

*Native  
American  
Rights Fund*

National Indian Law Library

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Annual Report 1989



“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.”

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Handbook of  
Federal Indian Law  
(1982 Edition)

# Native American Rights Fund

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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.

## **Cover**

The cover picture "Moving On," was painted by Dana Tiger, of Creek-Seminole-Cherokee descent. Dana, the daughter of famed artist Jerome Tiger, has been painting for several years and features striking portraits of Indian women in both traditional and contemporary societies. Ms. Tiger painted the cover portrait especially for the 1989 NARF Annual Report. Ms. Tiger can be contacted through **Tiger Gallery**, in Muskogee, Oklahoma.

## **Photo Credits**

Monty Roessel, Smithsonian Institution and Tom Casey.



## Chairwoman's Letter

Dear Friends and Supporters:

I know first hand the impact that NARF has had on Indian people over the last 19 years. You see, I discovered personally what NARF's help can mean to Indians struggling for justice when my own Menominee Tribe in Wisconsin was fighting for restoration of tribal recognition in the early 70's.

In the late 50's, Congress passed an act terminating many tribes. With the stroke of a pen, they broke sacred treaties and withdrew vital federal services and land protection that had been the basis of the special trust relationship between our two governments for more than 100 years.

Many of the small tribes—those without the resources or know-how to fight back—were quickly wiped out by termination. But my tribe was larger, very determined . . . and lucky. Recognizing the importance of the struggle to Indians across our nation, NARF joined our fight.

When NARF went to the battlelines for my Tribe, it took three solid years of relentlessly hard work. Two dedicated NARF attorneys devoted almost 100% of their time to our case. When President Nixon signed the Menominee Restoration Act on December 22, 1973, it was a glorious victory not only for the Menominees, but for many other tribes too.

In winning justice for the Menominees, NARF set a crucial legal precedent that has made it possible to win that same justice for other tribes struggling for restoration of federal recognition—including the Siletz in Oregon, the Alabama Coushatta Tribe of Texas and Ysleta del Sur Pueblo of Texas.

In the years since NARF helped my Tribe, I've had the privilege of serving this unique, pioneering organization—first as a legislative liaison in Washington and now as a member of the Board of Directors.

During my years on Capitol Hill, I was especially gratified and proud of the recognition and respect given NARF by members of Congress, the courts, and the

executive office; as well as citizen advocacy groups and other members of the legal community.

Now, as a member of the Board of Directors, it's very exciting to be charting NARF's course into the next decade. It is also deeply satisfying for me to be able to pass the gift on" by helping NARF secure for other tribes the justice they helped win for my own people.

NARF will soon be celebrating its 20th anniversary year of legal rights protection for Native Americans. In the courts and in Congress, NARF has proven to be a significant force in protecting the rights of tribes and individuals. Many of these rights are guaranteed in treaties negotiated by the United States with Indian tribes on a government-to-government basis.

NARF's philosophy provides Native American communities the opportunity to formulate their own solutions to the serious problems impacting their day-to-day existence. We also see the protection of these Native American rights as a protection of Indian culture and tradition. The issue of tribal self-governance goes hand-in-hand with the preservation of our Indian traditional ways and lifestyles.

Since 1970, NARF has achieved many landmark victories in Federal Indian Law. Yet, much critical work yet remains to be done in the field of Indian legal rights. Native American legal rights are complex and involve issues relating to land claims, tribal recognition, water rights, taxation, jurisdiction and the rights of tribal self-government. NARF is also involved in issues relating to Indian education, religious freedom and discrimination.

In the coming decade, NARF will continue to play a major role in assisting Indian people in their effort to assert their rights in the coming years. The constant struggle to uphold Indian treaty rights and basic human rights is never-ending. Each year, new cases in the area of Indian law must be added to NARF's docket.



In 1990, we will celebrate our 20th anniversary. This milestone has been made possible by your support and participation in helping NARF continue its important legal work over the years. It is now crucial that we secure the necessary financial support from you and our other donors for the future. Changing priorities and competitiveness for available funds have made NARF's legal rights protection job even harder. From each of my opportunities to work with NARF's outstanding, deeply committed legal staff over the last 19 years, I am convinced there is no organization in America doing more to restore rights and dignity to Native Americans than NARF.

On behalf of the Board of Directors and staff, we thank everyone who has supported us these past 19 years and we hope you will continue to be a part of our efforts to protect the rights of all Native Americans as we approach our 20th anniversary.

Sincerely,

Ada E. Deer, Menominee  
Chairwoman

# Executive Director's Report

1989 marked the 19th year that the Native

American Rights Fund has provided legal advice and representation to Indian tribes, organizations and individuals on issues of major significance to Indian people throughout the nation. The access to justice made possible by NARF's assistance resulted in several important legal victories in fiscal year 1989 for Native Americans.

In *State of Alaska v. Native Village of Venetie*, a federal appeals court held that the tribal status of Alaska Native villages was to be determined according to the same federal Indian law principles applicable to tribes elsewhere in the United States. The ruling came in a State challenge to a tribal tax ordinance enacted by the Native Village of Venetie pursuant to its tribal sovereign powers where NARF represents the Village.

NARF successfully represented the Nome Eskimo Community in stopping the illegal taxation of its tribal property by the City of Nome. The Alaska Supreme Court held that the Nome Eskimo Community, a Native group organized under the Indian Reorganization Act of 1934, constituted a tribe within the meaning of the Act and therefore its property was immune from taxation under the Act. The ruling in essence provides protection from taxation and foreclosures to 70 tribes organized under the Act in Alaska.

In *Cheyenne-Arapaho Tribe v. United States*, the federal district court held that the Bureau of Indian Affairs breached its trust responsibility when it tried to extend the terms of three tribal oil and gas leases at below market rates without tribal consent. NARF represents the Tribe in its efforts to negotiate its own leases at fair competitive rates.

