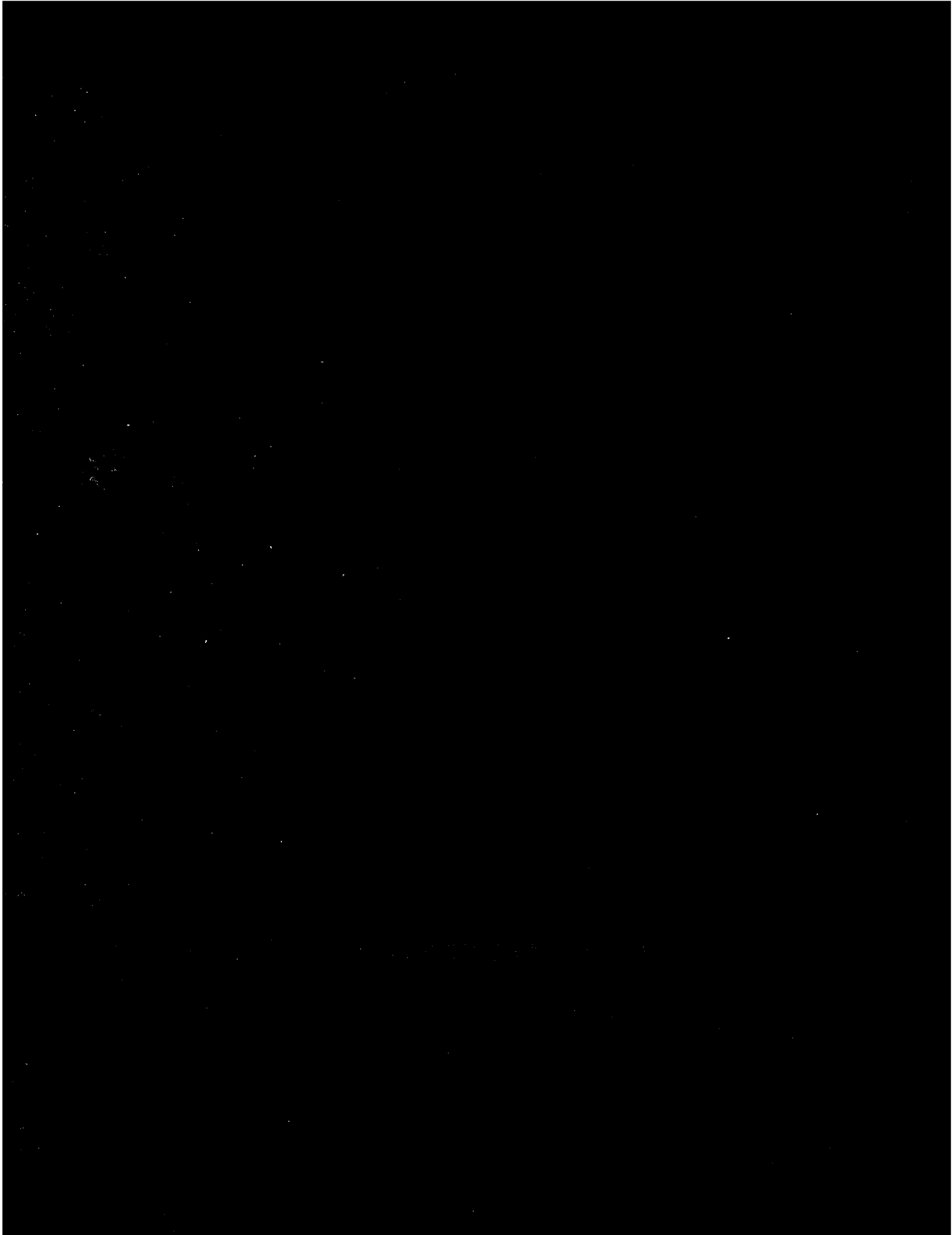
Tribal Codes

Following a court decision confirming the existence of treaty hunting and fishing rights for the Minnesota Chippewa Tribe, NARF assisted the Leech Lake Band of Chippewa Indians in drawing up a procedural code for the tribal court for use in enforcing the new tribal hunting and fishing code. After a court decision confirming the existence of tribal jurisdiction in the Hannahville Indian Community in Michigan, NARF assisted the Community in preparing a law and order code for use by their new law enforcement system. NARF also assisted the Papago Election Committee in preparing rules for the tribal election after they encountered difficulties.

Teaching and Publications

An extensive law review article covering Indian treaty law was prepared for publication in the University of California Law

Review. The article stresses the continuing vitality of Indian treaties absent an express abrogation of those rights by the Congress. NARF has also assumed direct responsibility for the teaching of an Indian law seminar at the University of Colorado Law School. Teaching assistance was provided to the University of New Mexico Law School in its special summer program for beginning Indian law students. Assistance was also rendered to the University of Wyoming Law School in establishing an Indian law course. NARF's Washington office participated in the clinical law program at the Antioch Law School by supervising several Indian law students in their research work on NARF cases.



SECRETARY - TREASURER'S REPORT

Overview

IRS Classification

NARF is a non-profit, charitable corporation incorporated July 14, 1971, under the laws of the District of Columbia. On July 20, 1971, NARF was recognized by the Internal Revenue Service as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code. On February 5, 1973, NARF was classified as an organization that is not a private foundation as defined in Section 509(a) of the Code because it is an organization described in Section 170(b)(1)(A)(VI) and 509(a)(1). This classification relieves private foundations of expenditure responsibility for all grants made to the Native American Rights Fund.

Fiscal Management

The financial assets of Native American Rights Fund are maintained under a full-accrual, double entry fund balance accounting system. All expenses are segregated by grantee or fund. The financial management of the Corporation is the responsibility of the Secretary-Treasurer of the Corporation.

The report of Price, Waterhouse and Co., independent certified accountants, on NARF's financial statements, including a statement of revenues, expenditures and changes in fund balances, as well as supplemental notes and information, as of September 30, 1974, is included in this section on pages 78-96.

The operational budget for NARF's Fiscal Year 1974 (October 1, 1973 - September 30, 1974) was 15% higher than the operational budget for Fiscal Year 1973. In FY74 total operational expenditures amounted to \$923,894 versus the \$791,015 expended in FY73. This increase, some 4% less than the 19% growth between FY73 and FY72, related to the addition to NARF's professional staff of one staff attorney and the necessary support components; as well as price increases in outside goods and services purchased by NARF during FY74 which averaged 9.5%.

Private foundations provided 76% of NARF's operational support during FY74; governmental and public institutions 17%;

and the general public 7%. During the previous fiscal year these same categories of support were 72%, 23%, and 5%, respectively.

A list of all 1974 supporting foundations, public grant sources, corporate contributors, and individual citizens who gave gifts of \$100 or more is included in pages 75-77 of this report section.

During FY74 NARF resources were spent in the following budget areas. Comparative figures for FY73 are also shown.

<u>Budget Expense Category</u>	<u>FY74</u>	<u>% of total</u>	<u>FY73</u>	<u>% of total</u>
Personnel Costs	\$524,185	57	\$407,295	51
Consultants & Contract Services	28,475	3	21,526	3
Travel	90,666	10	69,769	9
Space Costs & Rentals	35,196	4	43,308	6
Consumable Supplies	130,614	14	71,486	9
Equipment & Furnishings	17,637	2	6,878	1
Litigation Costs	19,015	2	16,295	2
Other Costs	31,119	3	127,583	16
Fund Raising Costs	46,987	5	26,875	3
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL:	\$923,894	100%	\$791,015	100%

NARF's general fund balance at the close of FY74 totalled \$180,060. Of this amount \$65,212 was restricted to designated uses by grantors. NARF's combined fund balance for FY74, including the general fund and the general fixed asset fund, totalled \$409,686. This is an increase of some \$88,417 over the FY73 fund balance of \$321,269. As noted, funds totalling \$65,212 at September 30, 1974 were restricted, compared to \$48,137 in restricted monies included on the FY73 combined fund balance.

