



NATIVE AMERICAN RIGHTS FUND
1982 ANNUAL REPORT



Native American Rights Fund

The Native American Rights Fund is a non-profit organization specializing in the protection of Indian rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the

protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.

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* Resigned During 1982 Fiscal Year

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Head Bookkeeper‡
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Support Staff

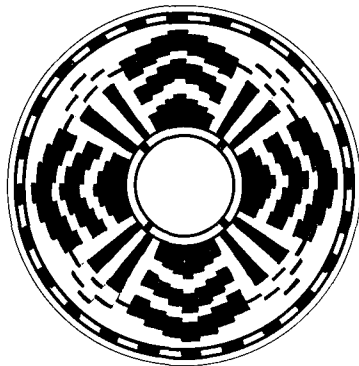
Herbert Blacker, Printer
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Legal Secretary
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Linda Caso, Legal Secretary
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Thomas Baine, Legal Intern
Scott Blanchard, Legal Intern
Tom Christ, Law Clerk
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COVER: *Waci (He is dancing)* (1973) is by Indian artist Oscar Howe, a member of the Lower Brule Sioux Tribe of South Dakota. It is reproduced through the courtesy of the

artist and Mr. James Bialack, owner of the original. The painting is part of the Oscar Howe Retrospective on national tour in 1982-83.



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Tax Status

The Native American Rights Fund (NARF) is a nonprofit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax under the provisions of Section 501(c)(3) of the Internal Revenue Code. Contributions to NARF are tax deductible. The Internal Revenue Service has ruled that NARF is not a "private foundation" as defined in Section 509(a) of the Internal Revenue Code.

Founded in 1970 and
incorporated in 1971 in
Washington, D.C.

National Indian Law Library
1522 Broadway
Boulder, CO 80302

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CREDITS *Photos:* Ankers Capitol Photographers (Washington, D.C.); Elsie Dennis (Olympia, Wash.); Johan Elbers (New York City); Hebold & Co. (Denver); George McLemore (Edinburg, Texas); News Photos Worldwide (Washington, D.C.); Charles Sigo (Suquamish, Wash.); and Jerry Stowall (Boulder, Colo.). *Typesetting:* Horizon Graphics & Type Co. (Boulder, Colo.). *Graphics:* DWI Associates (Boulder, Colo.).

Chairman's Message



Roger Jim
Steering Committee Chairman

The Native American Rights Fund is but one of many Indian organizations throughout the country working for American Indians on the local, regional, and national levels. Why have these Indian groups come into being and how do they fit into Indian life and Indian rights? To a great extent, it is failure of federal policy which has made these groups necessary. It was the failure of the federal government to fully protect the legal rights of Indians which brought NARF into being.

Although Indians possess the same general rights as other people in this country, we also have rights unique to Indians, rights inherited from our ancestors and necessary for the preservation of our traditional ways of life. Many of these rights are guaranteed in treaties negotiated by the United States with Indian tribes on a sovereign-to-sovereign basis, and are part of the supreme law of the land, the United States Constitution. These special Indian rights concern tribal self-government, water, land, hunting and fishing, Native religious freedom, and other matters upon which the survival of Indian people today is dependent.

Unfortunately, there are those who would wipe out all Indian rights if they could. And to hide their real motives, these people speak of *equality of citizenship*. But we know that this means losing the more important rights that are vested in tribal rights. Our recent history with the tragic termination policy of the 1950s and '60s, in which an end to the federal trusteeship for Indians was attempted, has shown that Indian tribes need to survive as *sovereign tribal nations* to prevent the further loss of Indian property and rights. States and local governments, as well as the federal government, still attack Indian rights. Indian nations, therefore, will continue to need legal assistance in order to defend their rights against contrary claims, to strengthen their tribal governments to withstand the more sophisticated attacks of the non-tribal society, and to increase tribal expertise to avoid losing what we have left.

As chairman of the Steering Committee of the Native American Rights Fund, I have not only the obligation but the sincere desire to see that Indian individuals, organizations, and tribes receive whatever assistance NARF is able to provide which will help protect the rights that affect Indian country and Indian people. All tribal leaders, myself as well as others, must prove our right to lead our people through our actions. And it must be action that *does not compromise* the rights of Indian people, but assures that the dominant society will give recognition to tribal rights and tribal nations.

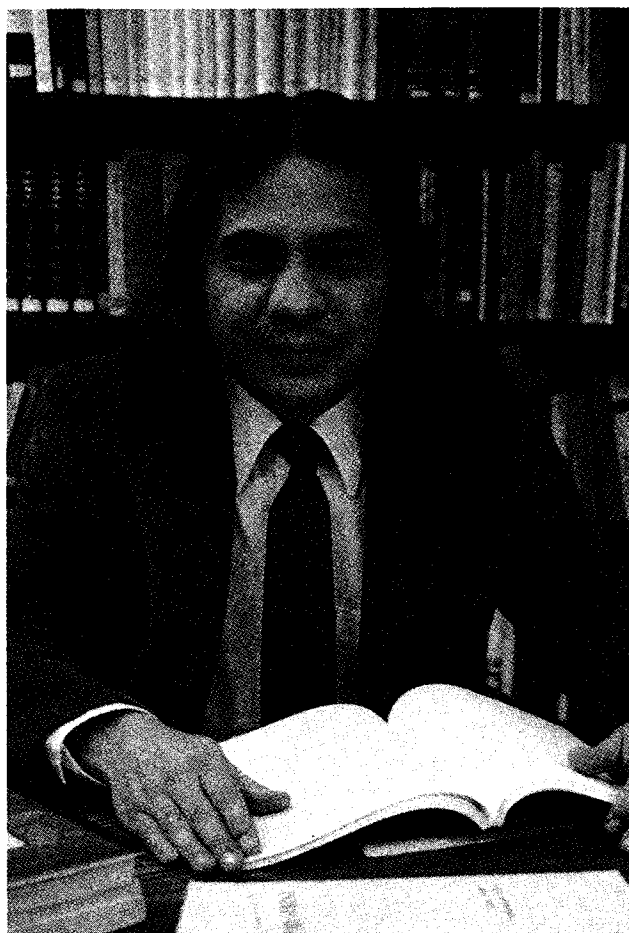
Executive Director's Report

The year 1982 was the twelfth year in which the Native American Rights Fund provided legal representation to Indian tribes, organizations, and individuals on issues of major significance to Indian people throughout the country. With \$270,000 less in federal funds due to federal program budget cuts, 1982 was our most difficult year financially. Remarkably, however, private contributors recognized the importance of our work and their support enabled us to replace these lost federal funds and maintain the level of our services.

The access to justice for our Indian clients made possible by this financial support produced, once again in 1982, many Indian rights successes. The most significant achievements were in two cases that NARF has been involved in for several years. Indian treaty fishing rights in areas of the Great Lakes is now the law of the land following the Supreme Court's refusal to review favorable lower court decisions upholding those rights, and the Fort McDowell Mohave-Apache Reservation in Arizona will not be flooded by a proposed dam and reservoir, which will now be located elsewhere.

Other major victories on Indian land and resource issues included rejection of state authority to determine Indian water rights in Montana and Arizona, and allocation of additional water for tribes along the lower Colorado River, although both decisions are subject to Supreme Court review. The authority of the Secretary of the Interior to place Indian lands in trust status, and the right of Indians to collect monetary damages for long-standing land trespasses were also upheld. Eastern Indian land claims developments were highlighted by introduction of the Western Pequot's settlement legislation in Congress and by congressional defeat of a bill intended to unfairly wipe out several of the Indian land claims.

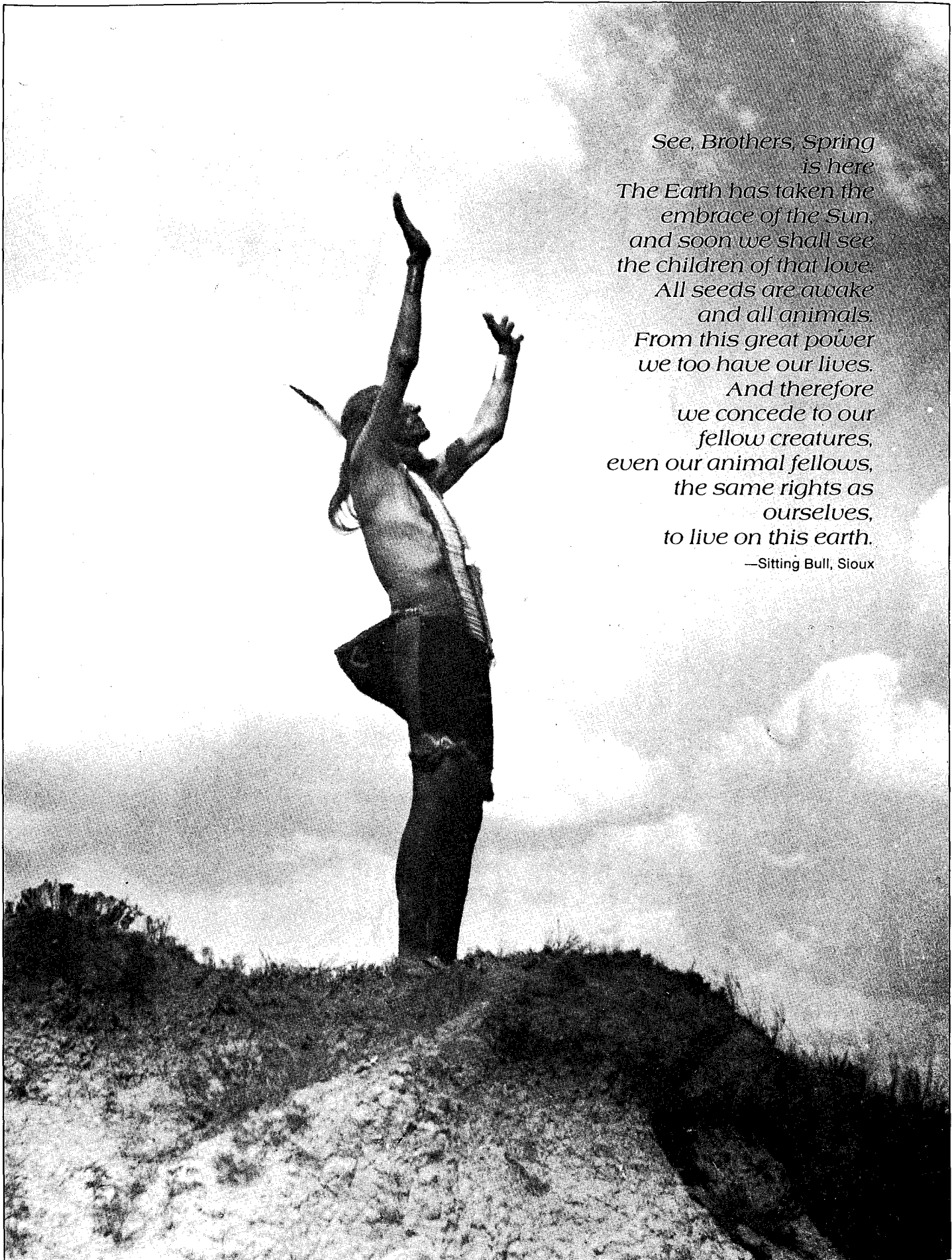
On tribal sovereignty, the Narragansett Tribe of Rhode Island won federal recognition of its tribal status, and the governmental authority of Oklahoma tribes to administer federal food programs was recognized by Congress. In actions against the federal government, the illegal closure of the Wahpeton Indian School in North Dakota was stopped, and a major suit was initiated to force the Interior Department to protect 17,000 Indian damage claims threatened by a statute of limitations deadline. NARF also played an important role in Congress in helping to restore funds to many Indian programs targeted for deep cuts by the Administration. Human rights successes were scored in the areas of Indian participation in public school policies,



John Echohawk
Executive Director

minimum jail standards for Indian prisoners, and due process rights for Indian criminal defendants.

We thank all those who supported us financially in 1982 and encourage further support so that Indian progress can continue through access to justice.



See, Brothers, Spring
is here
The Earth has taken the
embrace of the Sun,
and soon we shall see
the children of that love.
All seeds are awake
and all animals.
From this great power
we too have our lives.
And therefore
we concede to our
fellow creatures,
even our animal fellows,
the same rights as
ourselves,
to live on this earth.

—Sitting Bull, Sioux

Spring
is here
taken the
the Sun,
shall see
that love.
awake
animals.
at power
our lives.
therefore
de to our
creatures,
fellows,
rights as
ourselves,
this earth.
ing Bull, Sioux

Mohave-Apache
LaJolla Mission Band
Papago
Rincon Band
Southern Ute
Western Pequot
Schaghticoke
Passamaquoddy
Seminole
Nez Perce
Tunica-Biloxi
Pauma Mission Band
Mashpee
Gay Head Wampanoag
Sault Ste. Marie Chippewa
Assiniboine
Blackfeet

The Program

Northern Cheyenne
Crow
Kootenai
Walker River Paiute
Winnebago
Omaha
Ute Mountain Ute

Mohave-Apache

LaJolla Mission Band

Papago

Rincon Band

Southern Ute

Western Pequot

Schaghticoke

Passamaquoddy

Seminole

Nez Perce

Tunica-Biloxi

Pauma Mission Band

Mashpee

Gay Head Wampanoag

Sault Ste. Marie Chippewa

Assiniboine

Blackfeet

The Program

Northern Cheyenne

Crow

Kootenai

Walker River Paiute

Winnebago

Omaha

Ute Mountain Ute

The Program

On October 1, 1982, the Native American Rights Fund began its 13th year as the national legal defense organization for this country's American Indians. During this time, NARF has represented Indian clients in nearly every state in the nation. The hundreds of court cases, legislation, and other matters it has been involved in have concerned nearly every issue in the area of Indian rights.

The Founding of NARF

NARF's beginning can be traced to the mid-1960s, when federally-funded legal services programs were established around the country to provide legal representation for poor and disadvantaged people as part of the "War on Poverty." The work of the legal services programs on Indian reservations brought attention to the special rights and legal needs of Indian people — rights which are governed by hundreds of Indian treaties and court decisions, thousands of federal statutes, and numerous regulations and

administrative rulings. Early successes by legal services programs in enforcing Indian law for the benefit of their Indian clients demonstrated the potential for positive change that Indian legal representation could bring. However, since many Indian reservations were not served by legal services programs, most Native Americans remained unrepresented and, thus, powerless to assert their rights. There clearly existed a need for a national Indian legal services program with Indian law experience and expertise to address the major Indian legal issues around the country where legal representation was not available.