NARF was successful in convincing a federal appeals court that a state statute of limitations did not bar the Catawba Tribe from pursuing its claim to 225 square miles in South Carolina. The ruling in *South Carolina v. Catawba Indian Tribe*, which the United States Supreme Court declined to review, allows the Tribe's land claims to proceed against all

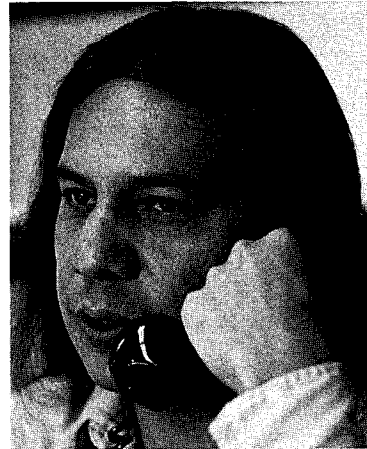
persons who claim title in the claim area who cannot prove adverse possession for a continuous 10-year period since the statute became applicable in 1959. The claim is based on the lack of federal approval of land transactions dating back to 1840 which is required by federal law.

In *Katie John v. State of Alaska*, NARF succeeded in asserting subsistence fishing rights for Alaska Native subsistence users from Mentasta Village and Dot Lake under the Alaska National Interest Lands Conservation Act of 1980. The federal district court ruling permits subsistence fishing on a full-time basis at a traditional site for the first time since 1964. In *Native Village of Tanana v. Couper*, NARF obtained the first regulation declaring that a traditional Alaska native potlatch is a subsistence use of fish and wildlife. The regulation authorized a summer subsistence moose hunt directed by the Native Village of Tanana Council.

In two Indian burial cases, NARF was successful in the States of Nebraska and Kansas in securing legislation to stop the desecration of Indian remains and burial goods. Nebraska lawmakers enacted a precedent-setting law which requires state-sponsored museums to return Indian skeletal remains and associated burial goods to tribes for reburial. The law is the first of its kind in the country expressly requiring the return of all tribally identifiable skeletal remains and linkable burial goods to Indian tribes for reburial. NARF represented the Pawnee and Winnebago Tribes in the matter.

The Kansas Unmarked Burial Sites Preservation Act was signed into law and bans unregulated public displays of human remains as well as protects unmarked graves from unnecessary disturbance. NARF represented the Pawnee Tribe in the matter.

In *Mississippi Band of Choctaw Indians vs. Holyfield*, the United States Supreme Court upheld the Mississippi Choctaw Tribal Court's jurisdiction over the adoption proceeding of twin Indian children who were born off the Choctaw reservation although their parents lived on the reserva-



tion. The Court found the twins were domiciled on the Tribe's reservation within the meaning of the exclusive tribal jurisdiction provision of the 1978 Indian Child Welfare Act. NARF was co-counsel in an *amicus curiae* brief supporting the Tribe filed with the Court.

A federal appeals court in *Native Village of Noatak v. Hoffman* ruled that the Village of Noatak and all other Alaska Native villages listed in the 1971 Alaska Native Claims Settlement Act are tribes for the purpose of bringing suit in federal court under a jurisdictional statute authorizing federal courts to hear suits brought by tribes. In this case, NARF is challenging the State of Alaska's position that it cannot constitutionally allocate revenue-sharing monies to tribal governments.

These and many other important case developments in fiscal year 1989 show that Native Americans can receive justice if given the opportunity to be represented by counsel through NARF. In hundreds of cases since 1970, NARF has provided this access to justice and made the legal process work for the benefit of Indian people who may have otherwise gone unrepresented. We thank all of you who have supported our work and hope that you will continue your support as we approach the 20th anniversary of our founding.

John E. Echohawk  
Executive Director

# Board of Directors

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.

Ada Deer (*Menominee*)  
Chairwoman  
Wisconsin

Richard Hayward  
(*Mashantucket Pequot*)  
Vice-Chairman  
Connecticut

Lionel Bordeaux (*Rosebud Sioux*)  
South Dakota

Mahealani Ing (*Native Hawaiian*)  
Hawaii

John R. Lewis  
(*Mohave/Pima/Tohono*  
*O'odham*)  
Arizona

Wilma Mankiller (*Cherokee*  
*Nation of Oklahoma*)  
Oklahoma

Twila Martin-Kekahbah (*Turtle*  
*Mountain Chippewa*)  
North Dakota

Calvin Peters (*Squaxin Island*)  
Washington

Caleb Pungowiyi (*Siberian Yupik*)  
Alaska

Anthony L. Strong  
(*Tlingit-Klukwan*)  
Alaska

William Thorne (*Pomo*)  
Utah

Eddie Tullis  
(*Poarch Band of Creeks*)  
Alabama

Verna Williamson (*Isleta Pueblo*)  
New Mexico

Norman Ration (*Navajo*)  
Arizona (term expired Fall '89)

Gene Gentry (*Klamath*)  
Oregon (term expired Spring '89)

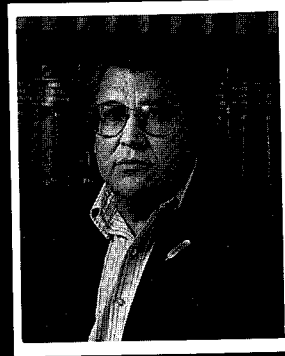
George Kalama (*Nisqually*)  
Washington (term expired  
Spring '89)

Dan Little Axe (*Absentee Shawnee*)  
Oklahoma (Resigned Fall '89)

Not pictured are Wilma Mankiller and John Lewis.