Fund Raising Policies

NARF's public information and fund raising staff both for public solicitations, and foundation, governmental, and corporate activities consists of salaried employees. During 1974 NARF retained data management consultants on a very limited basis to assist in the development of a computer record keeping system and public solicitation list rentals. No percentage inducements were offered or paid to these individuals. Although NARF engages in direct mail solicitation, it does not send unsolicited merchandise of any kind as an inducement to contribute.

During FY74, NARF in an attempt to build a broader base of public support, continued to operate as stated previously a small direct mail solicitation program. Some 4,500 individuals responded to NARF's appeals. Each of these individual contributions, totalling some \$50,000, was recorded and each individual donor received an official receipt for the contribution. NARF retains a permanent record of all such gifts and makes available to a donor upon request, a record of his or her individual contributions, including the date of each gift and the amount.

Corporate and Program Management

John E. Echohawk, a Pawnee, who was appointed as Executive Director of the Corporation and Director of the program on April 1, 1973, continued to hold these positions during 1974.

On April 6, 1974, Thomas W. Fredericks, a Mandan Indian, was appointed as Vice-Executive Director of the Corporation and Deputy Director of the program. Mr. Fredericks replaced Mr. David H. Getches as Vice-Executive Director; the position of Deputy Director had been vacant since April 1, 1973.

Ms. Joan C. Lieberman, who has acted as Secretary-Treasurer of the Corporation since its incorporation in July, 1971, continued in this position during 1974. She held this position concurrently with that of the Assistant to the Director.

In addition to Mr. Echohawk and Mr. Fredericks, 14 other professional staff members worked out of NARF's main offices in Boulder, Colorado during 1974. These individuals included 15 attorneys, six of whom were Native Americans, and the Assistant to the Director.

Two other attorneys were also a part of the 1974 professional staff. One was located in NARF's Washington, D.C.

office and the other in Calais, Maine. The latter was retained on a full-time Of Counsel basis. One professional staff member left the program during 1974.

Of the 23 full-time NARF support staff positions during 1974, 17, or 73%, were filled by Native Americans. Ninety four percent of the temporary or part-time support staff positions were filled by Indian people. Nine full-time permanent support staff members left NARF during 1974, a 39% turnover rate.

A listing of all 1974 NARF employees can be found on pages 101-108. The vitae of staff attorneys are also included. The Organizational Chart for the Corporation and the program is shown on page 109.

As the Organizational Chart shows NARF is governed by a volunteer, unpaid Steering Committee which met twice during 1974. Day to day management of the Corporation was under the supervision of the four-man Executive Committee which met quarterly and consulted by conference call an additional eight times during 1974. A listing of the Steering Committee members is shown on the frontispiece of this report.

Trademark, Publications, and Certificate of Authority
NARF's name and feather logo is registered with the U.S. Patent Office, and it is NARF's policy to defend its name vigorously against unauthorized use by others.

A complete listing of all NARF monographs and periodicals begins on page 97. A list of staff publications is shown on pages 99-100.

The Native American Rights Fund, Inc. operates under a Certificate of Authority for a Foreign Non-Profit Corporation in the State of Colorado.

Joan C. Lieberman
Secretary-Treasurer

January, 1975

NATIVE AMERICAN RIGHTS FUND

CONTRIBUTORS 1974

Foundations

Carnegie Corporation of New York

Field Foundation

Ford Foundation

Irwin-Sweeney-Miller Foundation

Laras Fund

Lilly Endowment, Inc.

Polaroid Foundation

Seacoast Foundation

Tamler Foundation

Grant Purpose

National Indian Law
Library

Southwest Indian
Environmental Project

General Support

Indian Corrections
Project

Pit River Tribe/FPC
License Application

Eastern Indian Legal
Support Project

General Support

General Support

General Support

Corporations

Clymer Publications

CNA Financial Corporation

Eckbo, Dean, Austin and Williams

Random House, Inc.

Textron Charitable Trust

Purpose

General Support

General Support

General Support

General Support

General Support

Religious, Governmental and Public Institutions

Department of Health, Education
and Welfare - Office of Native
American Programs

Domestic and Foreign Missionary
Society of the Episcopal Church

Purpose

Indian Education Legal
Support Project

Central Utah Project
Evaluation for Ute
Tribal Members

Religious, Governmental and
Public Institutions (Con't)

Harvard University (Subcontract
from the Office of Economic
Opportunity)

Howard University (Subcontract
from the Office of Economic
Opportunity)

Social Service Employees Union
AFL-CIO

United Society of Friends Women

University of Colorado
(Subcontract from the Office
of Economic Opportunity)

University of Colorado

Purpose

Indian Education Legal
Support Project

Reginald Heber Smith
Fellowship for A. John
Wabaunsee

General Support

General Support

Indian Law Back Up
Center

Indian Law Seminar

Individual Contributors over \$100

Purpose

Mr. Scott Abbott

Ms. Pauline E. Ahl

Mr. David H. Anderson

Anonymous Contributor

Mr. & Mrs. Michael Arlen

Mrs. Fanny H. Arnold

Mr. & Mrs. C. Atwood, Jr.

Ms. Margaret Tolles Austin

Mrs. Frank L. Babbott

Dr. Frank C. Baldwin

Mrs. Katrina McCormick Barnes

Mrs. Helen M. Beardsley

Mr. Roger Boone

Mrs. Eugenie Rowe Bradford

Mr. & Mrs. Lewis S. Callaghan

Mr. James J. Callan

Mr. Arthur Graham Carey

Mrs. Harding Clegg

Mr. Robert Cory, Jr.

Mrs. Annie M. David

Mrs. Mary F. Depackh

Mr. M. M. Devore

Mrs. Carol Bernstein Ferry

Ms. Edna T. Foster

Miss Dorothy Clock Freeman

General Support

General Support

General Support

Endowment

Endowment

General Support

General Support

General Support

General Support

General Support

Endowment

Endowment

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

General Support

Individual Contributors over \$100
(Con't)

Purpose

Ms. Margaret M. Gage	General Support
Mrs. E. Snell Hall	General Support
Mrs. Fredrika T. Hastings	General Support
Mrs. Sara H. Haubert	General Support
Mr. William F. Hayden	General Support
Mr. & Mrs. R. Allen Hermes	General Support
Ms. S. S. Hinckley	General Support
Ms. Georgina P. Howland	General Support
Ms. Jeanette W. Ingersoll	General Support
Mr. Samuel Kinser	General Support
Mr. Roger S. & Mrs. Bell Kuhn	General Support
Mr. John E. Lamb	General Support
Mrs. Wann Langston	General Support
Mr. Frank V. Lieberman	General Support
Mr. J.A. & Mrs. Margaret A. MacCosham	General Support
Mr. Ernest N. May	General Support
Mrs. Patricia P. McKenzie	General Support
Mrs. Sarah N. McLean	General Support
Mr. Frasier W. McCann	General Support
Mrs. Vera C. Pratt	General Support
Mrs. William M. Preston	General Support
Mrs. Carol Rehfisch	General Support
Mrs. Lorna H. Scheide	General Support
Mr. Peter L. Sheldon	General Support
Mr. & Mrs. Paul J. Sperry	General Support
Mr. & Mrs. Robert Stover	General Support
Miss Mary Lou Taber	General Support
Mrs. Ruth Thompson	General Support
Mr. Alan M. Thorndike	General Support
Mr. John K.C. Tkachyk	General Support
Mr. Richard E. Weed	General Support
Mr. T. L. Williams	General Support
Mrs. Patricia A. Wollenberg	General Support
Ms. Mary Young	General Support

NATIVE AMERICAN RIGHTS FUND, INC.