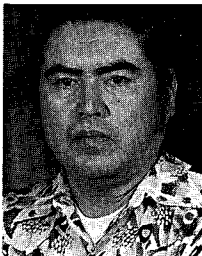
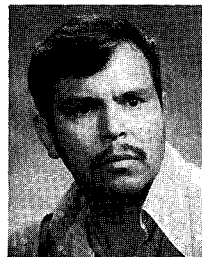
It was this state of affairs that the Ford Foundation confronted in 1970 when it began considering the establishment of a national legal program for Indians, as it had done with other minority groups. The Foundation sought out a program which had a proven record in litigating Indian rights. They eventually contacted California Indian Legal Services (CILS), and discussed the

need for a national program to address major Indian legal problems. With Ford Foundation funding, CILS instituted a pilot project to expand their services to Indians on a national basis. That project became known as the Native American Rights Fund. As planned, NARF separated from CILS in 1971, relocated to Boulder, Colorado (a central location to Indian country), and

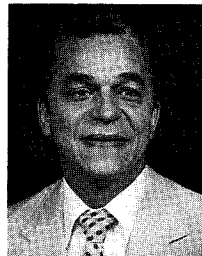
Christopher Peters



Wade Teeple



Patrick Lefthand



Kenneth Custalow



NARF Steering Committee members. **Back row** (left to right): Leonard Norris, Leo LaClair, John Stevens, and Chris McNeil, Jr. **Front row** (left to right): Robert Bojorcas, Lois Risling, Louis LaRose, Harvey Paymella, Chief Curtis Custalow, Sr., and Bernard Kayate.

incorporated separately under an all-Indian Steering Committee. In a very short time, NARF became involved in many important national Indian legal issues, scored a number of impressive legal victories, and gathered additional financial support to expand its services and grew from a three-lawyer staff to 18 attorneys.

NARF's growth and success over the years is attributable to the validity of the original concept upon which it was founded — that a great need exists for legal representation of tribes and individual Indians on a national level regarding the protection of important legal rights related to their status as Indians. At the heart of this is the common goal of all Native Americans to protect their rights and maintain their traditional ways of life.



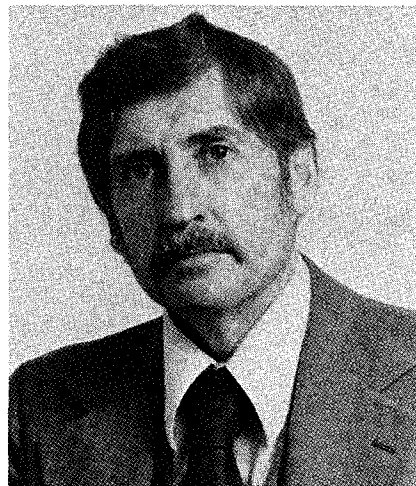
Rose Brave, legal secretary.



Richard Collins, staff attorney.



Holly Hummel, law clerk.



Larry Aschenbrenner, staff attorney.



Staff members at NARF's Washington, D.C. office are (back row): Suzan Shown Harjo, legislative liaison; Richard Dauphinais, attorney; Anne Armbrecht, legislative intern; Michael Mason, intern; (front row): Arlinda Locklear, attorney; and Mary Bumbera and Rena Tardugno, legal secretaries.



Susan Freedman, legislative assistant.

The Priorities

As an organization with limited resources, it is NARF's policy to pursue cases and undertake projects which will have a national impact. Since NARF receives so many requests for assistance, five priorities were set by the NARF Steering Committee defining the most important areas for NARF to concentrate on.

1. The Preservation of Tribal Existence. The future of the remaining Native American groups in this country depends primarily upon preserving their sovereign status as self-governing Indian tribes and Native Alaskan communities. This priority includes issues of tribal sovereignty, governmental authority, jurisdiction, and federal recognition of and restoration of tribal status.

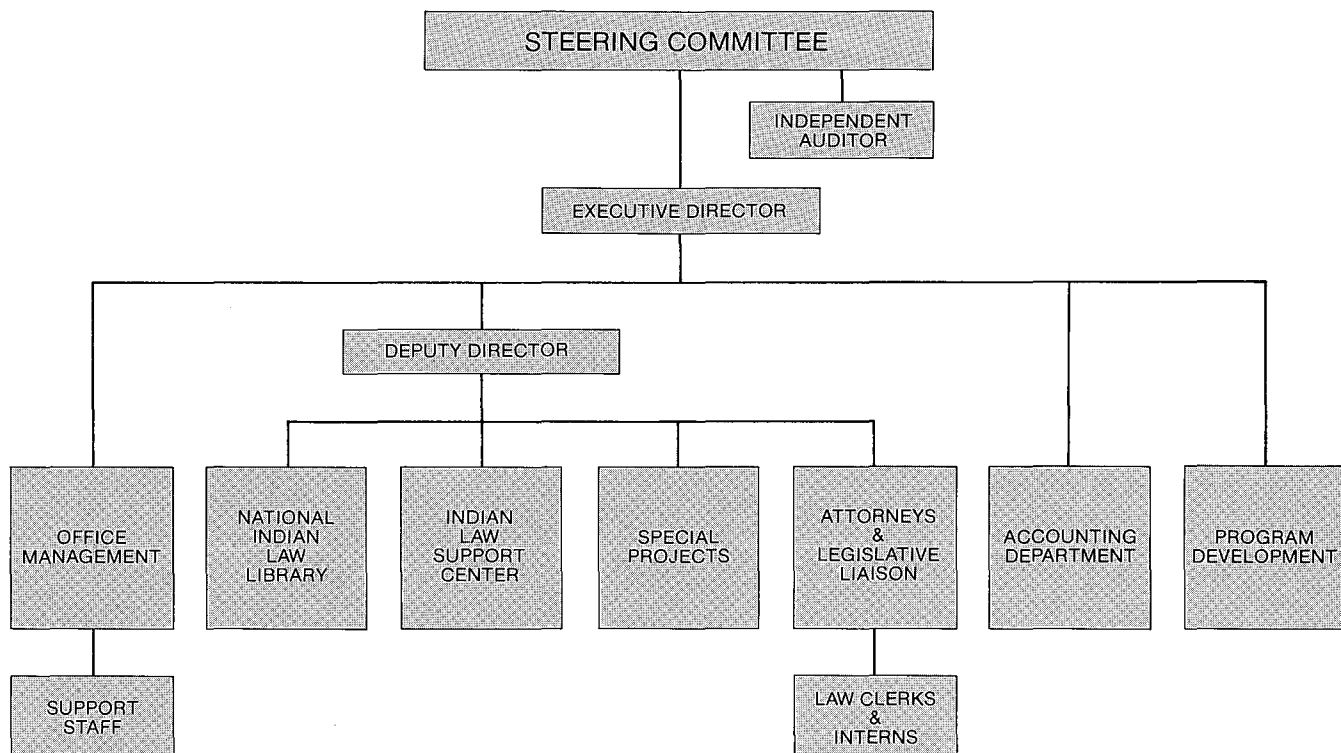
2. The Protection of Tribal Natural Resources. Tribal communities cannot exist without natural resource bases to sustain them. NARF's major resource protection issues include land rights, water rights, hunting and fishing rights, mineral rights, and environmental protection.

3. The Promotion of Human Rights. NARF is concerned with securing basic human rights for Native Americans, such as education, adequate health care, Indian religious freedom rights, and general civil and human rights enjoyed by other citizens.

4. The Accountability of Governments. NARF works to hold all levels of government accountable for the proper enforcement of the many laws and regulations which govern the lives of Indians.



Anita Remerowski, staff attorney and director of the Indian Law Support Center.



5. *The Development of Indian Law.*

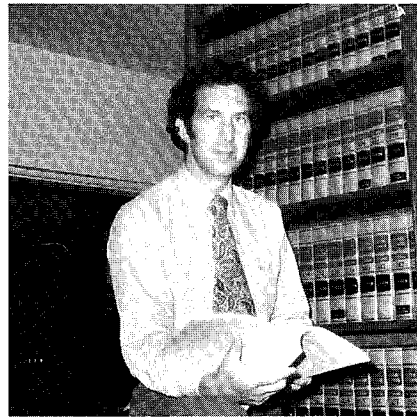
The orderly development of Indian law throughout the country is essential for the security of Indian rights. This involves communication with and distribution of Indian law materials to everyone working on behalf of Indian rights.

Organization and Administration

There have been many stages in NARF's history, but the operational procedures and organizational structure have remained basically the same. After its initial rapid growth, NARF has stabilized at approximately 35 staff members. From its inception, NARF has sought out personnel with Indian law experience or an Indian background at both the professional and support staff levels. Approximately two-thirds of the attorneys and three-fourths of other professional and support staff personnel are Native Americans.



Program development staff members, left to right, are Mary Lu Prosser, direct mail coordinator; Mary Hanewell, development officer; and Marilyn Pourier, planned giving coordinator.



Robert Pelcyger, staff attorney.



Rosetta Brewer, receptionist.



Staff attorneys, left to right: Walter Echo-Hawk, Doug Endreson, Terry Pechota, and Scott McElroy.



Herbert Blacker, printer.



Val Cordova

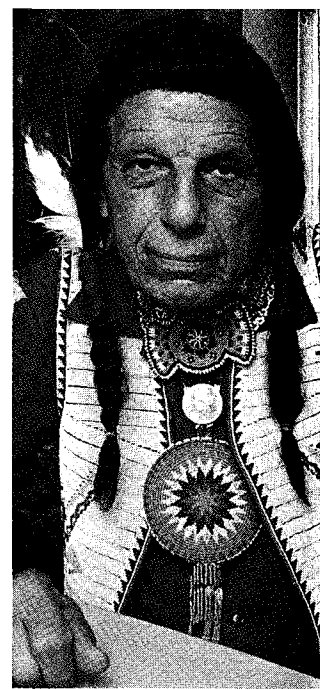


Ruth Thompson

Earl Biss



Maria Tallchief



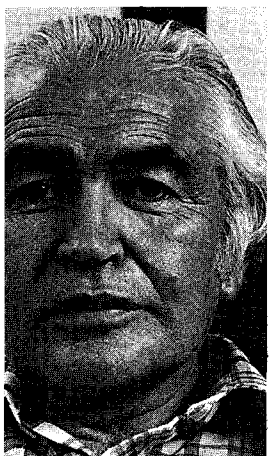
Iron Eyes Cody

Tenaya Torres

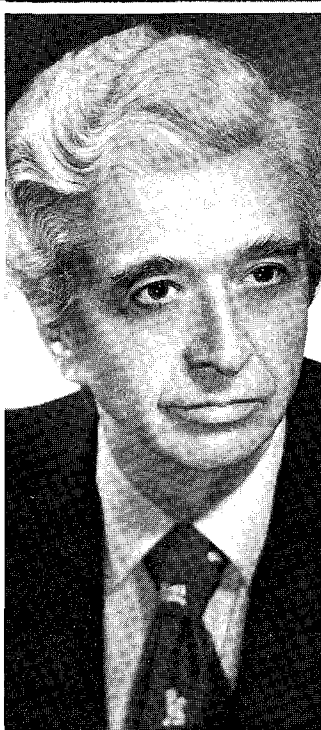


Will H. Hays, Jr.

**National
Support
Committee**

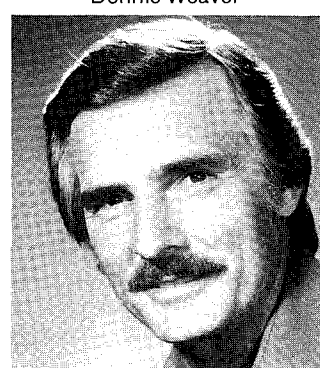


David Risling, Jr.

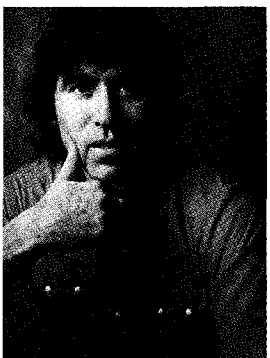


Dennis Weaver

Dr. Jonas Salk

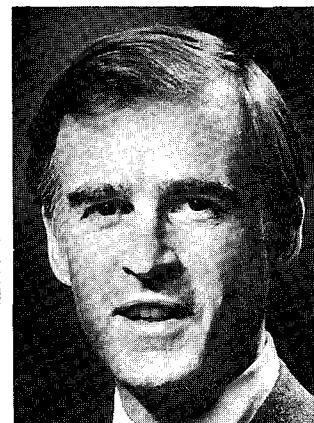


Studs Terkel

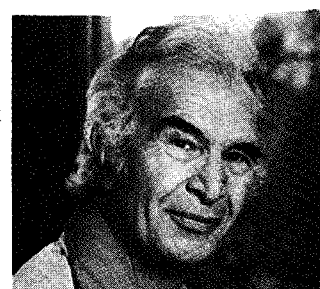
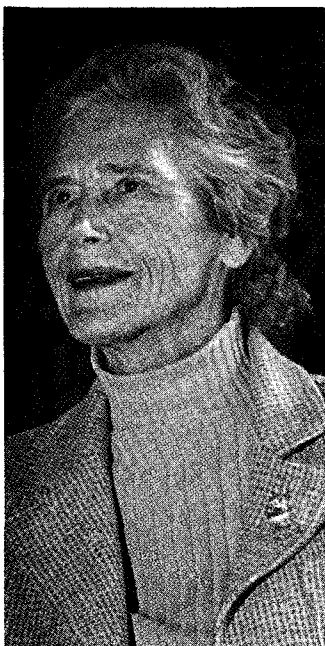


Jamake Highwater

Gov. Edmund G. Brown Jr.



David Brubeck



Katrina McCormick Barnes

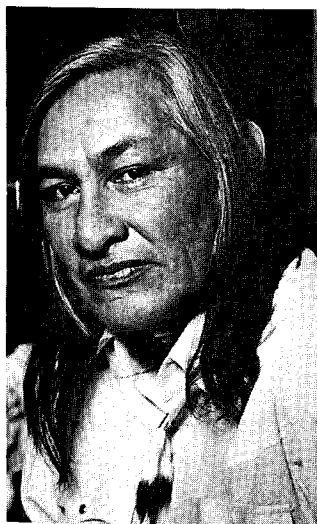


Owanah Anderson

National Support
Committee members
not pictured here:

Carol Bourdo
Scott Francis
Sy Gomberg
Leslie Marmon Silko

Alvin M. Josephy, Jr.



Will Sampson, Jr.

NARF is governed by a 13-member Steering Committee composed entirely of Indian people from around the country. The Steering Committee charts the direction of NARF's activities under the priorities and policies they have established. New members, who are chosen by Board members on the basis of their involvement in Indian affairs and their knowledge of the issues, are eligible for three consecutive two-year terms.