Ada Deer



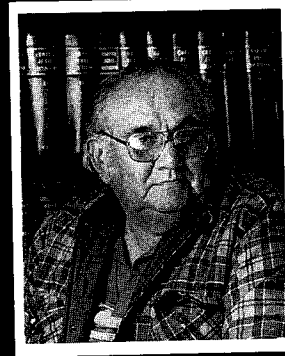
Lionel Bordeaux



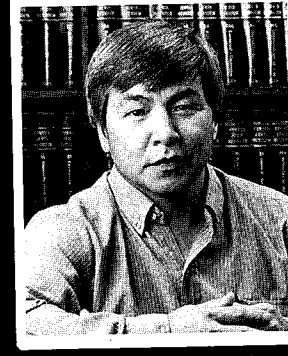
Richard Hayward



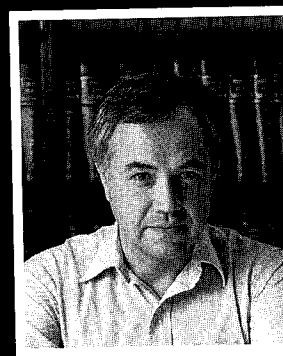
Twila Martin-Kekahbah



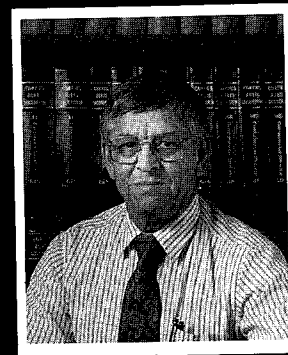
Calvin Peters



Caleb Pungowiyi



Anthony L. Strong



Eddie Tullis



Verna Williamson

# National Support Committee

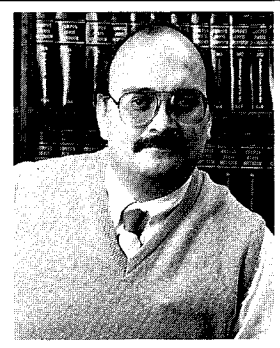
Owanah Anderson (*Choctaw*)  
Edward Asner  
Katrina McCormick Barnes  
David Brubeck  
Rep. Ben Nighthorse Campbell  
(*Northern Cheyenne*)

Norman Cousins  
Harvey A. Dennenberg  
Michael Dorris (*Modoc*)  
Richard Dysart  
Louise Erdrich  
(*Turtle Mountain Chippewa*)

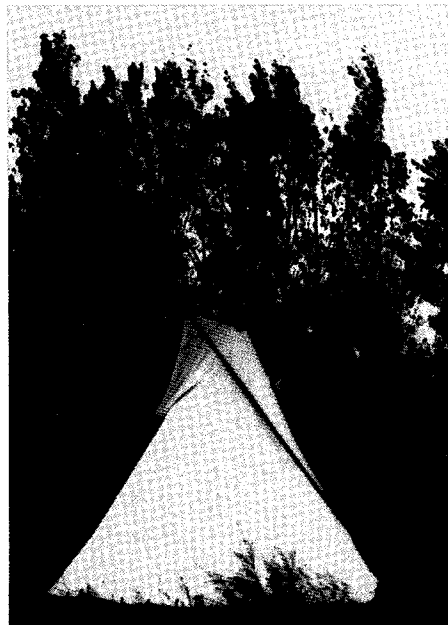
James Garner  
Sy Gombert  
Will H. Hays, Jr.  
Alvin M. Josephy, Jr.  
Billy Mills (*Oglala Sioux*)  
N. Scott Momaday (*Kiowa*)  
Alfonso Ortiz (*San Juan Tewa*)  
Amado Peña Jr. (*Yaqui/Chicano*)  
David Risling, Jr. (*Hoopla*)  
Pernell Roberts  
Dr. Jonas Salk  
Leslie Marmon Silko (*Laguna Pueblo*)  
Connie Stevens  
Maria Tallchief (*Osage*)  
Studs Terkel  
Ruth Thompson  
Tenaya Torres (*Chiricahua Apache*)  
Thomas N. Tureen  
The Rt. Rev. William C. Wantland  
(*Seminole*)  
Dennis Weaver



Mahealani Ing



William Thorne



# Introduction

**T**he Native American Rights Fund is a national legal defense fund for this country's American Indians. Now approaching its 20th anniversary, NARF has represented Indian clients in nearly every state in the nation. The hundreds of cases it has been involved in have concerned every area and issue in the field of Indian law. NARF's legal expertise has continued to be a vital force in the protection of the rights of American Indians. Over the years, NARF has gained the mark of a proven advocate in Indian law issues. A brief review of NARF's origin will give a better understanding of NARF's role in the Native Americans' struggle to protect their rights in today's society.

## **The Founding of NARF**

Many federally-funded legal services programs were established

around the country in the 1960s. These programs were aimed at providing legal representation for poor and disadvantaged people. It was through these legal services programs that the special needs of Indian people became apparent. The hundreds of treaties, thousands of federal statutes and numerous regulations and administrative rulings have created a unique body of law called Indian law which governs the lives of Indian people.

Indian legal services programs could not assist Indians everywhere, so the need for a national program to provide these services also became apparent. The Native American Rights Fund emerged in California in 1970 to fill this need. NARF was relocated to Boulder, Colorado, a more central location to Indian country, in 1971. Since the beginning, the national scope of legal work undertaken by NARF as a non-profit organization has been supported by foundation and

government grants, corporate, individual, and tribal contributions and limited client fees.

The accomplishments and growth of NARF over the years confirmed the great need for Indian legal representation on a national basis. This legal advocacy on behalf of Native Americans is as crucial now as ever. NARF has striven to protect the most important rights of Indian people within the limit of available resources. To achieve this goal, NARF's Board of Directors has defined five priority areas for NARF's work. These five priority areas 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.