FINANCIAL STATEMENTS AND

SUPPLEMENTARY INFORMATION

SEPTEMBER 30, 1974

NATIVE AMERICAN RIGHTS FUND, INC.

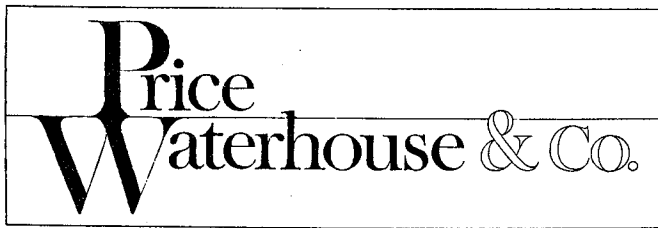
FINANCIAL STATEMENTS AND

SUPPLEMENTARY INFORMATION

SEPTEMBER 30, 1974

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FIRST NATIONAL BANK BUILDING, DENVER, COLORADO 80202
303-266-3111

November 25, 1974

To the Steering Committee of
Native American Rights Fund, Inc.

We have examined the Statement of Financial Position of Native American Rights Fund, Inc. as of September 30, 1974 and the related Statement of Revenues, Expenditures and Changes in Fund Balances for the year. Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

It was impractical for us to extend our examination of contributions received from the general public beyond accounting for amounts so recorded.

In our opinion, the financial statements examined by us present fairly the financial position of Native American Rights Fund, Inc. at September 30, 1974 and the results of its operations and changes in fund balance for the year, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

The financial statements of Native American Rights Fund, Inc. for the year 1973 were examined by other independent accountants whose report was issued subject to any adjustments to the financial statements which may result from determination of the amount which ultimately will be realized from the Fund's investment in the common stock of Elixir Industries.

Price Waterhouse & Co.

NATIVE AMERICAN RIGHTS FUND, INC.
STATEMENTS OF FINANCIAL POSITION
SEPTEMBER 30, 1974

	<u>General Fund</u>	<u>General Fixed Asset Fund</u>	<u>Combined September 30, 1974</u>	<u>1973*</u>
<u>ASSETS</u>				
Current assets:				
Cash	\$ 15,001		\$ 15,001	\$ 31,454
Marketable securities (Note 2)	136,418		136,418	6,634
Grants Receivable	16,575		16,575	43,377
Other Receivables	5,021		5,021	9,392
Prepaid Expenses	7,045		7,045	2,713
	180,060		180,060	93,570
Property and Equipment:				
Land and buildings (Note 5)		\$140,135	140,135	140,135
Improvements to land and buildings (Note 5)		1,720	1,720	1,720
Office Equipment and Furnishings		54,351	54,351	45,844
Automobile		4,220	4,220	
		200,426	200,426	187,699
Investment in Restricted Common Stock (Note 2)	29,200		29,200	40,000
	<u>\$209,260</u>	<u>\$200,426</u>	<u>\$409,686</u>	<u>\$321,269</u>
<u>LIABILITIES</u>				
Current liabilities:				
Current portion of mortgage payable (Note 5)		\$ 2,712	\$ 2,712	\$ 2,487
Accounts payable	\$ 13,582		13,582	19,766
Accrued salaries and fringe benefits	24,274		24,274	22,464
	37,856	2,712	40,568	44,717
Mortgage payable, less current portion (Note 5)		120,212	120,212	122,924
	37,856	122,924	160,780	167,641
FUND BALANCE (Note 6)	171,404	77,502	248,906	153,628
	<u>\$209,260</u>	<u>\$200,426</u>	<u>\$409,686</u>	<u>\$321,269</u>

*Restated to conform with reporting format adopted in 1974.

See notes to financial statements.

NATIVE AMERICAN
STATEMENT OF REVENUES, EXPENSES AND FUND BALANCE

	YEAR ENDING 1974				
	RESTRICTED				
	Ford Foundation	Irwin- Sweeney- Miller Foundation	Lilly Endowment, Inc.	Carnegie Corporation of New York	Harvard University
REVENUES:					
Grants received (Note 4)	\$406,790	\$121,709	\$76,835	\$63,000	\$53,985
Contributions received, less estimated loss in value of restricted common stock of \$160,000 at September 30, 1973 (Note 2)					
Other income					
	406,790	121,709	76,835	63,000	53,985
EXPENDITURES:					
Personnel costs	261,723	58,560	39,283	41,104	30,580
Consultants and contract services	12,568	10,369	1,668	250	1,729
Travel costs	56,651	11,457	6,859	325	7,004
Space costs and rentals	14,955	3,925	6,615	1,199	2,183
Consumable supplies	55,867	13,978	14,388	19,673	9,942
Equipment and furnishings	4,141	3,081	2,765	2,602	1,276
Litigation costs	9,181	4,283	1,159		1,271
Other costs	4,443	1,121	5,311		
Fund raising costs					
	419,529	106,774	78,048	65,153	53,985
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENSES	(12,739)	14,935	(1,213)	(2,153)	
FUND BALANCE AT BEGINNING OF YEAR	16,478		16,896	6,312	
Additions to fixed assets (Note 3)					
FUND BALANCE AT END OF YEAR	\$ 3,739	\$ 14,935	\$15,683	\$ 4,159	\$

* Restated to conform with reporting format adopted in 1974

See notes to financial statements.

RIGHTS FUND, INC.

RESOURCES AND CHANGES IN FUND BALANCES

ENDED SEPTEMBER 30, 1974

UNRESTRICTED FUNDS

University of Colorado	The Field Foundation	Department of HEW	Reginald Heber Smith	Other Restricted Funds	Unrestricted Funds	General Fixed Asset Fund	Total All Funds Year Ended September 30,	
							1974	1973*
2,279	\$40,000	\$26,874	\$26,135	\$11,000			\$ 879,607	\$ 596,636
					\$ 63,213		63,213	83,968
					61,138		61,138	9,192
2,279	40,000	26,874	26,135	11,000	124,351		1,003,958	689,796
2,572	17,636	12,565	25,162				524,185	407,295
	966	925					28,475	21,526
2,529	2,274	2,567					90,666	69,769
2,147	2,387	785					35,196	43,308
2,370	5,279	4,117					130,614	71,486
2,478	1,263	1,031					17,637	6,878
	2,942	179					19,015	16,295
183	620	74		4,992	14,375		31,119	127,583
					46,987		46,987	26,875
2,279	33,367	22,243	25,162	4,992	61,362		923,894	791,015
	6,633	4,631	973	6,008	62,989		80,064	(101,219)
			4,459	3,992	43,203	\$62,288	153,628	220,308
						15,214	15,214	34,539
	\$ 6,633	\$ 4,631	\$ 5,432	\$10,000	\$106,192	\$77,502	\$ 248,906	\$ 153,628

NATIVE AMERICAN RIGHTS FUND, INC.

NOTES TO FINANCIAL STATEMENTS

SEPTEMBER 30, 1974

NOTE 1 - ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES

Native American Rights Fund, Inc. (the Fund) was organized in 1971 under the non-profit corporation law of the District of Columbia and has a primary objective of providing legal representation, assistance and education to the American Indian people. The Fund derives financial support from private foundations, the United States Government and from public contributions.

The Fund is a tax exempt organization as described in section 501(c)(3) of the Internal Revenue Code and as such is subject to federal income taxes only on unrelated business income.