The Executive Director is responsible for the supervision and control of the affairs of the organization in accordance with the policies and directives of the Steering Committee. The Deputy Director serves as litigation supervisor and also oversees special projects such as the National Indian Law Library and the Indian Law Support Center. The non-attorney professional staff works in such areas as finance, administration, program development, public relations, and library services. The support staff consists of legal and administrative secretaries, clerks, printers, law clerks and interns, and other staff. NARF also maintains a small office in Washington, D.C., with two staff attorneys, a legislative liaison, and a small support staff.

The National Support Committee

The National Support Committee was established in 1981 as an advisory group of citizens from throughout the United States to help publicize our work and expand NARF's fund-raising efforts into new areas. Each of the committee members has demonstrated a concern for the conditions and rights of disadvantaged and minority groups, and supports NARF's work on behalf of America's Indians.



Working in NARF's Washington, D.C. office during the summer of 1982 were Tom Christ, law clerk; Colleen DuFour, law clerk; Naomi Iizuka, intern.



Rebecca Martinez,
office manager.



Staff attorneys, left to right: Kurt Blue Dog, Yvonne Knight, and Don Miller.



Pat Tate, file clerk.

Financial Accountability

NARF is a non-profit, tax-exempt, charitable organization incorporated under the laws of the District of Columbia (please see page 1 for an explanation of NARF's tax status). NARF's accounting system is maintained in accordance with the statement of position on accounting principles and reporting practices for certain non-profit organizations as set forth by the American Institute of Certified Public Accountants in August 1981. NARF also meets the basic standards in philanthropy of the National Information Bureau, and the standards for charitable solicitations for the Council of Better Business Bureaus. NARF's financial records and statements are audited each year by a firm of independent, certified public accountants. Their report for NARF's 1982 fiscal year, October 1, 1981 to September 30, 1982, is included in this Annual Report in the Treasurer's Report and is available separately upon request.



Jeanne Whiteing, deputy director.



Staff attorneys, left to right: Yvonne Knight, Kim Jerome Gottschalk, and Jeanette Wolfley.



Staff Members in the accounting department are, left to right: Marian Heymsfield, head bookkeeper; Sue Feller, bookkeeper; Susan Tuttle, bookkeeper; and Susan Rosseter Hart, corporate treasurer.



Rebecca Martinez, office manager; Linda Caso, legal secretary; Gloria Cuny, administrative assistant for the Indian Law Support Center; Sara Hobson, legal secretary.



Law clerks in NARF's Boulder office during the Summer of 1982 were, left to right: Larry Plank, Lori Tofsrud, and Bob Anderson.

Stockbridge-Munsee

Oneida

Eastern Cherokee

Pawnee

Osage

Cheyenne-Arapaho

Penobscot

Kaw

Ponca

Keweenaw Bay Chippewa

Creek

Traditional Kickapoo

Siletz

Lac Courte Oreilles

Klamath

Catawba

Yankton Sioux

The Year's Activities

Alabama-Coushatta

Navajo

Pamunkey

Sisseton-Wahpeton Sioux

Muckleshoot

Swinomish

Menominee

The Year's Activities

At any given time, the Native American Rights Fund is working on approximately 200 matters for Indian tribes, organizations and individuals throughout the country. About 100 of these matters take up 80% of NARF's client service time and constitute our major activities. This section focuses on these major involve-

ments during NARF's 1982 fiscal year, October 1, 1981 to September 30, 1982. We would like to acknowledge that in many of the following cases and other matters, NARF is working in association with private attorneys, law firms, legal services programs and other Indian rights organizations.



Tribal Status Clarification

Most Indian tribes and Native Alaskan groups in the United States have what is called a government-to-government relationship with the United States. Pursuant to this relationship, the federal government recognizes and respects the self-governing powers of these federally-recognized Indian tribes. For these tribes, the federal government also recognizes a trust responsibility to protect Indian lands, resources and rights of tribal self-government. This relationship also entitles these tribes to certain federal services and allows them to participate in federal Indian programs.

However, not all Indian tribes are federally recognized. Some tribes were never recognized by the federal government, while, in other cases, the government-to-government relationship was terminated by Congress in the 1950s and '60s. Because non-recognition and termination have had devastating effects on Indian tribes, NARF has assisted terminated tribes in restoring their government-to-government relationship with the United States, and non-recognized tribes in achieving federal recognition status. Following are the tribes NARF assisted during 1982 in ongoing status clarification matters.

■ **Traditional Kickapoo of Texas.** For three years, NARF has been assisting the Texas Kickapoo Indians, one of the most traditional Indian groups in the country, in clarifying their tribal and citizenship status. Although the Texas Kickapoo are part of the Kickapoo Tribe of Oklahoma, they have been denied federal services because they do not live on or near an Indian reservation. Instead, they migrate between a



camp in Eagle Pass, Texas, near the U.S.-Mexico border, and Nacimiento, Mexico. NARF has been working for passage of legislation in Congress which would, if enacted, recognize them as a band of American Indians entitled to needed federal health, housing and social services. On September 29, 1982, the House passed the bill and it was pending in the Senate at the end of September 1982.

■ **Narragansett Tribe of Connecticut.** After NARF was successful in settling the Narragansett Tribe's land claim in 1978, work was begun on obtaining federal recognition for the Tribe. In August 1982, the Bureau of Indian Affairs issued a preliminary decision in



favor of granting federal recognition to the Narragansett Tribe. A final decision will be issued after a mandatory 120-day comment period.

■ **Alabama-Coushatta Tribe of Texas.** NARF is assisting the Alabama-Coushattas, a terminated tribe, in preparing the necessary legal and factual information to seek legislative restoration of their relationship with the federal government.

■ **Poarch Band of Creeks of Alabama.** NARF continues to monitor a petition for the Poarch Band of Creeks of Alabama for acknowledgment of tribal status filed with the Bureau of Indian Affairs.

■ **Schaghticoke Tribe of Connecticut.** When legislation is introduced in Congress to settle the land claim of the Schaghticoke Tribe, it will also provide for granting federal recognition status for the Tribe. The legislation will probably be introduced in 1983.

■ **Houma Tribe of Louisiana.** Research is under way to support a petition on behalf of the Houma Tribe for acknowledgment of the tribal status from the Bureau of Indian Affairs.

■ **Table Bluff Rancheria of California.** NARF is assisting Table Bluff, one of many California groups terminated in the 1950s, in their efforts to restore their federal status.

■ **Virginia State Tribal Recognition Matters.** NARF is assisting the Chickahominy and Rappahannock tribes to obtain tribal recognition status from the State of Virginia.

■ **Western Pequot of Connecticut.** The legislation pending in Congress to settle the land claim of the Western Pequot Tribe also includes provisions which would grant the Tribe federal recognition.

Tribal Governmental Authority

An important principle of Indian law is that Indian tribes possess all powers of self-government except as limited by federal law. Under the policy of Indian self-determination, tribes retain considerable powers to govern their members, their lands, their resources and other activities within their territorial jurisdictions. NARF works to help tribes exercise and defend these tribal powers. The following were NARF's major activities in this area in 1982.

■ **Blackfeet Tribe.** Tribal immunity from suit and sovereign immunity are the issues in a suit against the Blackfeet Tribe and tribal officials concerning the operation of a tribal loan program. In April 1982, a federal district court ruled in favor of the Tribe and its officials and dismissed them from the suit. The case, *Kennerly v. U.S.*, is now on appeal.

■ **Cheyenne River Sioux.** NARF represents an individual member of the Cheyenne River Sioux Tribe in *Bartlett v. Solem*, a suit challenging the State's claim that a substantial part of the reservation is under state jurisdiction. Oral argument was heard on the appeal in September 1982. So important is the issue that the appeals court ruling, regardless of which party prevails, is ex-

pected to be brought before the U.S. Supreme Court.

■ **Tribal Governmental Tax Status Act.** NARF, along with Indian tribes and other organizations, worked for passage of the Indian Tribal Governmental Tax Status Act of 1982. The Act, which would place tribal governments in generally the same category as states and local governments under the Internal Revenue Code, would greatly assist tribes in developing economic self-sufficiency.

■ **Blackfeet Tribe.** NARF represents the Blackfeet Tribe in a suit contesting the legality of a state tax on mineral production within the reservation (*Blackfeet Tribe v. Groff*). Montana imposes four taxes on oil and gas production in the State and claims that the Tribe's royalty interest from production on tribal lands is also subject to State taxes, either because federal statutes consent to state taxes or because the taxes are imposed on non-Indian lessees of the tribes and not on the tribes themselves. When a federal district court upheld the imposition of the tax, NARF was retained to handle the appeal.

■ **Winnebago Tribe.** The Winnebago Tribe is investigating a possible challenge to Nebraska's taxation of non-trust lands owned by individual tribal members within the Winnebago Reservation. NARF has advised the Tribe and the individual tribal members on various alternatives, including filing suit challenging the State's jurisdiction to tax the land, and a possible administrative remedy involving transferring the lands to trust status.

■ **Fort Berthold.** The Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota have retained NARF to assist them in reviewing and revising their tribal constitution and code. This effort will help the Tribe in strengthening its tribal self-government, provide for more effective enforcement of tribal laws and clarify jurisdictional issues.

■ **Seminole Nation.** In November 1981, after three years of efforts by NARF on behalf of the Seminole Nation of Oklahoma, Congress finally consented to amend the legislation under which the food commodities program is administered by the Department of Agriculture. All Oklahoma tribes which qualify under the new law can now receive and distribute food commodities in their respective tribal jurisdictions.

■ **Tribal Commercial Codes.** With reduced federal budgets for Indian programs and limited private sector involvement on reservations, many tribes

want to increase economic development to improve tribal economies. A barrier to economic development on many reservations is inadequate or nonexistent tribal laws, such as commercial and taxation codes, business licensing ordinances and incorporation procedures. NARF is working with several tribes through a special project undertaken with Karl Funke & Associates to stimulate development through tribal laws and share this experience with other tribes.

■ **Rosebud Sioux.** When a federal audit of CETA funds received by the Rosebud Sioux Tribe charged that a substantial amount of the expenditures could not be allowed, the Tribe asked NARF to assist it in contesting the audit's findings because of the potential disastrous impact on the Tribe's finances. NARF is working to persuade the Bureau of Indian Affairs to set up a negotiating team with representatives from the federal agencies involved with the grant audit. In the meantime, NARF represents the Tribe in an administrative appeal of the audit.

■ **Chippewa-Cree Tribe.** NARF represented the Chippewa-Cree Housing Authority in *Link v. Chippewa-Cree Housing Authority*, a suit instituted in Montana state court regarding a tribal housing development contract. NARF attempted to obtain a dismissal of the action on the grounds that the State had no jurisdiction over the tribal housing authority, but this motion was denied by the court. Shortly thereafter, however, an agreement was reached between the parties and the action was settled out of court.

■ **Seminole Tribe of Florida.** *Askew v. Seminole Tribe of Florida* is a suit filed by Florida in 1976 in state court to determine whether Florida's sales tax applies to on-reservation sales of businesses owned by the Seminole Tribe of Florida. The suit was still pending as of September 1982.

"Let me be a free man — free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to talk and think and act for myself — and I will obey every law, or submit to the penalty." — Chief Joseph, Nez Perce.

Protection of Indian Lands

Since Indian tribes exercise sovereign governmental powers over their territories, it is important that reservation boundaries be clearly defined and recognized, that existing Indian lands be preserved, that trespasses be stopped, and that other tribal land interests be protected. The following matters involve Indian land protection issues NARF was involved in during 1982.

■ **Indian Damage Claims.** In September 1982, NARF filed suit asserting that the federal government was failing to properly carry out its trust responsibility to Indians by not prosecuting or resolving approximately 17,000 Indian damage claims, most of which are for trespass. The Interior Department was obligated, under the law, to either submit legislation or file lawsuits to protect the claims before the statutory deadline of December 31, 1982 (*Covelo Indian Community, et al. v. Watt*). NARF also played a lead role during 1982 in the national Indian effort to get Congress to extend the statute of limitations covering these claims.

■ **Ft. McDowell Orme Dam.** The threatened flooding of three-fourths of the Ft. McDowell Reservation in central Arizona was stopped in November 1981 when the Secretary of the Interior issued a decision against the building of Orme Dam. NARF was instrumental in representing the Tribe in opposing the Dam. An alternative site upstream of the reservation will now be selected to provide for flood control without harming the reservation.

■ **Sault Ste. Marie Trust Lands.** When the Interior Secretary agreed to take certain land in trust for the Sault Ste. Marie Chippewa, the City of Sault Ste. Marie, Michigan, filed suit. The land, located within the City's limits, was purchased and put in trust for a much needed housing project for the Tribe. In November 1981, the U.S. Supreme Court denied the City's petition in *City of Sault Ste. Marie v. Watt*, asking the Court to review a lower court decision which approved the action of the Secretary. The Court's denial ends this matter favorably in all respects for the Tribe.

■ **Walker River Railroad Trespass.** In 1976, the Southern Pacific Railroad was held to be in trespass on the Walker River Indian Reservation in Nevada (*U.S. and Walker River Paiute Tribe v. So. Pacific*). The decision was upheld on appeal and remanded for the district

court to determine the amount of damages to which the Tribe is entitled. However, the court has postponed the damage issue until a related case, *Southern Pacific v. Watt*, is settled. In that case, the federal district court overturned a ruling of the Interior Department and held that tribal consent was not necessary for the railroad to be granted a future right of way across the reservation. That ruling has been appealed and a decision was imminent at the end of the 1982 fiscal year.

■ **Yankton Sioux Lakebed Title.** In 1981, a federal district court ruled that the Yankton Sioux Tribe was the rightful owner of the bed of Lake Andes located within the original Yankton Sioux Reservation in South Dakota. In July 1982, a federal appeals court remanded the case to the district court for a determination of the lake's navigability during specified times. The district court's ruling is especially significant because it is one of the first court decisions after the landmark 1981 decision of the U.S. Supreme Court in *Montana v. United States*, which held that Montana owned that portion of the bed of the Big Horn River which passes through the Crow Reservation.

■ **Lac Courte Oreilles Chippewa FERC Project.** Settlement negotiations continued in 1982 in attempts to reach an agreement between the Lac Courte Oreilles Band of Chippewas of Wisconsin and the Northern States Power Company in a matter where the power company's dam has flooded tribal lands and destroyed the Indians' treaty-protected wild rice areas. The Tribe is contesting the company's application for a new license before the Federal Energy Regulatory Commission (FERC). A tentative settlement-in-principle provides for lowering and stabilizing the level of the reservoir to allow for reintroduction of wild rice, and exchanging interests in lands to allow the company to continue operation.

■ **Swinomish Reservation Boundaries and Trespass Matters.** NARF continues to represent the Swinomish Tribe in several cases to establish its reservation boundaries. Because the Swinomish Reservation is located on a peninsula in the upper Puget Sound area in Washington, establishing its exact boundaries involves complex issues of ocean boundary law and tidelands ownership. NARF is also representing the Tribe in several trespass cases against a railroad and two oil pipeline companies. These cases are pending in federal court.