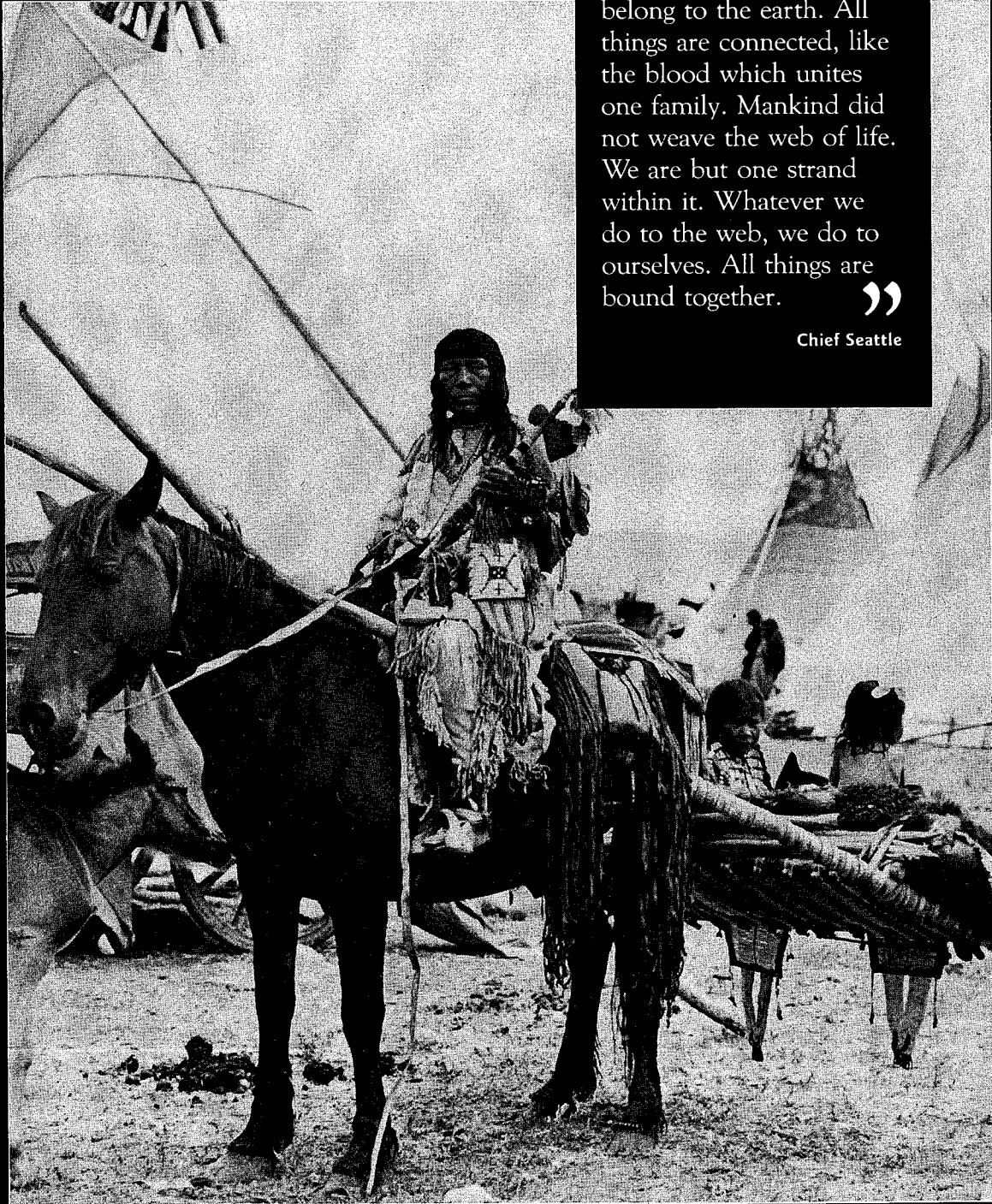


**General Staff**



“T each your children what we taught our children. The earth does not belong to us; we belong to the earth. All things are connected, like the blood which unites one family. Mankind did not weave the web of life. We are but one strand within it. Whatever we do to the web, we do to ourselves. All things are bound together.”

Chief Seattle



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# The Preservation of Tribal Existence

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**T**he most critical issue facing Indian tribes today is the preservation of their existence as governmental entities with all the power and authority that governmental status entails. Thus, the focus of NARF's work involves issues relating to the preservation and enforcement of the status of tribes as sovereign, self-governing bodies. For some tribes, the issues are very basic—persuading the federal government to recognize their status as tribes or, in some cases, convincing Congress to reverse the termination of their tribal status and restore them as tribes. This year, NARF started its work in the area of Indian economic development in appreciation of the fact that the future of tribal existence is closely tied to the development of tribal economies.

## Tribal Sovereignty

Tribes possess the power to regulate the internal affairs of their members and the activities within their reservations since they are sovereign governments. Conflicts often arise with states, the federal government, and others over these powers. During the year, NARF handled several major cases that affected the sovereign powers of tribes. These cases involved serious issues of taxation and jurisdiction in several states.

Unfortunately, the U.S. Supreme Court held that the State of New Mexico may impose severance taxes on the same on-reservation production of oil and gas by non-Indian lessees that is also subject to the Jicarilla Apache Tribe's own severance tax. The Court stated that on-reservation oil and gas production is subject to non-discriminatory state taxation unless Congress has expressly or impliedly acted to preempt the state taxes. NARF filed an *amicus curiae* brief in *Cotton Petroleum Company v. New Mexico* on behalf of the Council of Energy Resource Tribes and the Shoshone-Bannock Tribes.

NARF represents the Pyramid Lake Paiute Tribe of Nevada in litigation enforcing the Tribe's taxation ordinance in *Pyramid Lake Paiute Tribe v. Burchette*. In addition, NARF has been assisting the Tribe in further developing and amending its tax ordinance.

In *Mustang Fuel Corp. v. Cheyenne-Arapaho Tribe*, NARF is defending the Tribe's right to generate needed tribal government revenues by taxing production and severance of oil and gas on lands held in trust for tribal members. Many major oil companies filed the lawsuit challenging the Tribe's right to tax them. The oil companies filed suit in federal court and then agreed that federal law required them to bring the action first in tribal court, so the case has been remanded to tribal court. It is the first major tribal tax case to be heard by a tribal court. NARF represents the Tribe.

In *Parisien v. Twin City Construction Co.* a ten-judge federal court of appeals was equally divided over whether the Turtle Mountain Chippewa Tribal Court has jurisdiction over a civil lawsuit by a tribal member against a non-Indian doing business on the Turtle Mountain Chippewa Reservation in North Dakota. The equally divided court resulted in an affirmation of the lower federal court's decision that the Tribe lacks jurisdiction. The lower court's decision was based on an old tribal code provision limiting tribal jurisdiction over non-Indians. On appeal, the United States Supreme Court declined to review the case. However, the Tribe has since amended its code, and the lower federal court has revised its decision and recognized tribal jurisdiction under the amended code. The federal appeals court will now review that decision. NARF represents the tribal member.