The accounting policies of the Fund are based on the accrual basis of accounting and generally accepted accounting principles applicable to voluntary health and welfare organizations. A summary of the more significant accounting policies follows:

Revenues - Revenues are recorded when funds are received during the fiscal year except for grants which provide for reimbursement of costs expended. Revenues from these grants are recorded when the grantor is billed for such reimbursable costs. Contributions of marketable securities or other in-kind contributions are recorded as revenues at their estimated fair market value at the date of contribution. Significant, long-term declines in market value which cause the recorded value to exceed market value are recorded as expenditures.

Property and equipment - Purchases of property and equipment and payments on the related mortgage liability are charged as expenditures of the general fund at the time of disbursement. At the same time the assets acquired are recorded as increases to the property and equipment account and the general fixed asset fund balance. Depreciation of fixed assets is not recorded under this method.

During 1974 the American Institute of Certified Public Accountants issued an industry audit guide "Audits of Voluntary Health and Welfare Organizations" effective for fiscal years beginning after June 30, 1974. The guide will require functional reporting and depreciation accounting by the Fund for the year ended September 30, 1975, with application adjustments retroactively applied. The effect of depreciation on the financial statements for the year 1974 is not considered material.

NOTE 2 - MARKETABLE SECURITIES AND INVESTMENT IN RESTRICTED COMMON STOCK

Marketable securities consists of certificates of deposit, marketable corporate securities and mutual fund shares. The market value of these investments is approximately \$132,000 and \$7,000 at September 30, 1974 and 1973, respectively.

The investment in restricted common stock consists of 14,600 shares at September 30, 1974 and 20,000 shares at September 30, 1973 of Elixir Industries common stock which has not been registered under the Securities Act of 1933. The stock is subject to certain restrictions as to sale and at September 30, 1973 was adjusted to its estimated market value of \$40,000 which is based on the market price of registered shares. At September 30, 1974 14,600 registered shares of Elixir Industries had an estimated market value of \$31,025.

NOTE 3 - ADDITIONS TO PROPERTY AND EQUIPMENT

Net additions to the general fixed asset fund resulting from general fund expenditures (Note 1) consist of the following:

	<u>Year ended September 30,</u>	
	<u>1974</u>	<u>1973</u>
Purchase of land and buildings		\$ 140,135
<u>Less</u> - Funds provided by mortgage		<u>(126,000)</u>
Net addition to land and buildings		14,135
Purchase of office equipment	\$ 8,507	18,257
Purchase of automobile	4,220	
Principal payments on mortgage	2,487	589
Improvements to land and buildings		1,720
<u>Less</u> - Disposition of office equipment		<u>(162)</u>
Net increase to general fixed asset fund	<u>\$15,214</u>	<u>\$ 34,539</u>

NOTE 4 - GRANT INFORMATION

Revenues from Harvard University arise from a subcontract with that University under OEO Grants CG-1603 and CG-10301.

Revenues from the University of Colorado arise from a subcontract with that University under OEO Grants CG-8603 and CG-80026.

Revenues from the Department of Health, Education and Welfare, Office of Native American Programs arise from Grant 90-I-232.

Grants received under other restricted funds include \$10,000 from the Laras Fund which has not been expended at September 30, 1974 and \$1,000 from the Executive Council of the Episcopal Church which was used for expenses related to the Ute Indian Water Resources Project.

NOTE 5 - MORTGAGE PAYABLE

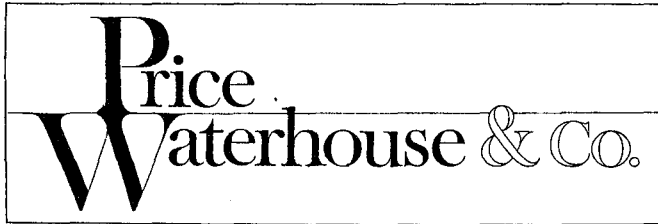
The mortgage payable is secured by the Fund's land and buildings and is payable in equal monthly instalments of \$1,113, including interest at 8 3/4%, through May 1983, with a final principal payment of \$89,491 due in June 1983.

NOTE 6 - RESTRICTION ON FUND BALANCE

Funds totalling \$65,212 and \$48,137 at September 30, 1974 and 1973, respectively, included in the General Fund are restricted to designated uses by the grantors.

NOTE 7 - SUBSEQUENT EVENT

On October 25, 1974 the Fund received notice from the Ford Foundation of their intent to make a new grant of \$800,000 to the Fund. This grant will expire on June 30, 1976.



FIRST NATIONAL BANK BUILDING, DENVER, COLORADO 80202
303-266-3111

November 25, 1974

To the Steering Committee of
Native American Rights Fund, Inc.

OPINION ON SUPPLEMENTARY GRANT INFORMATION

In our opinion, the accompanying supplementary grant information on pages 8 through 17 is stated fairly in all material respects in relation to the financial statements, taken as a whole, of Native American Rights Fund, Inc. for the year ended September 30, 1974 which are covered by our opinion presented in the first section of this report. The accompanying information is supplemental to the financial statements and is not essential for a fair presentation of the financial position, results of operations and changes in fund balance. Our examination, which was made primarily for the purpose of forming an opinion on the financial statements taken as a whole, included such tests of the accounting records, from which the supplementary information was compiled, and such other auditing procedures as we considered necessary in the circumstances.

Price Waterhouse & Co.

NATIVE AMERICAN RIGHTS FUND, INC.
SUPPLEMENTARY GRANT INFORMATION
SEPTEMBER 30, 1974

FORD FOUNDATION

Grant Summary

Grant purpose - General support

Grant amount and period (October 1, 1971 to
September 30, 1974)

\$1,200,000

Revenues advanced to Native American Rights Fund, Inc.

\$1,200,000

Less total expenditures to date

1,196,261

Fund balance available

\$ 3,739

Grant amount not advanced

\$ -0-

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Professional staff	\$ 403,402	\$ 382,328
Support staff	224,595	238,177
Benefits	73,298	71,939
Consultants and conferences	37,697	40,465
Travel	153,090	153,091
Space costs	82,386	82,401
Equipment and furnishings	13,199	14,640
Office expenses	153,651	152,789
Litigation	38,327	40,708
Library	20,355	19,723
	<u>\$1,200,000</u>	<u>\$1,196,261</u>

IRWIN-SWEENEY-MILLER FOUNDATION

Grant Summary

Grant purpose - Indian Corrections Project

Grant amount and period (November 1, 1973 to
October 31, 1974)

\$121,709

Revenues advanced to Native American Rights Fund, Inc. \$121,709
Less total expenditures to date 106,774

Fund balance \$ 14,935

Grant amount not advanced \$ -0-

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	\$ 63,140	\$ 58,560
Consultants	7,200	10,369
Travel	16,500	11,457
Space costs	5,550	3,925
Equipment and furnishings	2,349	3,081
Office expenses	14,550	13,978
Litigation	11,220	4,283
Library	1,200	1,121
	<u>\$121,709</u>	<u>\$106,774</u>

LILLY ENDOWMENT, INC.

Grant Summary

Grant purpose - Eastern Indian Legal Support Project

Grant amount and period (July 1, 1973 to October 31, 1973)	\$ 25,000
Grant amount and period (November 1, 1973 to September 30, 1974)	<u>76,835</u>
	<u>\$101,835</u>
Revenues advanced to Native American Rights Fund, Inc.	\$101,835
Less total expenditures to date	<u>86,152</u>
Fund balance	<u>\$ 15,683</u>
Grant amount not advanced	<u>\$ -0-</u>

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	\$ 40,402	\$46,414
Consultants and contracts services	3,500	1,668
Travel costs	9,075	7,438
Space costs and rentals	6,060	6,615
Consumable supplies	5,968	14,774
Property and equipment	2,431	2,765
Litigation expenses	2,475	1,167
Library	6,924	5,311
Start up costs	<u>25,000</u>	<u>*</u>
	<u>\$101,835</u>	<u>\$86,152</u>

*Included in budget categories above.