■ **ARTA.** The Arkansas River Trust Authority (ARTA) is an association of five Oklahoma tribes—Ponca, Pawnee, Otoe, Kaw and Tonkawa—whose purpose is to establish the tribes' title to the riverbeds which border their respective reservations. NARF represents the Ponca and the Pawnee tribes, and helps in coordinating ARTA efforts in preparing the riverbed claims for trial. A litigation request was filed in 1980 with the Secretary of the Interior which was denied in 1981. The tribes will request reconsideration consistent with the extension of the Statute of Limitations in 1982.

■ **Pamunkey Reservation Boundary.** A request from Virginia's Pamunkey Tribe to investigate a reservation boundary issue led to a claim against a railroad which had been in illegal trespass across reservation lands. This matter has been settled and NARF is now resuming its work to judicially define the reservation boundaries. A suit is expected to be filed in 1983.

■ **Southern Ute Reservation Boundary.** NARF is assisting the Southern Ute Tribe of Colorado in resolving uncertainties over the legal boundaries of the Tribe's reservation. An act of Congress to settle the issue has been recommended to the tribal council, which is now considering the proposed legislation.

■ **Blackfeet Reservation Boundary.** NARF is investigating the possibility that surveys conducted to establish the western boundary of the Blackfeet Reservation in Montana were erroneous, and resulted in loss of lands rightfully belonging to the Tribe.

■ **Ft. Hall Land Issue.** NARF is assisting the Shoshone-Bannock Tribe in its claim to certain lands located within Pocatello, Idaho. A request asking the Interior Department to initiate litigation was still pending at the end of the 1982 fiscal year.

"Cold statistics demonstrate that the 'first American' has become the 'last American' in terms of an opportunity for employment, education, a decent income, and the chance for a full and rewarding life." — Senator Edward Kennedy.

■ **Winnebago Powerline Trespass.** NARF assisted the Winnebago Tribe of Nebraska and certain tribal members in defending against an action filed by the Nebraska Public Power District to condemn a right of way for high voltage transmission lines across the reservation (*NPPD v. 100.95 Acres*). The case, which raises the issue of whether Congress has authorized condemnation of tribal and individual trust lands without Indian consent, was favorably decided by the federal district court in June 1982 and is now on appeal.

■ **Kaw Land Matter.** NARF represented the Kaw Tribe of Oklahoma in their efforts to secure a 315-acre tract of land that was declared surplus federal land. The Tribe desperately needed the land to build housing units allocated to it by the Department of Housing and Urban Development, which indicated that unless some land was procured and building was commenced in 1982, the housing allocation would probably be cancelled. When negotiations to secure the land failed, two suits were filed, one against the General Services Administration and one against the Bureau of Indian Affairs. These cases have been unsuccessful and the Tribe has decided not to pursue other alternatives.

■ **Oklahoma Allotment Trespass.** NARF represents several individual Indian allottees in their efforts to prevent illegal condemnation of their trust lands located near Stillwater, Oklahoma. The federal district court ruled in favor of the City and an unsuccessful appeal was taken (*Yellowfish, et al. v. City of Stillwater*). NARF expects to seek Supreme Court review of the Tenth Circuit's decision.

■ **Nez Perce Allotments.** NARF represents an individual Nez Perce member to recover land located within the boundaries of the Nez Perce Reservation taken in 1928 for nonpayment of local property taxes. Because Indian allotments are held in trust by the federal government, they are not subject to local property taxation and such taxation and taking was illegal. In 1979, a federal district court held that the land must be returned (*Brooks v. Nez Perce County*). Since then the litigation has focused on the issues of liability and damages. In March 1982, the federal appeals court held that the Indian heirs were not barred from claiming damages by the passage of time and remanded the case for trial, which is expected to take place in 1983.

■ **Cold Springs Powerline Trespass.** After the Cold Springs Band of Califor-

nia won their case against Southern California Edison for constructing a powerline across their reservation without the Band's consent, NARF was asked to assist the Band's local counsel in reviewing and finalizing the settlement agreement with Southern California Edison.

■ **San Juan Paiute Lands.** In November 1981, members of the San Juan Paiutes requested NARF's assistance in helping them to retain their present lands located within the Navajo Reservation in Arizona in an area known as the Navajo-Hopi Joint Use Area. If attempts to reach an agreement with the Navajo and Hopi tribes fail, NARF will seek to intervene on behalf of the Paiutes in the Navajo-Hopi litigation concerning the Joint Use Area.

■ **Yavapai-Apache Land Acquisition.** NARF has advised the Camp Verde Yavapai-Apache Tribe of Arizona regarding possible acquisition of lands within their aboriginal area. The Tribe has very little land and is considering the acquisition of additional lands through congressional legislation.

Eastern Indian Land Claims

Since the early 1970s, NARF has been representing Eastern tribes in their efforts to recover illegally-taken aboriginal lands and trespass damages. Although the historical and legal background differs for each tribal claim, most of the claims are based on the Indian Nonintercourse Act of 1790, which was enacted to prevent transfers of Indian lands out of Indian ownership without federal treaty or agreement. NARF successfully represented the Narragansett Tribe of Rhode Island in settling their land claim in 1978, and the Passamaquoddy and Penobscot tribes in the historic 1980 Maine Indian Settlement Act. Following are NARF's present Eastern Indian land claims cases.

■ **Western Pequot.** Legislation was pending in Congress at the end of the fiscal year to settle the claim of the Western Pequots of Connecticut. It would provide compensation for the Tribe for land and economic development. It would also give the Tribe federal recognition status and limited tribal jurisdiction.

■ **Tunica-Biloxi.** After successfully assisting the Tunica-Biloxi Tribe in obtaining federal recognition, NARF is

now engaged in efforts to settle the Tribe's 10,000-acre land claim in Louisiana.

■ **Schaghticoke.** After years of negotiations, an agreement has been reached on a proposed settlement in this Connecticut claim. The settlement would provide for 800 acres for the Tribe, for which the landowners are seeking \$2.2 million. The Tribe would also obtain federal recognition and limited tribal jurisdictional status. Legislation may be introduced in Congress in 1983.

■ **Oneida.** NARF represents the Wisconsin and Thames Band Oneidas in three claims to Oneida lands in New York State (other counsel represents the New York Oneidas). A pre-1790 claim for 5.5 million acres based on the Articles of Confederation was dismissed by a federal district court and is on appeal. The other two cases involve a claim for 250,000 acres lost after passage of the 1790 Nonintercourse Act. A test case for 1,700 acres of these lands was successful and was appealed on the issue of whether the State or the counties are liable to the Tribe for damages. The case involving the remainder of the acreage is expected to be activated in 1983.

■ **Gay Head Wampanoag.** A settlement of 430 acres in the Gay Head Wampanoag land claim on Martha's Vineyard in Massachusetts is being delayed pending resolution of a suit brought by a group of tribal members. NARF's motion to dismiss their action was to be heard in December 1982. Once this issue is resolved, NARF will resume the legislative settlement process on behalf of the Tribe.

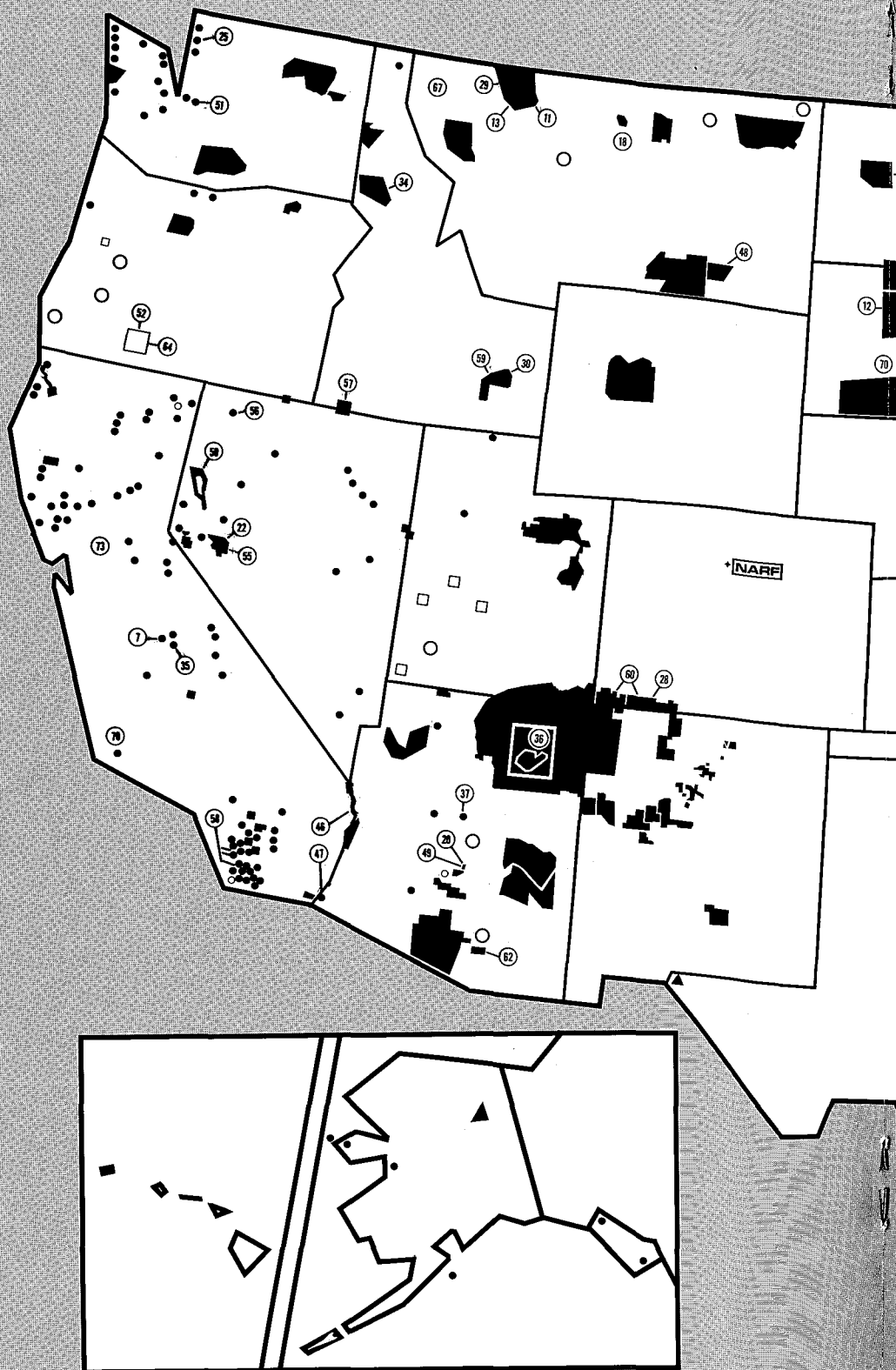
■ **Stockbridge-Munsee.** The Stockbridge-Munsee Tribe of Wisconsin claims several thousand acres of land they possessed in New York State when the Tribe was located there. The Tribe lost possession of the land through a series of transactions with the State without federal consent. A request filed by NARF with the Department of the Interior asking Interior to assert this claim for the Tribe is pending.

■ **Catawba.** In a 1763 treaty with the southern colonies and the King of England, the Catawba Indian Tribe of South Carolina gave up possession of over two million acres of land in exchange for the promise of a 144,000-acre reservation to be located on the present border of North and South Carolina. In 1840, South Carolina, without the consent of the federal government and therefore in violation of the Noninter-