In the State of Alaska, NARF continues to represent the Kluti Kaah Native Village of Copper Center in its effort to collect tribal taxes from the major oil companies. In *Alyeska Pipeline*

*Service Co. v. Kluti Kaah Native Village of Copper Center*, the oil companies sued the Village in federal district court alleging that it was not a federally recognized tribe and thus lacked taxing authority.

In March 1989, the district court handed the Village a ruling in favor of tribal sovereignty stating: "[Copper Center] asserts facts which, if proved, point toward Kluti Kaah being a tribe." The court also held that it has the authority to determine whether Kluti Kaah is a tribe and that if the tribe prevails on that issue any further challenge to the tax must proceed initially in tribal court. NARF initially helped the Village develop and implement its tribal tax ordinances in order to create additional revenue for needed governmental services.

In *State of Alaska v. Native Village of Venetie*, the federal court of appeals held that the tribal status of Alaska Native Villages was to be determined by reference to recognized rules of Federal Indian Law applicable to tribes elsewhere in the United States. Thus, the federal court implicitly rejected the primary basis upon which the Alaska Supreme Court had earlier concluded that Alaska Native Villages were not "tribes," namely, that Alaska Natives are different; and that the federal government's treatment of them has been different—and therefore Alaska Villages lack tribal status. NARF represents the Village.

NARF is assisting the Nome Eskimo Community in its effort to stop the illegal taxation of its tribal property by the City of Nome. In September 1989, the Alaska Supreme Court held that the Nome Eskimo Community, a Native group organized under the Indian Reorganization Act (IRA) of 1934, constituted a "tribe" within the meaning of the IRA and therefore its property was protected against tax foreclosure proceedings by the City. In essence, the Nome decision provides land protection to all 70



IRA tribes in Alaska and covers all their lands, both developed and undeveloped.

However, the Nome case did not deal with the existence of other tribal powers and therefore left in effect an earlier Alaska Supreme Court decision holding such powers to be nonexistent. Thus the fundamental question of whether Alaska Native villages have tribal status with the same rights and powers as tribes in the lower 48 states remains unresolved. Only the United States Supreme Court can resolve the conflicting positions of the federal and state courts on this question. NARF presently has three other cases pending which raise this issue. In the interim, with the Nome decision, at least the land and other assets of Alaska IRA villages will have significant new protections.

In *Native Village of Tyonek v. Puckett*, an appeals court affirmed the dismissal of certain individual



claims against the Native Village of Tyonek, an Indian Reorganization Act tribal government, and its officers on the grounds of sovereign immunity. The case is important because it is the first case in the modern era expressly upholding the tribal status, power and immunities of an Alaska Native tribe. NARF has filed an *amicus curiae* brief in support of the Village.

NARF continues to assist the Native Village of Kawerak to develop local tribal government capabilities through tribal education and assistance seminars and specific case advice regarding Indian child custody, probate, tribal court trial practice and ordinances. In particular, NARF assisted in the successful conclusion of a day long, contested tribal court custody case in one of Kawerak's larger communities and lent expert advice in one of the first contemporary tribal probate matters to be handled by a village tribal council in Alaska. NARF also drafted a broad range of tribal membership ordinance options in consultation with the Village.

In *U.S. v. Bay Mills Chippewa Indian Community*, NARF is defending the Community's tribal gaming operations against a challenge by the United States under the Organized Crime Control Act of 1970. The Act makes it a federal crime to run a gambling operation in violation of state law, but NARF asserted that the State of Michigan has no jurisdiction to regulate tribal gaming. The federal district court had held that the injunctive and declaratory relief sought by the United States was not appropriate under criminal statutes and dismissed the case. The United States appealed, but last summer an agreement was reached and the appeal withdrawn, in part because under the Indian Gaming Regulatory Act, the tribal gaming activities at issue in *U.S. v. Bay Mills* will become subject to state/tribal gaming compacts. The State of Michigan and the Community expect to implement a gaming compact soon that will define and regulate allowable gaming by the Community.

In *Brendale v. Yakima Indian Nation*, the United States Supreme Court largely divested the authority of Indian tribes to zone land owned in fee by non-Indians within the reservation boundaries. The Court held that where the lands are mostly owned by non-Indians, the Tribe no longer has the power to determine the basic character of that area. However, the Court held that the Tribe has the right to zone fee land owned by a non-member in an area of the reservation that is mostly owned by the Tribe. Thus, a non-Indian in a portion of the Yakima Reservation in Washington which is heavily populated by non-Indians may now build a dense residential subdivision on his land. But a non-member living amidst mostly tribal land may not build a commercial resort on his land. To control and manage growth and development, tribal law would have prohibited the developments of both landowners. NARF filed an *amicus curiae* brief on behalf of several tribes.

NARF filed an *amicus curiae* brief on behalf of 14 tribes in the U.S. Supreme Court in *Duro v. Reina*, asking the Court to uphold tribal criminal jurisdiction over Indians who are not enrolled in the tribe. *Duro*, a member of the Torres-Martinez Band in California, was convicted of committing a crime on the Salt River Pima-Maricopa Indian Reservation in Arizona. He challenged the Salt River tribal court's jurisdiction over him as a nonmember. The federal appeals court upheld the Tribe's jurisdiction.

NARF also represents the Rosebud Sioux Tribe in negotiating an agreement with the BIA to receive direct funding for tribal programs. The project is in its planning phase and an agreement is expected in mid-1990. Ten other tribes are also participating in this 5-year pilot project which is authorized under the 1988 amendments to the Indian Education and Self-Determination Act of 1975.