CARNEGIE CORPORATION OF NEW YORK

Grant Summary

Grant purpose - National Indian Law Library

Grant amount and period (February 11, 1972 to
January 31, 1975)

\$119,000

Grant amount and period (supplemental grant)

25,000

\$144,000

Revenues advanced to Native American Rights Fund, Inc.

\$144,000

Less total expenditures to date

139,841

Fund balance

\$ 4,159

Grant amount not advanced

\$ -0-

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	\$ 70,608	\$ 82,453
Consultants and contract services	3,000	2,843
Travel costs	1,800	808
Space costs and rentals	5,350	4,297
Office expenses and supplies	34,914	41,140
Equipment and furnishings	3,328	8,300
Supplemental grant (general project support)	<u>25,000</u>	<u>*</u>
	<u>\$144,000</u>	<u>\$139,841</u>

*Included in budget categories above.

HARVARD UNIVERSITY

Grant Summary

Grant purpose - Indian Education Legal Support Project

Grant amount and period (subcontracted under OEO

Grant C6-10301) (August 1, 1973 to October 31, 1973) \$33,333

Grant amount and period (subcontracted under OEO

Grant C6-10301) (November 1, 1973 to January 31, 1974) 33,334

\$66,667

Revenues advanced to Native American Rights Fund, Inc. \$66,667

Less total expenditures to date 66,667

Fund balance \$ -0-

Grant amount not advanced \$ -0-

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
General community programming	<u>\$66,667</u>	<u>\$66,667</u>

UNIVERSITY OF COLORADO

Grant Summary

Grant purpose - Indian Law Back Up Center

Grant amount and period (subcontracted under OEO)
(Grant CG-80026)

July 1, 1973 to December 31, 1973	\$32,500
January 1, 1974 to June 30, 1974	32,500
July 1, 1974 to September 30, 1974	<u>16,250</u>
	81,250

Less amounts withheld by contracting agency for administrative fees and expenses	<u>(6,141)</u>
	<u>\$75,109</u>

Revenues advanced to Native American Rights Fund, Inc.	\$75,109
Less total expenditures to date	<u>75,109</u>

Fund balance	<u>\$ -0-</u>
--------------	---------------

Grant amount not advanced	<u>\$ -0-</u>
---------------------------	---------------

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	\$52,725	\$55,761
Consultants and contract services	4,995	876
Travel costs	7,500	4,945
Space costs and rentals	2,250	3,147
Consumable supplies	8,250	8,719
Rental, lease and purchase of equipment	2,515	1,478
Other costs	<u>3,015</u>	<u>183</u>
	<u>\$81,250</u>	<u>\$75,109</u>

FIELD FOUNDATION

Grant Summary

Grant purpose - Southwest Indian Environmental Project

Grant amount and period (October 1, 1973 to
December 31, 1974) \$40,000

Revenues advanced to Native American Rights Fund, Inc. \$40,000

Less total expenditures to date 33,367

Fund balance \$ 6,633

Grant amount not advanced \$ -0-

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	\$25,766	\$17,636
Consultants and contract services	1,050	966
Travel	3,000	2,274
Space costs and rentals	1,680	2,387
Consumable supplies	4,320	5,279
Rental, lease and purchase of equipment	1,458	1,263
Litigation expense	2,450	2,942
Library	276	620
	<u>\$40,000</u>	<u>\$33,367</u>

DEPARTMENT OF HEALTH, ED
OFFICE OF NATIVE AME

Grant Purpose: Indian Education Legal Support Project

Grant Number and Period: 90-I-232 (July 1, 1974 to June 30, 1975)

Schedule of Expenditures Compared with Budget

	Federal Share	
	Budget	Actual
Salaries and wages	\$ 49,050	\$11,7
Employers' share of fringe benefits	4,905	7
Consultants and professional services	9,600	9
Travel	16,500	2,5
Space costs and rentals	5,550	7
Consumable supplies	14,550	4,1
Lease and purchase of equipment	2,025	1,0
Other direct costs (Litigation and library)	5,320	2
Totals	<u>\$107,500</u>	<u>\$22,2</u>

- (1) The non-federal share amounts include \$2,900 in salary costs the Reginald Heber Smith fellowship which is funded by the

Other Supplementary Information:

No fixed assets have been purchased with HEW/ONAP grant funds the general fund.

EDUCATION AND WELFARE

AFRICAN PROGRAMS

<u>Actual</u>	<u>Non-federal Share</u>		<u>Total</u> <u>Actual</u>	<u>Actual</u> <u>(Over) Under Budget</u>	
	<u>Budget</u>	<u>Actual</u> (1)		<u>Federal</u>	<u>Non-federal</u>
766	\$13,840	\$3,860	\$15,626	\$37,284	\$ 9,980
798	1,384	321	1,119	4,107	1,063
925			925	8,675	
567			2,567	13,933	
785			785	4,765	
117			4,117	10,433	
032			1,032	993	
253	7,220		253	5,067	7,220
243	\$22,444	\$4,181	\$26,424	\$85,257	\$18,263

ts and \$225 in fringe benefits for the services of a recipient of
e Office of Economic Opportunity through Howard University.

nds and the balance of unexpended funds of \$4,631 is included in the cash of

REGINALD HEBER SMITH FELLOWSHIPS

Grant Summary

Fellowship recipients - Yvonne T. Knight and A. John Wabaunsee

Grant amount and period (August 1, 1972 to
July 31, 1975)

\$47,796

Revenues advanced to Native American Rights Fund, Inc. \$42,008

Less total expenditures to date

36,576

Fund balance

\$ 5,432

Grant amount not advanced

\$ 5,788

Schedule of Budgeted and Total Expenditures

<u>Budget Categories</u>	<u>Budget</u>	<u>Total Expenditures</u>
Personnel costs	<u>\$47,796</u>	<u>\$36,576</u>

LARAS FUND

Grant Summary

Grant purpose - Pit River Tribe versus Pacific Power and
Electric Company

Grant amount and period (September 14, 1974 to September 30, 1975)	<u>\$10,000</u>
Revenue advanced to Native American Rights Fund, Inc.	\$10,000
Less expenditures to date	<u>-0-</u>
Fund balance	<u>\$10,000</u>
Grant amount not advanced	<u>\$ -0-</u>

NATIVE AMERICAN RIGHTS FUND

PUBLICATION LIST

January 1975

Announcements, Native American Rights Fund, National Indian Law Library newsletter, contains updates of the NILL Catalogue, quarterly. Subscriptions \$10.00 per year for libraries and non-Indian organizations; no charge to Indian tribes, organizations and individuals; attorneys and other individuals by contribution.

The Borough Concept in Alaska; The Inupiat People, David H. Getches, Attorney, Native American Rights Fund, Inc. (1972), NILL Acquisition No. 001128. No charge for single copies.

Handbook on Bureau of Indian Affairs General Assistance for Attorneys and Advocates, Sarah W. Barlow and Martha Ward (1973), NILL Acquisition No. 002143. \$5.00; no charge to tribes or legal services.

Indian Claims Commission Decisions, 33 Volumes prepared by Native American Rights Fund, Inc. Single volumes \$18.50 each.

Index to the Indian Claims Commission Decisions, prepared by Native American Rights Fund, Inc. (1973). Covers the first 29 volumes of the Indian Claims Commission Decisions providing access to the Decisions by subject, tribe and docket number. Library of Congress Card No. 73-89021. \$25.00; annual subscription service for pocket updates is available for an additional \$7.50 per year.