Native America

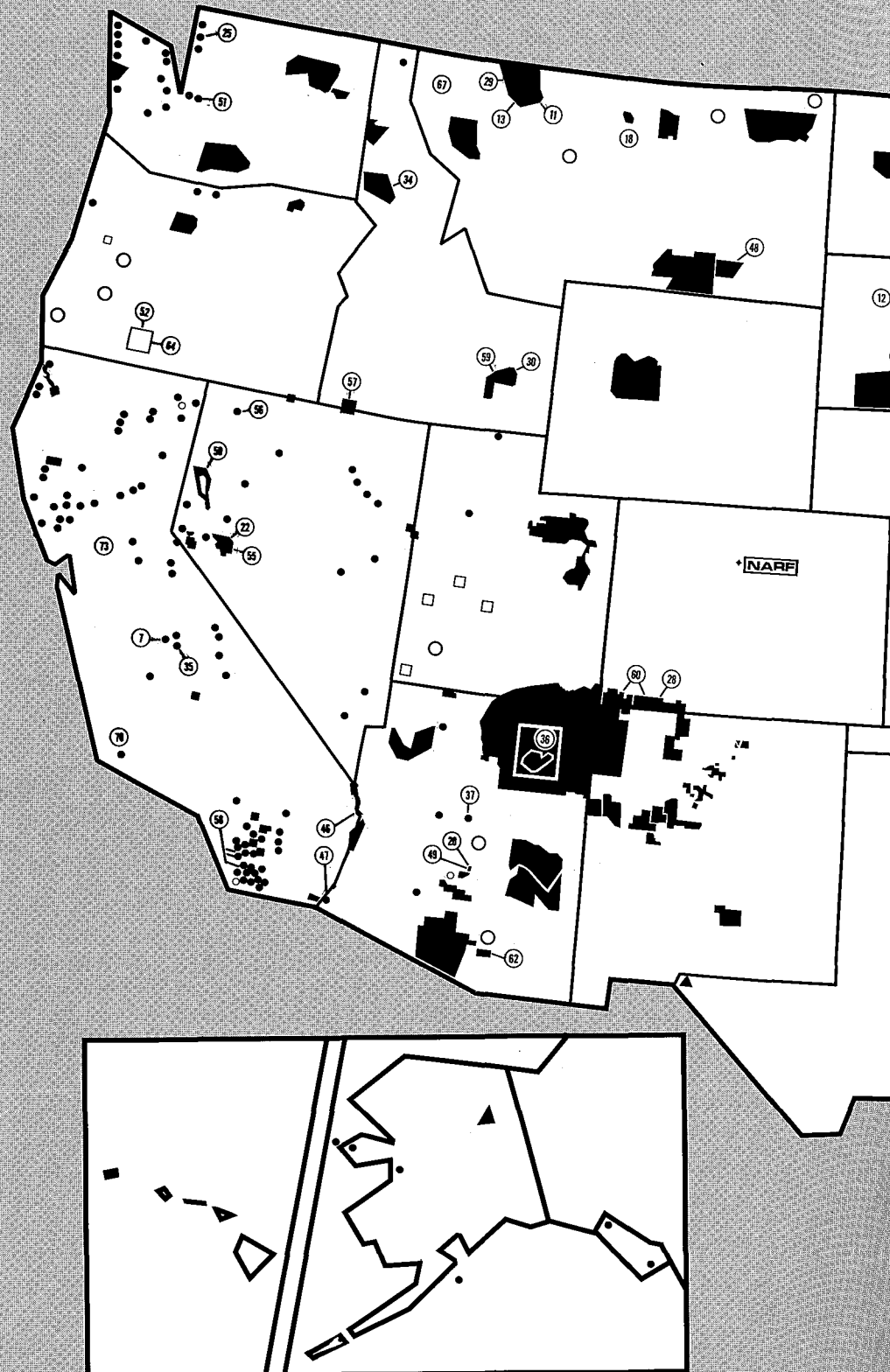
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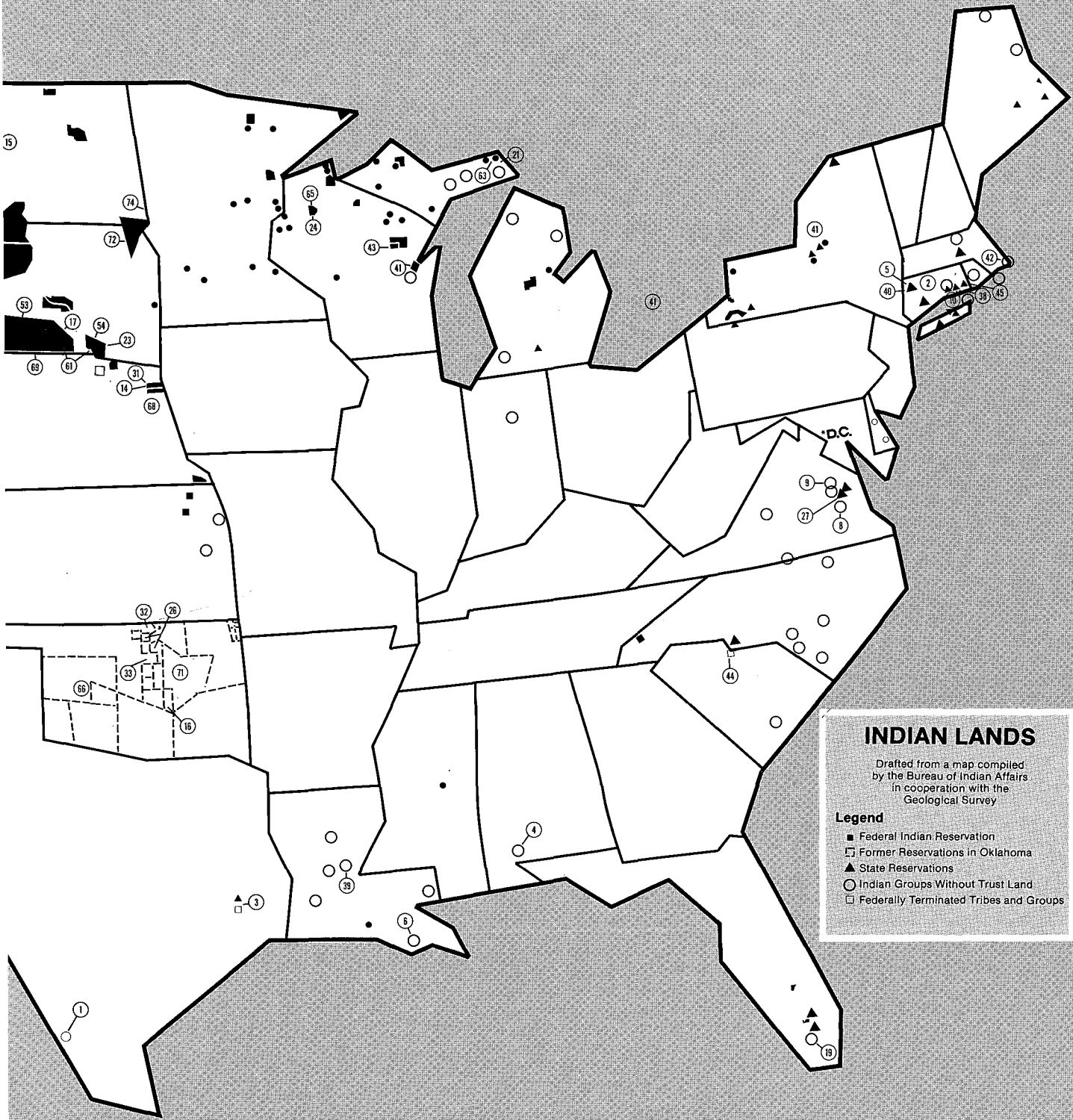


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n Rights Fund
ties, 1982



INDIAN LANDS

Drafted from a map compiled
by the Bureau of Indian Affairs
in cooperation with the
Geological Survey

Legend

- Federal Indian Reservation
- Former Reservations in Oklahoma
- ▲ State Reservations
- Indian Groups Without Trust Land
- ◻ Federally Terminated Tribes and Groups

course Act of 1790, concluded a treaty with the Catawbas which purportedly extinguished the Catawba claim to their promised reservation. In return, the State was to secure a new reservation for the Tribe and pay certain sums of money. However, the State never fulfilled the terms of this treaty. In 1981, the State rejected a proposed settlement, leaving the Tribe with no recourse but to file suit in federal district court to regain possession of the entire 1763 treaty reservation. The court granted the State's motion to dismiss the Tribe's suit and the case is now on appeal.

■ **Eastern Pequot.** In September 1982, NARF was asked by the Eastern Pequot Indians of Connecticut to investigate a possible land claim based on the Indian Nonintercourse Act. NARF is currently investigating the various alternatives in pursuing the claim.

■ **Ancient Eastern Land Claims Settlement Bill.** In February 1982, a bill was introduced in Congress which, if enacted, would extinguish Indian land claims pending in court involving lands in New York and South Carolina. The bill would have authorized only very limited claims for monetary damages to go to the U.S. Court of Claims. Because the bill would apply to claims of NARF's client tribes, the Stockbridge-Munsee, the Oneidas and the Catawba Tribe, NARF was involved in the Indian opposition to the bill. NARF attorneys drafted a legal memorandum that was filed with both Senate and House committees considering the bill laying out the constitutional objections. Hearings were held in June in both the House and Senate. At the end of the fiscal year, the bill was not expected to be reported out of either the Senate or House committees in this Congress.

Tribal Water Rights

Indian water rights issues were NARF's major 1982 activity and will perhaps be the most important issue for Indians throughout the 1980s. Nearly all western tribes are involved in litigation or negotiations to protect their water rights. NARF itself represents 21 tribes in 10 western states in efforts to protect their water rights. From at least the time when the U.S. Supreme Court first declared in 1908 that Indian tribes possess special reserved water rights which place them outside the scope of state water laws, Indian water rights have seldom been pro-

tected by the federal government or respected by the states and other water users. Consequently, many western tribes have lost or are losing their water resources through illegal takings.

The Indian water issues being contested today involve not only the nature and quantity of Indian reserved water rights, but also whether Indian water rights are to be adjudicated in state or federal courts. This issue is critical to tribes since states have historically been hostile to Indian rights. Following are NARF's major water rights involvements in 1982.

■ **Chemehuevi and Cocopah.** In March 1982, the Special Water Master appointed by the U.S. Supreme Court filed his report in the historical *Arizona v. California* case which concerns state, tribal and federal water rights in the lower Colorado River. The report was favorable to the claims of five tribes—including NARF's client tribes, the Chemehuevi and Cocopah tribes—for additional water allocations. Oral argument was scheduled by the Supreme Court for December 1982, with a decision expected in 1983.

■ **Northern Cheyenne and Mohave-Apache.** NARF represents the Northern Cheyenne Tribe of Montana (*Northern Cheyenne Tribe v. Adsit*), and the

Ft. McDowell Mohave-Apache (*Ft. McDowell v. Salt River Project*) in efforts to have their water rights heard in federal rather than state courts. In February 1982, a federal appeals court held that Indian water rights cases in Arizona and Montana, including the two above, should not have been dismissed by the federal district courts in favor of state jurisdiction. The U.S. Supreme Court has since agreed to review these cases.

■ **Pyramid Lake Paiute.** Since 1970, NARF has been working in association with other attorneys to stem diversions from the Truckee River in order to protect the water rights of the Pyramid Lake Paiute Tribe of Nevada. The Tribe has depended on the fishery resources of Pyramid Lake as their primary food source for as long as they can remember. However, the once thriving fishery has been decimated because of numerous diversions since the turn of the century which have caused a decline in the lake's level of 70 feet, damaging the water quality in the lake and preventing the trout from reaching their spawning grounds in the Truckee River. In one of the eleven active Pyramid Lake cases, the Tribe won a major victory when a federal appeals court held that the Tribe was not prevented by a previous decree from asserting its superior water rights against a government reclamation project. This case has since been granted review by the



Since 1970, NARF has been involved in the efforts to protect the water rights of the Pyramid Lake Paiute Tribe in order to preserve its fishery resources in Pyramid Lake.

U.S. Supreme Court. The other ten cases concern diversions in California and Nevada and challenges to practices which are threatening the Pyramid Lake fishery.

■ **Muckleshoot.** NARF is representing the Muckleshoot Tribe of western Washington in two cases to protect the Tribe's water rights in the White River. The operation of a power dam is diverting water away from its natural flow through the reservation and has effectively destroyed the Tribe's treaty-protected fishery (*Muckleshoot v. Puget Sound Power & Light Co.*).

■ **Klamath.** In *U.S. v. Adair*, NARF represents Oregon's Klamath Tribe in seeking a declaration that the Tribe is entitled to sufficient water from the Williamson River to preserve Klamath treaty hunting and fishing rights. A favorable ruling by the federal district court is now on appeal.

■ **Rosebud and Yankton Sioux Tribes.** NARF represents the Rosebud and Yankton Sioux tribes of South Dakota in a suit filed in state court by South Dakota in 1980 to adjudicate all water rights to the Missouri River in the western two-thirds of the State (*South Dakota v. Rippling Water Ranch, et al.*). Efforts by the tribes and the United States to obtain federal court jurisdiction were unsuccessful and the case is now pending in state court.

■ **Walker River Paiute.** NARF is investigating the possible reopening of a 1939 case regarding the water rights of Nevada's Walker River Paiute Tribe to the Walker River which passes through the reservation. The purpose of reopening the case would be to increase the Tribe's water allocation based on the U.S. Supreme Court's ruling in 1963 in *Arizona v. California*, which held that Indian reserved water rights extend to all "practicably irrigable acreage on the reservations." Under the 1939 Walker River decision, many Indian lands within the reservation are not receiving needed water due to the restrictions of the 1939 decree.

■ **Summit Lake Paiute.** NARF is assisting the Summit Lake Paiute Tribe in Nevada in efforts to protect its water rights for fishery and irrigation needs on the reservation. The Tribe is concerned over the effect of various off-reservation activities in the watershed threatening the quality and quantity of water reaching the reservation.

■ **Shoshone-Paiute.** The Duck Valley Reservation, located on the Idaho-Nevada border, obtains water for its agricultural development from the Wild-

horse Reservoir in Nevada. Because of attempts to operate the reservoir for other purposes and because of illegal diversions, the Tribe had legislation drafted which would protect their rights to the reservoir. NARF assisted in studying the proposed legislation, researched the Tribe's claim to the reservoir waters, and may assist in efforts to obtain congressional passage of protective legislation.

■ **Mission Indian Bands.** NARF represents the Rincon, LaJolla, Pauma, Pala and San Pasqual Mission Indian Bands in efforts to secure and protect their water rights in southern California. Because virtually the entire flow of the San Luis Rey River has been diverted away from the reservations to the communities of Escondido and Vista, the once-thriving agricultural economies on the reservations have been decimated. Indian lands lie barren while adjacent non-Indian lands have valuable commercial citrus and avocado groves. Initial decisions in two cases have recognized the Bands' water rights, but both cases are still active. Should the Bands prevail in the cases, the economies of their reservations will be dramatically improved.

■ **Shoshone-Bannock.** NARF is assisting the Shoshone-Bannock Tribes of the Ft. Hall Reservation in Idaho in developing a water rights strategy to prepare for eventual establishment of the reservation's water rights. In 1982, attorneys for the Tribe, NARF, and engineering consultants began formulating a water workplan for the reservation.

■ **Colorado Ute Tribes.** The Ute Mountain Ute and Southern Ute tribes of southwestern Colorado are asserting their water rights to Colorado and New Mexico water systems. The tribes originally tried to have their rights adjudicated in federal court, but in 1976 the U.S. Supreme Court ruled that Colorado had jurisdiction to adjudicate Ute Indian water rights (*Colorado Water Conservancy District v. U.S.*, also known as *Akin*). Since then, the Ute water rights cases have been pending in state court.

■ **ETSI.** In the Spring of 1982, NARF and other attorneys met in South Dakota with representatives from the Sioux tribes to consider the tribal position in a suit by others opposing a state plan to sell Missouri River water from the Oahe Reservoir to Energy Transportation Systems, Inc. (ETSI). ETSI would transfer the water to Wyoming, mix it with pulverized coal to make coal slurry, and then pipe the coal slurry from Wyoming to power plants in Oklahoma,

Louisiana and Arkansas. The Sioux tribes, including NARF's client tribes, the Rosebud and Yankton Sioux, are concerned about how this plan might affect the water rights of Sioux tribes. The tribes have not yet made any decision to become involved in this issue.

■ **San Xavier Papago.** NARF has assisted in efforts to protect the water rights of Arizona's Papago Tribe from illegal diversion by the City of Tucson and other water users (*Papago Tribe v. Pima Mining Co., et al.*). In June 1982, President Reagan vetoed a bill which would have settled the case. Negotiations resumed to redraft the legislation to overcome the Administration's objections. By the end of September 1982, the new bill was ready for the President's review. The settlement negotiations are handled by the Papago tribal attorney, but NARF remains available to handle the litigation should the settlement efforts fail.

■ **Western Regional Council.** Early in 1982, the national Indian community learned that the Western Regional Council, a business organization composed of 49 of the largest natural resource-related businesses in the West, was circulating a draft bill on Indian water rights that might be introduced in Congress. The bill would create a commission which would review all Indian water rights disputes and make recommendations to Congress on legislative solutions to settle the disputes, including how much tribes should be paid for these takings. The reaction of the national Indian community to this legislative proposal was immediate, emotional and clearly in opposition to any such approach. Discussions among the Western Regional Council, NARF and the Council of Energy Resource Tribes, joined in by the Western Governors' Policy Office and the National Congress of American Indians, led to an agreement to try to work together to achieve consensual negotiated settlements of Indian water rights cases currently in litigation, where possible, and to have WRC hold off on their legislative proposal which tribes still oppose.