## Economic Development

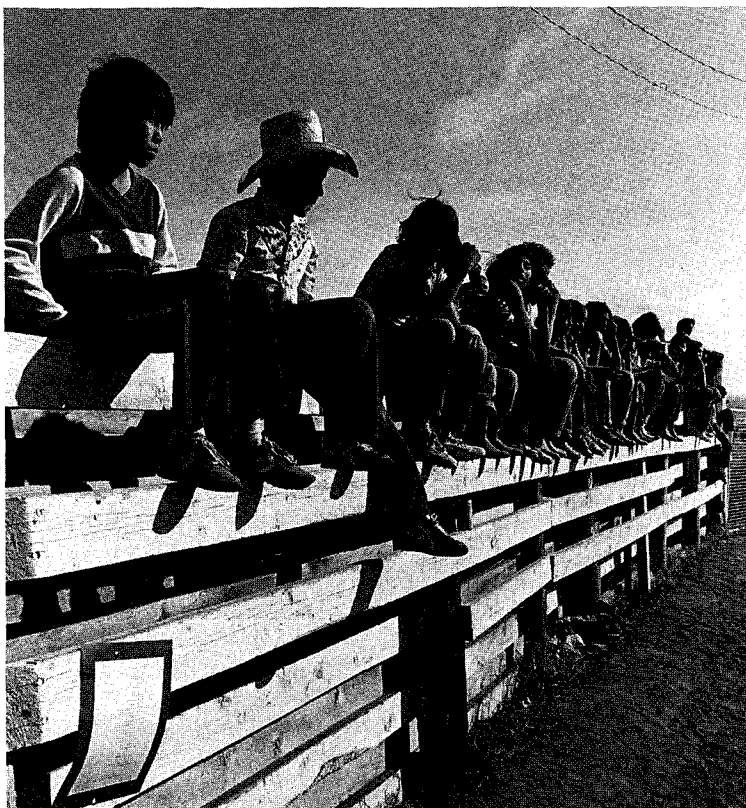
NARF's Indian Economic Development Law Project has completed its first year. One particularly successful effort has been the bringing together of a coalition of national Indian organizations that work in the field of Indian economic and business development—the Coalition for Indian Development (CID). The newly formed group will work together to coordinate their services in order to provide clients with more cohesive and comprehensive services. The group has also embarked on a cooperative effort to define and disseminate a carefully thought out agenda for implementing Indian economic and business initiatives at the national level. Separately, the Project has been heading up the efforts of a select group to produce a study that will provide the foundation for seeking federal tax reforms that will encourage and foster business development and investment within Indian Country.

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In May 1989, Nebraska lawmakers enacted a precedent-setting law which requires state-sponsored museums to return Indian skeletal remains and associated burial goods to tribes of origin for reburial. The law is the first of its kind in the country that expressly requires the return of all tribally identifiable skeletal remains and linkable burial goods to Indian tribes for reburial.

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The Project is also working with the American Indian Resources Institute (AIRI) to develop a curriculum for tribal representatives and others on the issues faced by tribes in their efforts at economic and business development. The curriculum will be presented at AIRI's Summer Institute at the University of Colorado School of Law in the summer of 1990. The Project also participated with the Indian Law Support Center in the development and presentation of an Indian economic development conference for Indian legal services attorneys and tribal leaders during the summer of 1989.

The Project is currently working directly with a number of tribes to assist them in addressing their individual economic and business development issues. These tribes include: the Klamath Tribe of Oregon in preparing their Economic Self Sufficiency Plan (ESSP) for presentation to

Congress next year; the Catawba Tribe of South Carolina in its negotiations with the State of South Carolina and others over the Catawba's land claim; the Pawnee Tribe of Oklahoma in defining their economic development agenda for the future, and the Confederated Tribes of the Warm Springs Reservation in accomplishing a complete recodification of their tribal code, with special emphasis on the development and implementation of those laws which will foster and encourage economic and business development on the reservation.

### ***Federal Recognition and Restoration***

NARF currently represents about a dozen Indian communities who have survived intact as identifiable Indian tribes but who are not federally recognized. These Indian tribes for differing reasons do not have a government to government relationship between themselves and the federal government. Traditionally, federal recognition was accorded to a tribe through treaty, land set aside for a tribe, or by legislative means. The majority of NARF clients are seeking an administrative determination by the Department of Interior that they in fact have continued to exist as Indian tribes from the time of significant white contact to the present day and have continued to govern themselves and their members. NARF therefore prepares the necessary historical, legal, and anthropological documentation to support a petition for acknowledgment.

NARF during this past year has been working with Congress to improve the administrative acknowledgment process to overcome current problems such as increasing bureaucratic delays, unequal treatment and evaluation of petitions, a lack of an independent appellate process, and non-standardized criteria. Without Congressional attention to these issues, NARF predicts that its clients will still be waiting for federal acknowledgment well into the 21st century. Over a hundred years ago and more, these Indian communities were foreclosed from the benefits of a formal federal relationship. Through administrative acknowledgment, NARF is now trying to bridge that gap.