Indian Law Developments, prepared by the Native American Rights Fund Indian Law Back Up Center. Published monthly; subscriptions \$5.00 per year; no charge to Indian tribes or legal services organizations.

Indian Legal Problems, prepared by Native American Rights Fund, Inc. (1971), NILL Acquisition No. 001235. \$5.00 per copy; no charge to legal services.

Indian Taxation, Tribal Sovereignty and Economic Development, Daniel H. Israel and Thomas L. Smithson, Native American Rights Fund, Inc., National Indian Law Library Press (1972), NILL Acquisition No. 001605. No charge for single copies.

Menominee Restoration Act: Legal Analysis, Charles F. Wilkinson, Yvonne T. Knight, and Joseph F. Preloznik, Native American Rights Fund, Inc., National Indian Law Library Press (1973), NILL Acquisition No. 001971. \$5.00 per copy.

Native American Rights Fund National Indian Law Library Catalogue, Vol. 1 (1973-74) and Vol. 2 (1974-75). Library of Congress Card No. 73-89020. \$10.00 per volume; no charge to Indian tribes or legal services organizations.

NATIVE AMERICAN RIGHTS FUND
STAFF PUBLICATIONS

Joseph J. Brecher, Staff Attorney

Environmental Law Handbook (with Manuel E. Nestle),
California Continuing Education of the Bar (1970).

Book Review of T.J. Kent, Open Space and the San Francisco Bay Area: Organizing to Guide Metropolitan Growth, 1 Ecology Law Quarterly 427 (1971).

"Environmental Litigation: Strength and Weaknesses,"
1 Environmental Affairs 565 (1971).

"Black Mesa and the Law," 13 Clear Creek Journal 62
(March 1972).

"Venue in Conservation Cases: A Potential Pitfall
for Environmental Lawyers,": 2 Ecology Law Quarterly
91 (1972).

John E. Echohawk, Directing Attorney

"Justice and the American Indian," 3 Contact 33 (1973),
NILL Acquisition No. 001947

"Lawyers for Indians: The Native American Rights
Fund," The Quarterly of the Southwestern Association
on Indian Affairs, Vol.9, No. 3 (Fall 1974).

David H. Getches, Staff Attorney

"The Ex Convict's Right to Vote," 40 So. Cal. L.
Rev. 148 (1966).

"Special Treatment of Cemeteries," 40 So. Cal. L.
Rev. 716 (1967).

Book Review, Uncommon Controversy, 23 Maine L. Rev.
265 (1971), NILL Acquisition No. 001163.

"Lawyers and Indians," The Colorado Lawyer
(February 1972), NILL Acquisition No. 002067.

"Difficult Beginnings for Indian Legal Services,"
NLADA Briefcase, Vol. 30, No. 5 (May 1, 1972),
NILL Acquisition NO. 002066.

"The North Slope Borough, Oil and the Future of Local Government in Alaska," 3 UCLA-Alaska L. Rev. 55 (Fall 1973)

Daniel H. Israel, Staff Attorney

"Indian Taxation, Tribal Sovereignty and Economic Development," 49 North Dakota L. Rev. 267 (1973), NILL Acquisition No. 001605. Also published by the Native American Rights Fund, Inc., National Indian Law Library Press (1972)

Douglas R. Nash, Staff Attorney

"Tribal Control of Extradition," 10 New Mexico Natural Resources Journal 626 (1970), NILL Acquisition No. 001396.

Thomas L. Smithson, Staff Attorney

"Indian Taxation, Tribal Sovereignty and Economic Development," 49 North Dakota L. Rev. 267 (1973), NILL Acquisition No. 001605. Also published by the Native American Rights Fund, Inc., National Indian Law Library Press (1972).

Thomas N. Tureen, Of Counsel

Hunger, U.S.A., Citizens Board of Inquiry Into Hunger and Malnutrition in the United States (Beacon Press, 1968)--Research Staff.

Our Brother's Keeper: The Indian in White America, Edgar S. Cahn, ed. (Meridian, 1969)--Field Research Director.

"State Power and the Passamaquoddy Tribe: A Gross National Hypocrisy?" 23 Maine L. Rev. 1 (1971), NILL Acquisition No. 001165. Co-author with Francis J. O'Toole.

"Remembering Eastern Indians," 10 Inequality in Education 14 (1972), NILL Acquisition No. 001230.

STAFF OF NATIVE AMERICAN RIGHTS FUND

Professional Staff

John E. Echohawk is the Director of the Native American Rights Fund. Mr. Echohawk is a Pawnee and was the first graduate of the University of New Mexico's special program to train Indian lawyers. He achieved national attention in that capacity. He was a founding member of the American Indian Law Students Association while in law school and has been with NARF since its inception. He was Deputy Director of NARF from March, 1972, until he assumed the directorship in April, 1973.

BA, University of New Mexico, 1967; JD, University of New Mexico Law School, 1970. Reginald Heber Smith Fellow (1970-1972). Native American Rights Fund (August, 1970 to present). Member of the Bar of Colorado.

Thomas W. Fredericks is the Deputy Director of the Native American Rights Fund. Mr. Fredericks is a Mandan-Hidatsa Indian from the Fort Berthold Reservation in North Dakota and was appointed Deputy Director in April, 1974. He has had considerable experience in tribal government and in resource management. He is currently serving as President of the American Indian Lawyers' Association.

BS, Minot State College, 1965; JD, University of Colorado School of Law, 1972. Teacher, Bowbells High School, Bowbells, North Dakota (1965-1966); Tribal Administrator, Standing Rock Sioux Tribe, Fort Yates, North Dakota (1966-1969); Native American Rights Fund (May 1972 to present). Member of the Bars of Colorado and North Dakota.

David H. Getches was NARF's Founding Director from July, 1970 until April, 1973. He carried the primary responsibility for the initial development of NARF. He is well known for his legal work in the areas of fishing, hunting, and other treaty rights. Since April, 1973, he has taken on a full-time litigation role as a staff attorney. He is currently working on a quarter-time basis.

AB, Occidental College, 1964; JD, University of Southern California, 1967 (staff member, University of Southern California Law Review). Associate, Luce, Forward, Hamilton & Scripps, San Diego (1967-1968); Staff Attorney, California Indian Legal Services (1968-1970);

Native American Rights Fund (July 1970 to present). Member of the Bars of Colorado and California. Admitted to practice before the United States Supreme Court.

L. Graeme Bell, III was the staff attorney in NARF's Washington, D.C. office until June, 1974. A graduate of Harvard Law School, he taught law at Columbus School of Law at the Catholic University of America prior to joining NARF in May, 1972. He helped to develop an Indian law program at Catholic University, and during law school was an intern with DNA on the Navajo Reservation.

AB, Dartmouth College, 1966; JD, Harvard Law School, 1969. Professor of Law, Catholic University of America, Washington, D.C. (1971-1972); Attorney, Dinebeiina Nahiilna Be Agaditahe, Window Rock, Arizona (1970); Instructor and Assistant Professor of Law, Harvard and Columbus School of Law (1968-1969).

Joseph J. Brecher is Of Counsel to Native American Rights Fund. He has been primarily responsible for NARF's work on the Southwest Indian Environmental Project. Mr. Brecher has extensive experience in the field of environmental law for lawyers.

AB, cum laude, Amherst College, 1962; JD, New York University Law School, 1966. Associate, Brennan, London & Bittenweiser, New York (1966-1967); Associate, Dinkelspiel and Dinkelspiel, San Francisco, (1967-1969); Research Attorney, California Continuing Education of the Bar (1969-1971); Native American Rights Fund (June 1971 to present). Admitted to practice before the United States Supreme Court.