"I regret that this Court is to be the governmental agency that breaks faith with this dependent people. Great nations, like great men, should keep their word." — Supreme Court Justice Hugo Black.

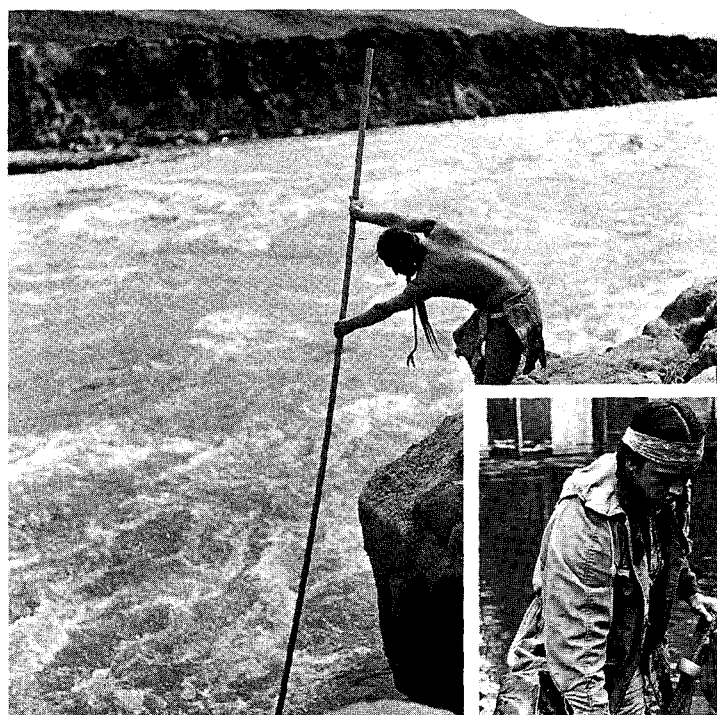
Indian Hunting and Fishing Rights

Indians possess unique hunting and fishing rights in this country based on treaties with the United States and powers of tribal self-government. The major issues being contested today concern treaty rights to hunt and fish in off-reservation aboriginal areas, and the applicability of state game laws within reservations. NARF was lead counsel in two historic Indian fishing cases decided in the last decade. *U.S. v. Washington* upheld the treaty rights of Washington tribes to fish on their aboriginal sites and to take a certain share of the season's harvest. *U.S. v. Michigan* upheld the treaty fishing rights of three Michigan tribes in the upper Great Lakes. Both decisions are still being implemented by the courts. The following were NARF's major hunting and fishing activities during 1982.

■ **Bay Mills Indian Community.** In 1979, a U.S. District Court upheld the treaty fishing rights of the Bay Mills, Sault Ste. Marie and Grand Traverse Chippewa bands to fish in certain areas of the Great Lakes. The decision was affirmed on appeal and review was denied by the U.S. Supreme Court in December 1981. The decision is now being implemented in negotiations among the State, the tribes and the federal government involving the issue of the allocation of the fishery harvest between treaty Indian fishermen and non-Indian fishermen.

■ **Klamath Tribe.** In March 1982, NARF filed *Klamath Tribe v. Oregon Department of Game* to establish the treaty rights of the Tribe to hunt and fish on ancestral lands located within the boundaries of their 1864 treaty-established reservation. These lands were not included in a 1979 decision (*Kimball v. Callahan*), which recognized the Tribe's treaty rights to hunt and fish in other parts of their former reservation.

■ **Lac Courte Oreilles Chippewa.** In 1981, a federal district court held that the Lac Courte Oreilles Band could not regulate non-Indian fishing within the Lac Courte Oreilles Reservation in Wisconsin. Tribal control over non-members within the reservation is necessary if the Tribe is to effectively develop, manage and conserve their fishery resource. The lower court's decision was on appeal at the end of the fiscal year.



■ **Cheyenne & Arapaho Tribes.** In 1980, a federal appeals court held in *Cheyenne and Arapaho Tribes v. Oklahoma* that Oklahoma lacked jurisdiction to regulate Indian hunting and fishing on Indian allotments and on land held in trust by the United States for the Cheyenne-Arapaho Tribes and, thus, State game laws did not apply to hunting and fishing by tribal members on such land which is "Indian country." However, when the judgment was entered by the federal district court, there was confusion over how the appeals court had ruled on hunting and fishing jurisdiction on ceded lands within the original reservation boundaries. On a second appeal for clarification of this issue, the federal appeals court held in an opinion issued in June 1982, that it was unnecessary to address the issue in the case, and the Tribes are free to raise the issue at another time.



Indian fishing rights, guaranteed by treaties with the United States, continues to be one of NARF's major Indian rights activities.

"Put in your history books the Indians' part in the World War. Tell them how the Indians fought for a country of which he was not a citizen, for a flag to which he had no claim, and for a people that have treated him unjustly. We ask this to keep sacred the memory of our people." — Grand Council Fire of American Indians.



Like most tribes throughout the country, the Makah Tribe of Washington is trying to preserve its traditional ways. Shown here are the dedication ceremonies for their new cultural center.

Cultural and Civil Rights

In addition to the civil rights enjoyed by other citizens, Native Americans also possess religious freedom and cultural rights unique to their status as Indians. During 1982 NARF continued its efforts in protecting Indian civil and cultural rights.

■ **American Indian Religious Freedom Act.** In June 1982, congressional oversight hearings were held on the American Indian Religious Freedom Act of 1978. NARF was instrumental in achieving passage of the Act and co-directed an implementation study with the American Indian Law Center of the University of New Mexico. The Act is intended to guarantee to Native Americans the right to believe, to express, and practice their native traditional religions. This was to be achieved by establishing a comprehensive federal policy directed toward protecting and preserving native religious practices in this country. Among other things, the Act mandates a policy to protect Native Americans' access to religious sites, use and possession of sacred objects, and the freedom to worship through traditional ceremonies. The 1982 hearings, in which NARF participated, were intended to explore current problems in carrying out the Act's intent and to set the stage for followup hearings.

■ **Kootenai Bands.** NARF is working with the Kootenai Bands of Canada, Idaho, and Montana in an effort to protect Kootenai Falls, one of the most sacred Kootenai religious sites, which is threatened by a proposed hydroelectric dam on the Kootenai River in northwestern Montana. The dam would divert the flow of the river around the Falls, which is located outside reservation lands. The matter will go to hearings before the Federal Energy Regulatory Commission in late 1982 and continue into 1983.

■ **Due Process Rights.** NARF filed an *amicus* brief in *Wisconsin v. Chosa*, a suit challenging the exclusion of all Native Americans from a jury panel in a criminal case. The Wisconsin Supreme Court ruled that such exclusion, made without individual examination, was not only an abuse of the trial judge's discretion, but also violated the Indian defendant's right to due process. The

Supreme Court based its reversal on many of NARF's arguments and remanded the case for a new trial.

■ **Indian Inmates' Rights.** For many years, NARF has taken the lead in the protection of the rights of incarcerated American Indians. Numerous litigation and non-litigation activities have been successfully completed by NARF in protesting conditions of confinement and in the protection of the religious freedom rights of Indian inmates in federal, state and county facilities. During the 1982 fiscal year, NARF attorneys continued to monitor existing decrees in which NARF has been successful and obtained another consent decree improving conditions of Indian inmates in a Nebraska county jail (*White Eagle v. Storie*).

■ **Federal Appropriations.** As in past years NARF worked in conjunction with other Indian organizations and Indian tribes in 1982 in opposing cuts in federal Indian programs that provide for health care, housing and job training. Since very few of the major appropriation bills affecting these Indian programs had been enacted by the end of September, substantial efforts would be needed in the remaining months of 1982 to prevent major cuts in Indian programs.

■ **Grazing Allocation Rights.** When federal employees, who are members of the Rosebud Sioux Tribe, were denied grazing allocations by the BIA on the Rosebud Sioux Reservation at the same rate as other tribal members, suit was initiated to challenge the BIA's action (*Wright v. Schweiker*). An injunction against the collection of the higher rate was obtained by NARF. On appeal by the BIA, the court deferred a ruling pending promulgation of appropriate regulations by the Secretary of the Interior.

■ **Housing Rights.** Shortly after President Reagan took office, eight tribal housing authorities in North Dakota, South Dakota, Utah and Montana were instructed to reimburse the Department of Housing and Urban Development

"It may be hard for us to understand why these Indians cling so tenaciously to their lands and traditional tribal way of life. The record does not leave the impression that the lands of their reservation are the most fertile, the landscape the most beautiful or their homes the most splendid specimens of architecture. But this is their home — their ancestral home. There, they, their children, and their forebears were born. They, too, have their memories and their loves. Some things are worth more than money." — Justice Hugo Black, U.S. Supreme Court.

for insurance premiums that HUD had paid on their behalf from 1977 to 1980. These premiums range from \$20,000 to \$30,000 per housing authority. A suit was commenced in the federal district court against HUD on the grounds that not only had the previous Administration informed the housing authorities that the premiums did not have to be repaid, but that it was too late, five years after the fact, to recoup the contested amounts from the already financially distressed tribal housing authorities (*Northern Indian Housing and Development Council v. Pierce*). The suit is pending in the court while discovery is undertaken.

■ **Point Conception.** NARF represents California's Santa Barbara Indian Center in efforts to prevent construction of a gas terminal line at Point Conception, the site of numerous ancient Chumash Indian villages and burial grounds. The Indians consider the area to be sacred and believe that construction of the gas line would desecrate the grounds and violate their religious freedom rights. The matter is pending before the Federal Energy Regulatory Commission and the California Public Utilities Commission.

Indian Education

Indian students attend not only public schools, but schools run by the Bureau of Indian Affairs and by the tribes themselves. The rights of Indian students in these schools, as well as the rights of Indian parents and tribes in school affairs, has always been a major NARF concern. Education is especially important for Native Americans since it is essential for developing the skills necessary for tribal self-government and economic self-sufficiency. Several Indian education groups have emerged in the past decade, some with NARF's assistance, to provide technical and other assistance in the area, but NARF continues to provide much needed legal assistance. The following cases were NARF's major education involvements in 1982.

■ **Wetumka Public Schools of Oklahoma.** NARF was successful in compelling the Wetumka School Board to revise its school policies to allow for more meaningful input into the school's operation by Indian parents and the Creek Nation. Such Indian input is required under federal law since the



Improving the quality of their children's education and making it relevant to their culture is a top priority for many tribes. Pictured here are students of the Suquamish Tribal School in Washington.

school district receives federal impact aid funds based on its Indian student enrollment.

■ **Sisseton-Wahpeton School.** In February 1982, NARF filed an administrative complaint on behalf of the Sisseton-Wahpeton Sioux Tribe of South Dakota and Indian parents in another impact aid case claiming a lack of adequate Indian input into school affairs. In September 1982, the U.S. Department of Education issued a decision which adopted NARF's recommendations requiring the School Board to comply with federal laws concerning Indian involvement.

■ **D-Q University.** NARF is assisting this Indian college near Davis, California, in preventing the federal government from reverting title to the 640-acre tract of land on which the college is located and which it had promised would eventually pass to D-Q. When the federal government notified D-Q in July 1982 that it was going to revert title, alleging agreement violations, NARF sought an injunction to prevent this. The denial of the injunction by a lower court was on appeal at the end of the fiscal year.

■ **School Closures.** In February 1982, the Interior Department announced it would soon close three off-reservation Indian schools run by the Bureau of Indian Affairs. When the Wahpeton Indian School in North Dakota asked NARF's assistance to prevent its closure, NARF filed suit, arguing that consultation with the tribes is required before the school can be closed, and the court halted the closure pending consultation (*Omaha Tribe, et al. v. Watt*). NARF is also involved in preventing

closure of the Intermountain Indian School in Utah, and in presenting the Indian school closure issue before Congress.

■ **National Indian School Board Association.** NISBA is a newly-formed group organized to promote Indian education concerns before the federal government, to improve the quality of Indian education, and to assist Indian education leaders in all aspects of Indian education. NARF provided legal assistance in getting NISBA organized by assisting it with its incorporation, by-laws and tax matters. Now incorporated in New Mexico, NISBA is beginning to provide various assistance to its member schools.

"The white man does not understand America. He is too far removed from its formative processes. The man from Europe is still a foreigner and an alien. And he still hates the man who questioned his path across the continent. But in the Indian the spirit of the land is still vested; it will be until other men are able to divine and meet its rhythm. Men must be born and reborn to belong. Their bodies must be formed of the dust of their forefathers' bones." — Luther Standing Bear, Sioux.

Indian Law Support Center

The Legal Services Corporation (LSC) funds 17 national support centers to provide specialized assistance to local legal services programs. Since 1972 the Native American Rights Fund has operated one of these national centers—the Indian Law Support Center—which provides backup legal assistance to local legal services programs serving Indians on reservations, in rural communities and in urban areas throughout the country.

During fiscal year 1982, the Indian Law Support Center responded to hundreds of requests for assistance from local programs in all areas of Indian law and general law. Center services include letter and telephone advice on Indian law problems; furnishing legal materials; conducting legal research; doing direct archival research; traveling for on-site field consultation; reviewing drafts of court pleadings and briefs; analyzing legislation; and assisting in locating expert witnesses and other consultants. The Center also continues publication of its monthly newsletter.

The Indian Law Support Center provided litigation assistance in one new case on an emergency basis, *Covelo Indian Community v. Watt*, which involved forcing the government to meet its trust obligation to protect Indian monetary damage claims and is reported elsewhere in the Activities section of this Report. Ongoing litigation in which the Center continued to assist includes Muckleshoot tribal water rights, treaty fishing in the Great Lakes, and individual land allotment protection in Idaho, all of which are reported on elsewhere in this section.

In August 1982, the Center hosted a conference supported by the National Association of Indian Legal Services, which focused on Indian issues of concern to all local programs. In addition, work was near-

ing completion on four manuals in major areas of Indian law to be distributed to the local programs: *A Manual for Protecting Indian Natural Resources*, *A Manual on Tribal Regulatory Systems*, *A Self-Help Manual for Indian Economic Development*, and *A Handbook of Federal Indian Education Laws*.

Funding for the Center for 1982 was cut by 25%. At this time, however, congressional support for the Legal Services Corporation is strong and it is hoped that the Indian Law Support Center will be able to continue its services.