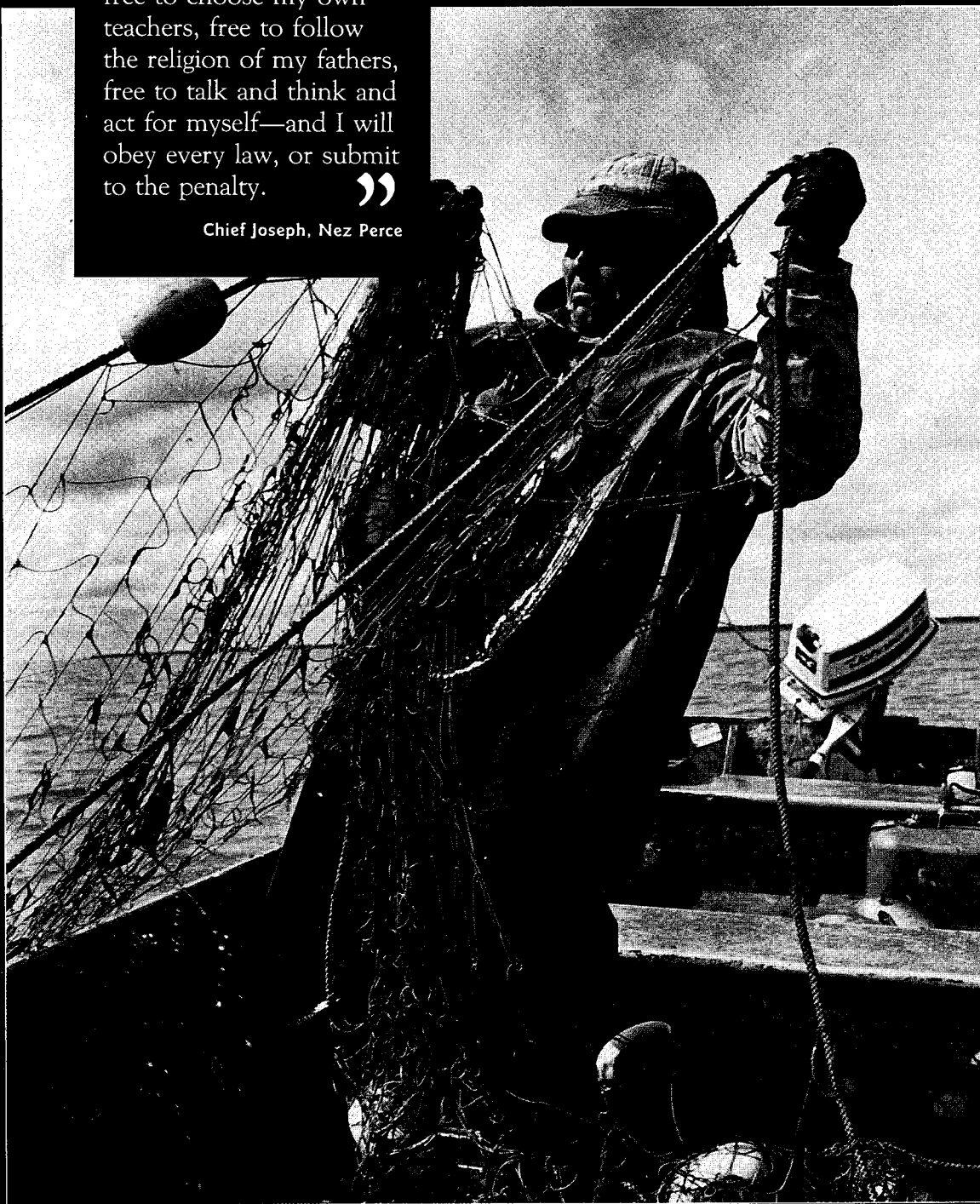
Specific communities NARF is helping include the Little Shell Tribe of Chippewa Indians of Montana, the San Juan Paiute Tribe of Arizona, the Schaghticoke Tribe of Connecticut, the Mashpee Wampanoag Tribe of Massachusetts, the Houma Tribe of Louisiana, the Shinnecock Tribe of New York, the Pamunkey Tribe of Virginia, the Toyon Wintu Tribe of California, the Brothertown Tribe of Wisconsin, the Florida Creek Tribe of Florida, and the Village of Nuiqsut in Alaska. NARF also works closely with the newly incorporated Alaska Native Coalition in an effort to address particular statewide concerns of Alaska Native communities. In the course of this activity, NARF has participated in the review of a proposed law to govern the acknowledgment of Indian tribes and has sought separately to confirm the prior recognition of Alaska Native Villages as tribes enjoying a government to government relationship with the United States. Most recently, NARF has helped organize the first statewide tribal meeting, sponsored in part by the Alaska Native Coalition, to occur in February, 1990, in Anchorage, Alaska.

A few years ago, NARF successfully assisted the Gay Head Wampanoag Tribe of Massachusetts in its effort to receive federal recognition and a 428-acre land claim settlement. To further assist the Tribe in its newly recognized status, NARF is helping the Tribe develop a new constitution and bylaws. The effort will boost the Tribe's government structure and permit the Tribe to increase its social and economic well-being. NARF is also assisting the Ysleta del Sur Pueblo of Texas in its transition from a state tribe to a federal tribe with all the allowable benefits and opportunities. A few years ago, NARF helped the Pueblo restore its federal trust relationship.



“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



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# The Protection of Tribal Natural Resources

**T**he protection of tribal natural resources is closely linked to the preservation of tribal existence. Without a sufficient natural resource base to sustain it, tribal existence is difficult to maintain. In this area, NARF helps Indian people establish and maintain ownership and control of land, water rights, and hunting and fishing rights.

## Protection of Indian Lands

NARF is helping the Swinomish Tribe prepare for trial in a land rights case in the State of Washington. In *Swinomish Tribal Community v. Burlington Northern, Inc.*, the Community is seeking to regain tidelands and other submerged lands adjoining the uplands on its Reservation. To date, NARF has negotiated settlements with most of the defendants in the suit that recognize the Community's title.

In *Walker River Paiute Tribe v. Southern Pacific*, NARF is concluding negotiations on behalf of the Tribe with Southern Pacific Railway, the U.S. Justice Department and the U.S. Army to collect trespass damages for use of a railroad line on their reservation in Nevada without tribal consent and to negotiate the future of the railroad on the reservation. In June 1989, the parties reached an agreement that provides for the payment of \$2.2 million to the Tribe and allottee class for past trespass damages and over \$300,000 for a future right-of-way grant to the Army or Southern Pacific. The proposed settlement agreement required approval by the U.S. District Court for Nevada.