Walter R. Echo-Hawk, Jr., a staff attorney in the Boulder office, is a Pawnee Indian from Oklahoma. While he was in law school, Mr. Echo-Hawk worked extensively in the Northern Oklahoma area with the Pawnee Indians and served as a consultant to the United States Civil Rights Commission through a contract with the National Indian Youth Council. He is concentrating his efforts now in the field of Indian corrections.

BA, Oklahoma State University, 1970; JD, University of New Mexico Law School, 1973. Native American Rights Fund (June 1973 to present). Member of the Bar of Colorado.

Bruce R. Greene is a staff attorney and Director of the OEO Indian Law Back Up Center at NARF. Mr. Greene advises and assists legal services programs across the country on a wide variety of Indian law issues. He has acquired extensive experience in the areas of both administrative and environmental law.

BS, University of California, 1964; JD, University of California Hastings College of the Law, 1967. Director, California Indian Legal Services, Oakland, California (1972-1974); Staff Attorney, Native American Rights Fund, Boulder, Colorado (1971-1972); Associate, Feldman, Waldman and Kline, San Francisco (1970); Attorney-Advisor to Commissioner of Federal Power Commission, Washington, D.C. (1967-1969).

Roy S. Haber is a staff attorney in the Boulder office. He is well known for his work in prison reform and constitutional rights.

AB, Syracuse University, 1962; JD, New York University School of Law, 1965. Diploma in Comparative Law, Faculte Internationale Pur L'Enseignement Du Droit Compare', 1966; Clerk for Judge Morris Ploscowe (1967-1970); Staff Attorney, Lawyers' Committee for Civil Rights Under Law, Jackson, Mississippi (1970-1972); Native American Rights Fund (October 1972 to present). Member of the Bar of New York. Admitted to practice before the United States Supreme Court.

Daniel H. Israel, a staff attorney in the Boulder office, specializes in tax, jurisdiction, and natural resource management problems.

AB, Amherst College, 1963; MA, University of Pennsylvania, 1964; JD, University of Michigan, 1967. Instructor, University of Washington Law School (1967-1968); Associate, Roberts and Holland, New York (1969-1970); Staff Attorney, Colorado Rural Legal Services, Boulder (1970-1971); Native American Rights Fund (July 1972 to present). Member of the Bars of New York and Colorado.

Yvonne T. Knight, a Boulder staff attorney, is a Ponca and the first Indian woman law school graduate from the University of New Mexico's Indian law program and one of the few Indian woman lawyers in the country. She is a founding member and was a board member of AILSA and is a member of AILA. Since joining NARF's staff she has worked in the fields of education and jurisdiction, as well as on the Menominee Restoration Act.

BS, University of Kansas, 1965; JD, University of New Mexico Law School, 1971; High School teacher, Kansas City, Kansas (1966-1968); she was a Reginald Heber Smith Fellow from August, 1971 until July, 1974; Native American Rights Fund (1971 to present). Member of the Bar of Colorado.

Scott E. Little, prior to joining NARF as a staff attorney in the Boulder office, was a partner with the firm of Lewis and Roca in Phoenix. He has had an extensive background in corporate law and federal court practice.

AB, Dartmouth College, 1963; JD, University of Colorado Law School, 1966. Associate and partner, Lewis and Roca, Phoenix, Arizona (1966-1971); Native American Rights Fund (September 1972 to present). Member of the Bars of Colorado and Arizona. Admitted to practice before the United States Supreme Court.

Charles H. Lohah is Of Counsel to the Native American Rights Fund. He is an Osage Indian from Oklahoma and was Chairman of the Native American Rights Fund Steering Committee from October, 1971, until October, 1973. He presently is Director of the American Indian Educational Opportunity Program at the University of Colorado.

BA, Benedictine Heights College, Tulsa, Oklahoma, 1959; JD, University of Tulsa School of Law, 1963; County and District Court Judge, Oklahoma (1967-1970); Assistant Professor, Baltimore-Washington Campus of Antioch College in charge of the Indian Studies Program (1971-1973). Member of the Bar of Oklahoma.

Don B. Miller is a staff attorney in the Washington, D.C. office of the Native American Rights Fund. In addition to working on the problems of the Eastern Indians, he assists the Boulder office on a wide variety of issues in the Capitol. Mr. Miller was the first employee and Director of the Organization of the Forgotten Americans, which provided legal, economic, consumer protection, and health services to the Klamath Indians in Oregon.

BS, University of Colorado, 1969; JD, University of Colorado, 1972. Attorney-Advisor, Office of Solicitor, Division of Indian Affairs, Department of Interior, Washington, D.C. (9/74 - 12/74). Executive Director, Organization of Forgotten Americans, Klamath Falls, Oregon (1972-1974).

Douglas R. Nash, a Boulder staff attorney, is a Nez Perce Indian from Idaho. Mr. Nash is past Executive Director of the American Indian Law Students Association, and is now Secretary-Treasurer of the American Indian Lawyers' Association. His work at NARF has been primarily in the area of hunting, fishing rights, and other treaty rights of the Northwest tribes.

AB, University of Idaho, 1969; JD, University of New Mexico Law School, 1971. Attorney-Advisor, Department of the Interior Indian Civil Rights Task Force (1971-1972); Native American Rights Fund (August 1972 to present). Member of the Bar of New Mexico.

Robert S. Pelcyger, a staff attorney in the Boulder office, is well known for his work in the area of water rights. He also is involved in several proceedings before the Federal Power Commission.

AB, cum laude, University of Rochester, 1963; LL.B., Yale Law School, 1966. Fulbright Fellow (1966-1967). Staff Attorney, DNA Legal Services (1967); Staff Attorney, California Indian Legal Services (1968-1971); Native American Rights Fund (August 1971 to present). Member of the Bars of California and New York. Admitted to practice before the United States Supreme Court.

Thomas N. Tureen is Of Counsel to the Native American Rights Fund. Since July, 1973, he has worked with NARF on a full-time basis on the problems of recognition, land claims and services for Eastern Indians.

AB, Princeton University, 1966; JD, George Washington University, 1969. Reginald Heber Smith Fellow (1969-1970); Directing Attorney, Pine Tree Legal Assistance Indian Unit, Calais, Maine (1969 to present). Member of the Bars of Maine and the District of Columbia.

A. John Wabaunsee, a Boulder office staff attorney, is a Prairie Pottawatomie Indian. He is presently working in education law and on resource protection and leasing issues.

JD, DePaul University School of Law, 1973. Member of the Bar of Colorado. He has been a Reginald Heber Smith Fellow since August, 1973.

Charles F. Wilkinson, a staff attorney in Boulder, is in charge of the Native American Rights Fund's Indian Education Legal Support Project. In addition to his work in education law, Mr. Wilkinson has spent considerable time on the Menominee restoration effort.

AB, Denison University, 1963; JD, Stanford University Law School, 1966. Associate, Lewis and Roca, Phoenix, (1966-1968); Associate, Bronson, Bronson & McKinnon, San Francisco (1968-1971); Native American Rights Fund (October 1971 to present). Member of the Bars of Arizona and California.

Sally N. Willett is a staff attorney in the Boulder office. She is a Cherokee Indian and the most recent addition to the NARF staff. Miss Willett was awarded a Reginald Heber Smith Fellowship (declined).

BA, Washburn University, (1968); MA, Kansas State Teachers College, (1970); JD, UCLA School of Law, (1974). Instructor, Universidad Industrial de Santander, Bucaramanga, Colombia (1968); Instructor, Kansas State Teachers College (1971); Teacher, Santa Fe Trails High School, Overbrook, Kansas (1969-1971); Native American Rights Fund (August 1974 to present). Member of the Bar of California.

Joan C. Lieberman, Assistant to the Director.