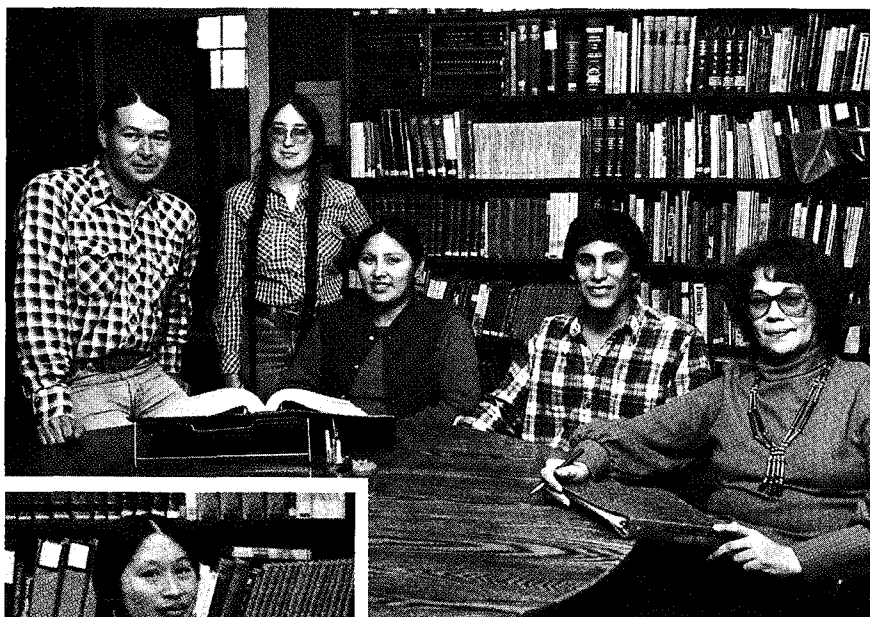
"You must stop your ears whenever you are asked to sign a treaty selling your home . . . Never sell the bones of your father and your mother."

— Old Joseph, Nez Perce Leader.

National Indian Law Library

The National Indian Law Library (NILL) observed its 10th anniversary in 1982. In those ten years, NILL has become an indispensable resource center for Indian law materials, not only for NARF's own needs, but to others throughout the country working for Indian rights. The need for a library like NILL was seen almost as soon as NARF itself began in 1970. At that time there was no national repository for Indian legal materials needed by attorneys practicing Indian law, such as briefs and pleadings in modern Indian law cases, articles on Indian rights, congressional documents and other research materials. In addition, existing commercial services on Indian case and statutory law was inadequate and hopelessly limited.

NARF decided that if Indian rights advocacy was to develop properly, a resource library of Indian law materials available to everyone



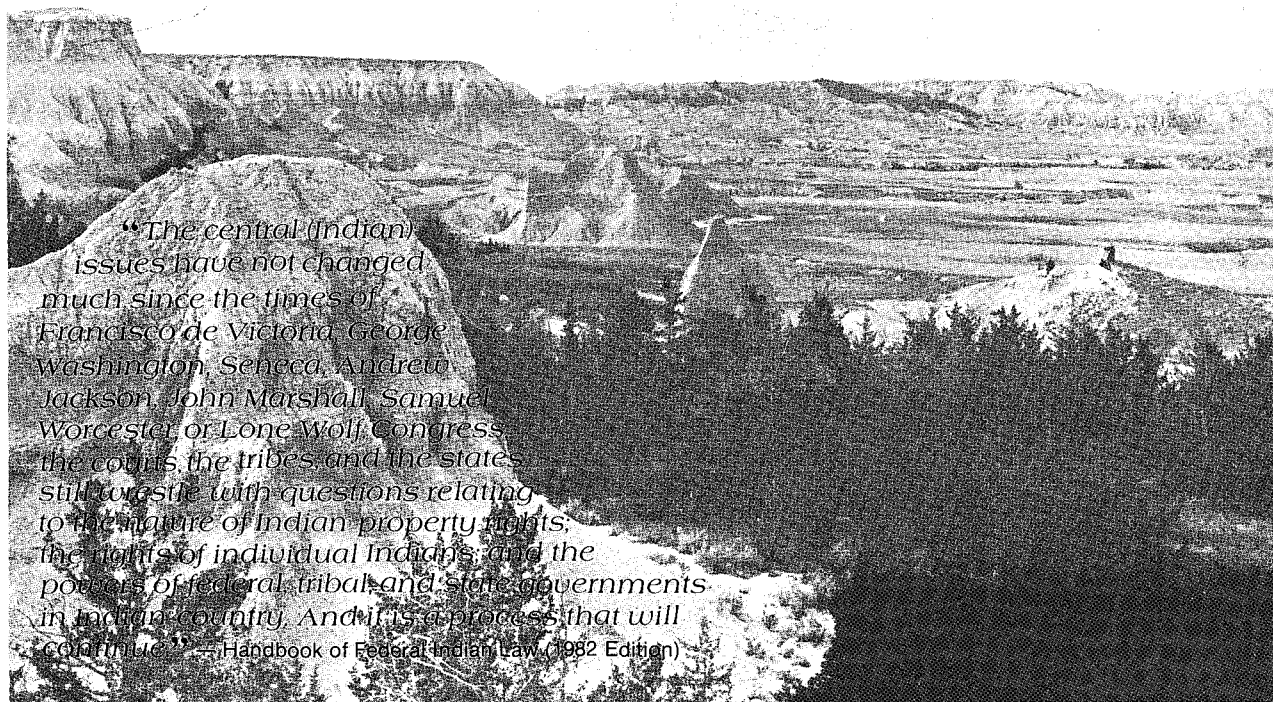
National Indian Law Library Staff. At left: Diana Lim Garry, librarian. Above: left to right: Bryce Wildcat, research assistant; Debra Echo-Hawk, NILL clerk; Joyce Gates, NILL secretary; Stephen Wheelock, NILL clerk; and Mary Mousseau, librarian assistant.

would have to be established. With a special grant from the Carnegie Corporation of New York, NILL came into existence. NARF also developed an index to Indian law to be used in cataloguing and indexing the materials that would be collected in the library. In ten years, the NILL collection has grown to nearly 4,000 acquisitions of Indian law cases, articles, studies, books, reports, and a variety of other resources. All these materials are now indexed under NARF's copyrighted "General Index to Indian Law," which has more than 400 headings. In the last few years, NILL began the task of converting its holdings to a computer system designed to update case files more quickly, to improve research into its holdings, and to facilitate the publication of the *NILL Catalogue: An Index to Indian Legal*

Materials and Resources. The *Catalogue* lists all of NILL's holdings and includes a subject index, an author-title table, a plaintiff-defendant table and a numerical listing. Purchasers of the 1,000-plus page *Catalogue* include Indian tribes, attorneys, organizations, legal services programs, federal and state offices, law libraries, schools and individuals.*

NILL's service to its constituents throughout the country is, and will continue to be, a major part of NARF's priority of fostering the orderly development of Indian law.

*The second edition of the *Catalogue* was published in December 1982. Those interested in ordering the NILL *Catalogue* should contact the National Indian Law Library, Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302 (303/447-8760).



"The central (Indian) issues have not changed much since the times of Francisco de Victoria, George Washington, Seneca, Andrew Jackson, John Marshall, Samuel Worcester, or Lone Wolf. Congress, the courts, the tribes and the states still wrestle with questions relating to the nature of Indian property rights; the rights of individual Indians; and the powers of federal, tribal and state governments in Indian country. And it is a process that will continue." — *Handbook of Federal Indian Law* (1982 Edition)

Shoshone-Bannock

Rosebud Sioux

Bay Mills Chippewa

Pyramid Lake Paiute

Chemehuevi

Northwest Shoshone

Cocopah

Houma

Turtle Mountain Chippewa

Poarch Creek

San Juan Paiute

Pala Mission Band

Eastern Pequot

Santee Sioux

Summit Lake Paiute

Mandan

St. Regis Mohawk

Treasurer's Report

Devils Lake Sioux

Hidatsa

Arikara

Southern Cheyenne

Pascua Yaqui

Osage

Narragansett

Cheyenne River Sioux

Treasurer's Report

NARF's major administrative challenge for fiscal year 1982 was to maintain the level of its program by recovering \$270,000 in federal funding cuts, as well as to raise the additional monies needed annually to meet rising costs.

Through the generous response of NARF's supporters, the budget goal was met. Major contributions were made by tribes, individuals, private foundations, and corporations. NARF's newly-initiated limited fee policy was also a contributing factor in closing the budget gap.

Because of increased support from the private sector, the composition of NARF's funding sources changed markedly. Below is a comparison of funding sources for NARF's fiscal years 1982 and 1981.

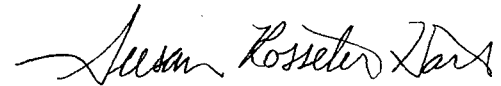
	FY '82	FY '81
Federal	41%	55%
Foundations	32%	27%
Individuals and Corporations	16%	12%
Tribes	2%	—
Fee Income	1%	—
Other	8%	6%
	100%	100%

Income totalled \$2,365,527 in fiscal 1982, an increase of \$227,822 over fiscal 1981. The greatest expenditure increases occurred in: (1) salaries and fringe benefits, reflecting additional staffing at the support staff level, salary increases, and benefit cost increases; (2) contract fees and consultants, reflecting a greater need for consultants in fiscal 1982 due to increased activity in litigation and negotiations; and, (3) office expenses, reflecting costs of the NILL *Catalogue* and higher costs in this category.

NARF's client service staff dropped by nearly one position in fiscal 1982. Because of this one-position drop in client service staff and because of the necessity of increased fund-raising efforts in the year just ended, NARF's expenditures by function, as a percentage of total expenditures, have changed as follows:

	FY '82	FY '81
Litigation and client services	66%	70%
National Indian Law Library	7%	5%
Program services:	73%	75%
Management and general	14%	15%
Fund raising	13%	10%
Support services:	27%	25%

NARF's audited financial statements immediately follow this report. Also appended is a listing of grantors, and individual contributors who gave \$100 or more in fiscal year 1982.



Susan Rosseter Hart
Treasurer



2300 COLORADO NATIONAL BUILDING
DENVER, CO 80202
303 571-1144

December 17, 1982

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

In our opinion, the accompanying balance sheet and the related statements of support, revenue, expenses and changes in fund balances, of changes in cash and of functional expenses present fairly the financial position of Native American Rights Fund, Inc. at September 30, 1982 and the results of its operations and changes in fund balances and the changes in its cash for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. Our examination of these statements 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.

Price Waterhouse

Balance Sheet

Native American Rights Fund, Inc. Balance Sheet September 30, 1982

	<u>Current funds</u>		<u>General fixed</u>	<u>Total</u>
	<u>Unrestricted</u>	<u>Restricted</u>	<u>asset fund</u>	<u>all funds</u>
<u>ASSETS</u>				
Cash (including short-term investments of \$800,000)	\$912,651			\$ 912,651
Marketable securities, at market (Note 2)	18,480			18,480
Grants receivable (Note 3)		\$133,937		133,937
Other receivables	32,496			32,496
Prepaid expenses	15,762			15,762
Interfund receivable (payable)	(57,379)	57,379		
Property and equipment, at cost (Notes 4 and 5):				
Land and buildings, pledged			\$ 313,938	313,938
Improvements to land and buildings			62,322	62,322
Office equipment and furnishings			197,379	197,379
Professional library			68,273	68,273
			641,912	641,912
<u>Less - Accumulated depreciation</u>			<u>(224,748)</u>	<u>(224,748)</u>
Net property and equipment			417,164	417,164
	<u>\$922,010</u>	<u>\$191,316</u>	<u>\$ 417,164</u>	<u>\$1,530,490</u>
<u>LIABILITIES AND FUND BALANCES</u>				
Accounts payable	\$129,303			\$129,303
Accrued sabbatical leave	39,113			39,113
Other accrued expenses (Note 6)	131,558			131,558
Deferred revenue (Note 3)		\$154,045		154,045
Interfund loans payable (receivable) (Note 7)	(60,123)	37,271	\$ 22,852	
Mortgages and notes payable (Note 5)			217,080	217,080
	239,851	191,316	239,932	671,099
Fund balances	682,159		177,232	859,391
	<u>\$922,010</u>	<u>\$191,316</u>	<u>\$417,164</u>	<u>\$1,530,490</u>

Statement of Support, Revenue, Expenses, and Changes in Fund Balances

Native American Rights Fund, Inc. Statement of Support, Revenue, Expenses, and Changes in Fund Balances for the Year Ended September 30, 1982

	Current funds Unrestricted	Restricted	General fixed asset fund	Total all funds
Support and revenue:				
Grants		\$1,933,492		\$1,933,492
Contributions	\$280,711			280,711
Other	204,020			204,020
Write off of fixed assets (Note 8)			\$ (52,696)	(52,696)
Total support and revenue	<u>484,731</u>	<u>1,933,492</u>	<u>(52,696)</u>	<u>2,365,527</u>
Expenses:-				
Program services:				
Litigation and client services	66,951	1,391,329	20,039	1,478,319
National Indian Law Library	12,657	131,866	1,976	146,499
Total program services	<u>79,608</u>	<u>1,523,195</u>	<u>22,015</u>	<u>1,624,818</u>
Support services:				
Management and general	31,629	281,896	4,233	317,758
Fund raising	190,076	95,059	1,976	287,111
Total support services	<u>221,705</u>	<u>376,955</u>	<u>6,209</u>	<u>604,869</u>
Total expenses	<u>301,313</u>	<u>1,900,150</u>	<u>28,224</u>	<u>2,229,687</u>
Excess (deficiency) of support and revenue over expenses	<u>183,418</u>	<u>33,342</u>	<u>(80,920)</u>	<u>135,840</u>
Fund balances, beginning of year	<u>500,153</u>	<u>-0-</u>	<u>223,398</u>	<u>723,551</u>
Other changes in fund balances:				
Acquisition of fixed assets	(701)	(13,656)	14,357	
Reduction in mortgages and notes payable	(398)	(11,757)	12,155	
Telephone usage charge (Note 7)	(313)	(7,929)	8,242	
	<u>(1,412)</u>	<u>(33,342)</u>	<u>34,754</u>	
Fund balances, end of year	<u>\$682,159</u>	<u>\$ -0-</u>	<u>\$177,232</u>	<u>\$ 859,391</u>

Statement of Changes in Cash

Native American Rights Fund, Inc. Statement of Changes in Cash for the Year Ended September 30, 1982

	Current funds Unrestricted	Restricted	General fixed asset fund	Total all funds
Cash was provided by (used for):-				
Excess (deficiency) of support and revenue over expenses	\$ 183,418	\$ 33,342	\$ (80,920)	\$ 135,840
Add (deduct) items not using (providing) cash:				
Deferred contributions and grants receivable recognized as support and revenue		(516,963)		(516,963)
Depreciation			28,224	28,224
Decrease in unrealized depreciation of marketable securities	(4,249)			(4,249)
Write off of fixed assets			52,696	52,696
Cash provided by (used for) operations	<u>179,169</u>	<u>(483,621)</u>	<u>-0-</u>	<u>(304,452)</u>
Deferred contributions received and grants receivable collected		222,455		222,455
Increase (decrease) in interfund payables (receivables)	(248,448)	294,508	(46,060)	
Net fund balance transfers	(1,412)	(33,342)	34,754	
Proceeds from sale of marketable securities	15,698			15,698
Increase in other accrued expenses	7,012			7,012
Increase in accounts payable	35,758			35,758
Increase in notes payable			43,443	43,443
Cash provided (used)	<u>(12,223)</u>	<u>-0-</u>	<u>32,137</u>	<u>19,914</u>
Cash was used for:				
Increase in other receivables	18,231			18,231
Increase in prepaids	2,626			2,626
Decrease in accrued sabbatical leave	11,193			11,193
Fixed asset additions			15,069	15,069
Repayment of mortgages and notes payable			17,068	17,068
Cash used	<u>32,050</u>	<u>-0-</u>	<u>32,137</u>	<u>64,187</u>
Decrease in cash	<u>\$ 44,273</u>	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ 44,273</u>

Statement of Functional Expenses

Native American Rights Fund, Inc. Statement of Functional Expenses for the Year Ended September 30, 1982

	Program services			Support services			Total expenses
	Litigation and client services	National Indian Law Library	Total	Management and general	Fund raising	Total	
Salaries and wages:							
Professional staff	\$ 501,638	\$ 47,235	\$ 548,873	\$106,791	\$ 50,637	\$157,428	\$ 706,301
Support staff	147,411	27,412	174,823	49,888	12,721	62,609	237,432
Fringe benefits	100,922	5,432	106,354	21,582	11,215	32,797	139,151
Total salaries and related costs	749,971	80,079	830,050	178,261	74,573	252,834	1,082,884
Contract fees and consultants	314,594	1,171	315,765	33,187	20,718	53,905	369,670
Travel	146,506	59	146,565	30,529	15,596	46,125	192,690
Space costs	48,006	6,148	54,154	29,005	4,862	33,867	88,021
Office expenses	146,447	55,079	201,526	38,961	167,286	206,247	407,773
Equipment maintenance and rental	12,270	1,346	13,616	2,920	1,415	4,335	17,951
Litigation costs	16,533		16,533				16,533
Library costs	23,953	641	24,594	662	685	1,347	25,941
Expenses before depreciation	1,458,280	144,523	1,602,803	313,525	285,135	598,660	2,201,463
Depreciation	20,039	1,976	22,015	4,233	1,976	6,209	28,224
Total expenses	<u>\$1,478,319</u>	<u>\$146,499</u>	<u>\$1,624,818</u>	<u>\$317,758</u>	<u>\$287,111</u>	<u>\$604,869</u>	<u>\$2,229,687</u>

Notes to Financial Statements

Native American Rights Fund, Inc. Notes to Financial Statements September 30, 1982

NOTE 1 - Organization and Summary of Significant Accounting Policies

Organization: Native American Rights Fund, Inc. (NARF) was organized in 1971 under the nonprofit corporation law of the District of Columbia and has a primary objective of providing legal representation, assistance, and education to Native American people. NARF derives financial support from private foundations, the United States Government, public contributions, and a limited fee policy.

NARF 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.

Revenue recognition: A substantial portion of NARF's revenue is derived from restricted grants and contracts. Revenue from such restricted sources is deemed to be earned when NARF has incurred costs which satisfy restrictions imposed by the respective grants or contracts. Funds received from restricted sources in excess of costs incurred are reported as deferred revenues. For costs incurred in excess of funds received from restricted sources, revenue and related receivables are recognized to the extent of such costs unless, in

management's opinion, future grant or contract funds will be insufficient. In such cases, costs are charged to unrestricted funds.

Contributions and donations from unrestricted sources are generally recognized when received; however, enforceable pledges are recorded as revenue and receivables in the year made. Donations of marketable securities or other in-kind contributions are recorded as revenue at their estimated fair market value at the date of contribution.

Interfund receivables (payable): Generally, funds received by NARF are deposited in a general bank account and segregation of cash and certain other assets and liabilities between restricted and unrestricted funds is not maintained in the accounting records. Segregation of revenue and expenditures applicable to restricted, unrestricted (including segregation within the restricted fund by grant source), and the general fixed asset funds is maintained in the accounting records. The interfund receivable (payable) results from the receipt of deferred revenue in excess of net assets specifically identifiable with the restricted fund at September 30, 1982.

Allocation of expenses: Expenses are allocated to grants based on related professional legal time devoted to projects except where expenses are specifically identifiable with a particular grant or project.

Professional staff: Personnel classified as professional staff in the accompanying financial statements include attorneys, legislative liaison, librarians, and office management personnel.

Fund raising: Fund raising expenses are comprised of costs associated with contribution revenue and costs associated with obtaining grants from private foundations and governmental agencies.

Property and equipment: Purchases of property and equipment and payments on the note and mortgage liabilities are expenditures of the current funds. Such expenditures are treated as transfers to the general fixed asset fund (Note 4).

Depreciation: Depreciation is computed over the estimated useful lives of the assets using the straight-line method for buildings and the professional library and the declining balance method for other property and equipment.

NOTE 2 - Marketable Securities: Marketable securities consist of marketable corporate securities. These investments are stated at market value which was approximately \$4,100 less than cost at September 30, 1982. The net gain recognized in the unrestricted fund during the year resulted primarily from a net decrease in unrealized depreciation of \$4,249.

NOTE 3 - Grants Receivable and Deferred Revenue: Grants receivable and deferred revenue consisted of the following individual restricted grants or contracts at September 30, 1982:

	Receivable	Deferred revenue
Ford Foundation	\$ 65,756	
Department of Health and Human Services, Administration for Native Americans	2,752	
Legal Services Corporation		\$ 92,563
Carnegie Corporation		10,246
Bureau of Indian Affairs	61,429	
Lilly Endowment, Inc.		20,836
Knistrom Foundation		5,068
New World Foundation	4,000	
Norman Foundation		7,974
CBS, Inc.		7,974
Rosenberg Foundation		8,143
Other		1,241
	<u>\$133,937</u>	<u>\$154,045</u>

NOTE 4 - Transfers to General Fixed Asset Fund: Net transfers to the general fixed asset fund from current restricted and unrestricted funds consisted of the following during the year:

Telephone usage charge	\$ 8,242
Purchases of office equipment and furnishings	10,190
Principal payments on mortgages and notes	12,155
Additions to professional library	4,167
	<u>\$34,754</u>

NOTE 5 - Mortgages and Promissory Notes Payable: Long-term debt consisted of the following at September 30, 1982:

	Portion due within one year	Total
Mortgage loan payable in equal monthly instalments of \$1,113, including interest at 8½%, through May 1983, with the remaining principal due June 1983.		
Secured by land and building	\$ 92,885	\$ 92,885
Mortgage loan payable in equal monthly instalments of \$482, including interest at 5½%, through March 1985. Secured by land and building	4,889	18,497
Promissory notes payable in equal monthly instalments of \$720, including interest at 9%, through October 1985, with the remaining principal due November 1985.		
Secured by land and building	2,770	66,478
Promissory note payable in equal monthly instalments of \$1,034, including interest at 15% through October 1986, with the remaining principal due November 15, 1986.		
Secured by computer equipment	7,098	38,527
Other long-term debt	693	693
	<u>\$108,335</u>	<u>\$217,080</u>
Less - Current portion of long-term debt		<u>108,335</u>
Portion due after one year		<u>\$108,745</u>

Annual maturities of long-term debt are as follows (fiscal years): 1983 — \$108,335, 1984 — \$16,485, 1985 — \$18,393, 1986 — \$71,517, 1987 — \$2,350.

NOTE 6 - Retirement Plan: NARF has a money purchase pension plan for all full-time employees. Annual contributions to the plan by NARF are at amounts equal to 5% of each participant's compensation. Additional contributions to the plan may be made by the participants but are not required. Pension expense is provided at an amount equal to 5% of each full-time employee's compensation. A participant's interest in NARF's contribution becomes vested at the rate of 10% for each year of service. Contributions by NARF and by participants are principally invested in life insurance annuity contracts. Pension expense for 1982 was \$43,455. Accrued pension liability of \$33,469 is included in other accrued expenses at September 30, 1982.

NOTE 7 - Interfund Loan Payable (Receivable): During September 1978, NARF purchased a telephone system which replaced previously rented equipment. The cost of the telephone system was financed with funds borrowed from the unrestricted fund which will be repaid over a five-year period with the unpaid balance (\$8,926 at September 30, 1982) bearing interest at 8% per annum.

The repayment is being effected through a usage charge to grantors who have approved the terms of the borrowing or in an amount equivalent to depreciation.

NOTE 8 - Disposition of Computer: During 1981, NARF purchased a computer system at a total cost of \$52,696. Due to continued malfunctions, the computer has never been fully operational and the remaining costs were written off at September 30, 1982. NARF has initiated legal action against the vendor, but it is not possible to determine the outcome of such suit at the current time.

Contributors to the Native American Rights Fund

1982 Fiscal Year: October 1, 1981 to September 30, 1982

Foundations:

	Grant Purpose:
Acorn Foundation	General Support
Aetna Life & Casualty Foundation	Tribal Sovereignty & Indian Natural Resources Project
Atlantic Richfield Foundation	General Support
Carnegie Corporation of New York	Indian Lawyer Intern Project
CBS, Inc.	General Support
	Planned Giving Program
Edna McConnell Clark Foundation	General Support
Cummins Engine Foundation	Tribal Sovereignty & Indian Natural Resources Project
William H. Donner Foundation	Tribal Sovereignty & Indian Natural Resources Project
Ford Foundation	General Support
	Indian Education Legal Support Project
Grace Foundation	General Support
Hearst Foundation	National Indian Law Library
Fanny and Svante Knistrom Foundation	New England Indian Land Claims Negotiations and Federal Recognition
Lilly Endowment	Western Indian Water Rights Project
McGraw-Hill Foundation	General Support
Muskiwinni Foundation	Attorney Support/A. Locklear
New-Land Foundation	General Support
New World Foundation	General Support
Norman Foundation	Planned Giving Program
Onaway Trust (Great Britain)	General Support
Plumsock Foundation	General Support
Rosenberg Foundation	Mission Indian Water Resources Project

Corporations and Organizations:

American Telephone & Telegraph	General Support
Equitable Life Assurance Society	General Support
S. Forest Company	General Support
Frontier Airlines	General Support
General Electric Company	General Support
Greyhound Corporation	General Support
Gulf Oil Corporation	General Support
International Business Machines Corporation	General Support
National Rural Housing Coalition	Indian Housing Legal Assistance
Price Waterhouse & Company	In-Kind Support
Riverside Church, New York City	General Support

Federal Programs:

Administration for Native Americans	National Indian Law Library
(Health & Human Services Dept.)	Strengthening Tribal Governments
	Protection of Indian Natural Resources
Bureau of Indian Affairs (Interior Dept.)	Expert Witnesses & Consultant Contracting
Legal Services Corporation	Indian Law Support Center
	Tribal Recognition Project

Tribal Contributions:

Pamunkey Tribe of Virginia	General Support
Passamaquoddy Tribe of Maine	General Support
Penobscot Tribe of Maine	General Support

Individual Contributions

Listed here are those who contributed \$100 or more during NARF's 1982 fiscal year.

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In Appreciation

*The Native American Rights Fund would like to acknowledge
the generous support given by the following contributors during our 1982 fiscal year.*

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New World Foundation
Norman Foundation
Onaway Trust (Great Britain)
Plumsock Foundation
Rosenberg Foundation

Corporations and Other Private Grantors

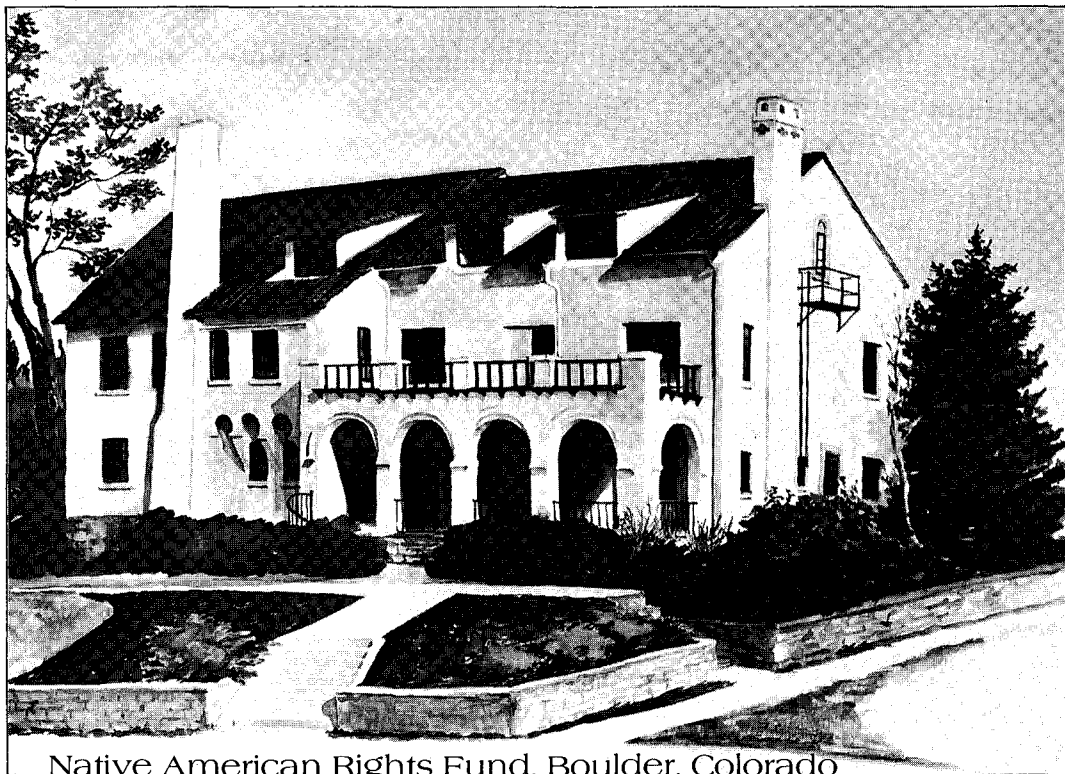
American Telephone & Telegraph
Equitable Life Assurance Company
S. Forest Company
Frontier Airlines
General Electric
Greyhound Corporation
Gulf Oil Corporation
International Business Machines
National Rural Housing Coalition
Price Waterhouse & Company
Riverside Church of New York City

Tribal Contributors

Pamunkey Tribe of Virginia
Passamaquoddy Tribe of Maine
Penobscot Tribe of Maine

Federal Programs

Administration for Native Americans
Bureau of Indian Affairs
Legal Services Corporation



Native American Rights Fund, Boulder, Colorado