Support Staff

Law Clerks -- Summer 1974

William C. Bruguier (Yankton-Santee Sioux)
Sharon K. Eads (Cherokee)
Karl A. Funke (Chippewa-Keweenaw)
Kathryn C. Harris (Commanche)
Stephen M. Rios (Mission-Juaneno)
Henry Sockbeson (Penobscot)
Jeanne S. Whiteing (Blackfeet-Cahuilla)

Law Clerks -- School Year 1974

John A. Barta
Britt E. Clapham, II (Omaha)
David J. Dunbar (Blackfeet)
James L. Wright

Legal Secretaries

Elva Arquero (Cochiti Pueblo)
Gail L. Benoist (Cheyenne River Sioux)
Janice C. Bray (Kiowa)
Sigrid Eisberg
Erna Faulkner
Jeanette M. Gerber (Navajo)
Carol J. Kerlinger
Carlene Knowlton (Cheyenne River Sioux) - until April, 1974
Deborah Thurston-Nelson
Mayredean C. Palmer (Kiowa) - until February, 1974
Sarah S. Pensoneau (Santee Sioux-Chippewa)
Susan Roberson - until February, 1974
Terry-Anna Walsh (Cherokee)
Maureen Williams (Chippewa)
Sharon M. Williams (Chippewa)
Patricia J. Wright

Bookkeeping

Susan Rosseter Hart
Carmel Lewis (Acoma Pueblo)

Special Projects

Delmar G. Hamilton (Kiowa)
Peter Hrobsky
Rick G. Nordwall (Pawnee)
Harvey R. Wells (Omaha)
Charles I. Whitepipe, Jr. (Rosebud Sioux)

Reception/Xerox

Rose Archuleta (Taos Pueblo) - until January, 1974
Alice Ballard (Pawnee-Osage) - until July, 1974
Norma A. Cuny (Oglala Sioux)
Alice Echo Hawk (Pawnee)
Ava N. Hamilton (Arapahoe)
Geraldine Keith (Cheyenne River Sioux) - until January, 1974
Sylvia C. Sweeney (Chippewa)
Bryce Wildcat (Pawnee)

Records

Bernadine Quintana (Oglala-Rosebud Sioux)
Elaine Eagle (Rosebud Sioux) - until August, 1974

Print Shop

Charles Fish (Creek) - until August, 1974
Charles A. Parton (Fort Sill Apache) - until November, 1974
Wesley Wildcat (Pawnee-Euchee)

Maintenance

George D. Tahbone (Kiowa)

Temporary

Janice M. Aberle (Cheyenne River Sioux)
Angelita Aunko (Kiowa)
Peri Bateman (Oglala Sioux)
John M. Chisholm (Ottawa-Creek)
Terry Cohen
Jolee Dupree (Cheyenne River Sioux)
Pauline Echo-Hawk (Yakima)
Victor J. Hart
Teresa L. Hennes (Nez Perce, Yakima and Muckleshoot)
Eli James (Oglala Sioux)
Susan K. James
Matthew Johnson (Navajo)
Leland Mitchell (Acoma Pueblo)
Donna Olsen (Nez Perce)
Butch H. Sapcut (Comanche)
Carl D. Tahbone (Kiowa)
Susan Watson

NATIONAL INDIAN LAW LIBRARY

Librarian

Diana Garry (Acoma Pueblo)

Legal Advisor

Joseph R. Membrino - until August, 1974

Research Associates

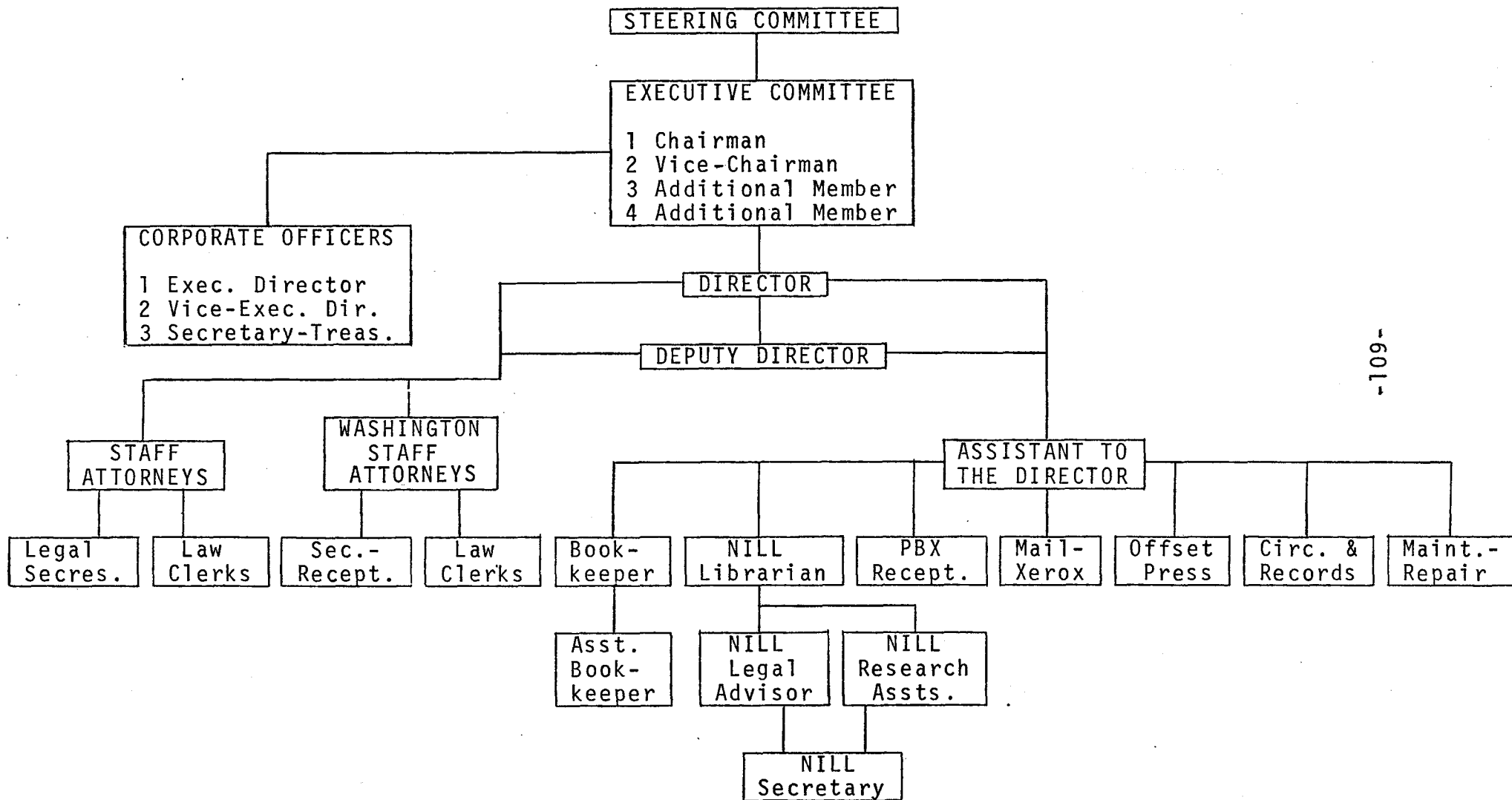
Karletta J. Naha (Navajo-Tewa) - until December, 1974
Oran LaPointe (Rosebud Sioux)

Secretaries

Constance M. Benoist (Cheyenne River Sioux) - until May, 1974
Ruby Wildcat (Oglala-Navajo) - until September, 1974
Jeanette Arquero (Cochiti Pueblo)

NATIVE AMERICAN RIGHTS FUND

ORGANIZATIONAL CHART



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Contributions to NARF are deductible for federal income tax purposes.