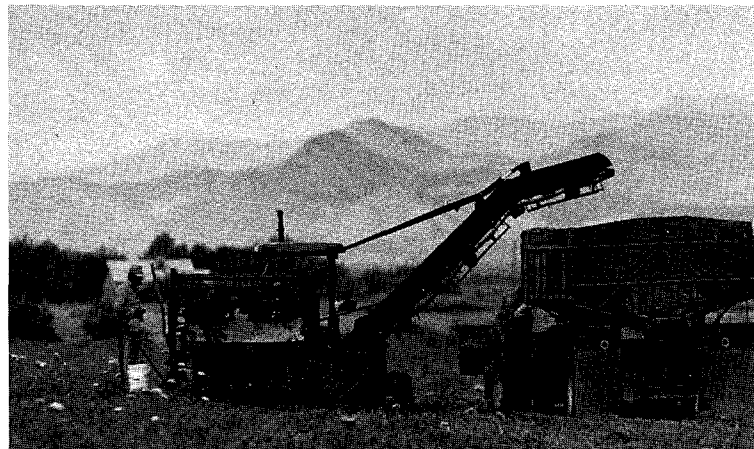
In *California v. United States*, the United States Supreme Court affirmed a decision of a federal appeals court that the United States is immune from being sued in a separate lawsuit when it participates in a lawsuit to get

water rights for an Indian tribe. The decision helps protect the boundaries of three Indian reservations that are entitled to water from the Colorado River. Determination of the reservation boundaries is a crucial step in *Arizona v. California*, the related lawsuit to quantify water rights to the river among the tribes and the states. This case forecloses a separate action by two southern California water districts and the states in which they argued that the Secretary of the Interior illegally enlarged the reservation boundaries. NARF filed an *amicus* brief on behalf of several tribes.

In *Cheyenne-Arapaho Tribe v. United States*, NARF continues to represent the Tribe in its suit to stop the Bureau of Indian Affairs

(BIA) from extending the term of tribal oil and gas leases without tribal consent. The BIA extended the terms of oil and gas leases at below market value rates and the Tribe wants the right to negotiate its own leases at fair competitive rates. In May 1989, a federal district court ruled in the Tribe's favor on three of the four disputed leases involved in the suit. Appeals will be taken by all parties.

NARF is assisting the Pottawatomie Nation in Canada in their claim against the federal government for breach of treaty obligations. The Pottawatomie Nation has been foreclosed from bringing suit based on jurisdictional grounds because their ancestors fled the United States



in the early 1900s to escape removal. NARF is assisting the Pottawatomie in legislation to authorize the U.S. Claims Court to hear their case. The Canadian government has joined the Pottawatomie in support of the claim and will be working closely with NARF to lobby for legislation.

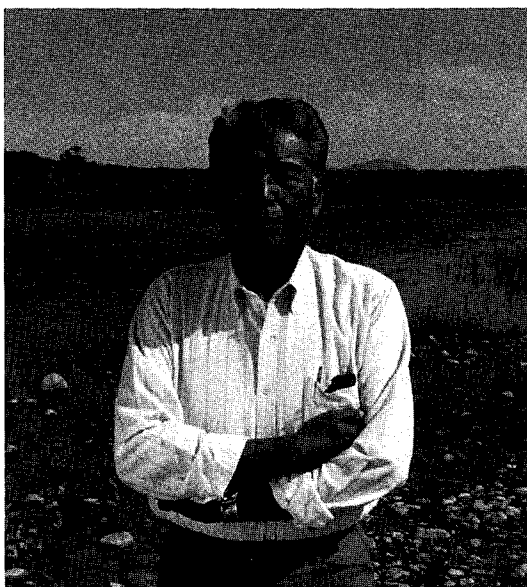
NARF is also assisting the San Juan Paiute Tribe of Arizona in asserting title to a land base in Arizona. The case, *Sidney v. Haskie v. James*, is being heard in the U.S. District Court in Phoenix, Arizona.

### Eastern Land Claims

NARF began representing many Eastern tribes in their land claims during the 1970s. Most of these claims are based on the Indian Non-Intercourse Act of 1790 prohibiting the transfer of Indian land without federal consent which is lacking in each of the cases.

In January 1989, the Fourth Circuit Court of Appeals ruled that the South Carolina statute of limitations does not bar the Catawba Tribe from pursuing its claim to 225 square miles in and around Rock Hill, South Carolina. In *South Carolina v. Catawba Indian Tribe*, the court held that the Tribe's claim is still valid against all persons who claim title to the Tribe's lands until each defendant comes into court and proves that the land they claim has been held adversely for a continuous 10-year period between 1959 (the effective date of the termination act) and 1980 (when the Tribe filed suit). The case has been sent back to the federal district court for trial. In June 1989, the United States Supreme Court denied defendants' petition to review the Fourth Circuit's ruling.

NARF is assisting the Schaghticoke Tribe of Connecticut and the Stockbridge-Munsee Tribe of Wisconsin in settlement negotiations on their land claims. NARF is also assisting the Pamunkey Tribe of Virginia to establish the land boundaries of its reservation, and is appealing an adverse decision for the Alabama-Coushatta Tribe of Texas on their land claim. In addition, NARF is helping the Ysleta del Sur Pueblo of Texas research its aboriginal land claim.



### Water Rights

Since most Indian tribes are located in the western states where water is scarce, water rights are of central importance to many tribes whose reservation economies and futures are dependent upon access to water. Nearly all the western tribes are involved in either litigation or negotiations to establish their reserved water rights which guarantee water for both present and future uses with priority over most non-Indian uses.

In June 1989, the U.S. Supreme Court upheld the "practicably irrigable acreage" (PIA) standard of quantification of Indian water rights in *State of Wyoming v. United States of America*. The PIA standard is used for determining the amount of water reserved for agriculture and related uses on Indian reservations. The standard takes into consideration and quantifies amounts for future as well as historic and present water uses. Tribes and states in the past have relied upon the PIA standard in water negotiations and quantification of various Indian tribes' water rights have been determined by the use of this standard. NARF filed an *amicus curiae* brief on behalf of a number of tribes and the National Congress of American Indians.

In *Fort McDowell Indian Community v. Salt River Project*, NARF is preparing the Fort McDowell Mohave-Apaches' claim to additional water from the Verde River in Arizona and has assisted the Tribe in extensive

negotiations with the State, the federal government and non-Indian water users.

NARF is assisting the Northern Cheyenne Tribe of Montana in their negotiations with the Montana Reserved Water Rights Compact Commission to settle their reserved water claims. A proposed compact has been submitted to the Commission by the Northern Cheyenne Tribe. NARF is assisting the Nez Perce Tribe of Idaho in negotiations with the State of Idaho to quantify and establish their water rights in the Snake River Basin adjudication and is also assisting the Klamath Tribe of Oregon to quantify their water rights in the Klamath River Basin in Oregon.

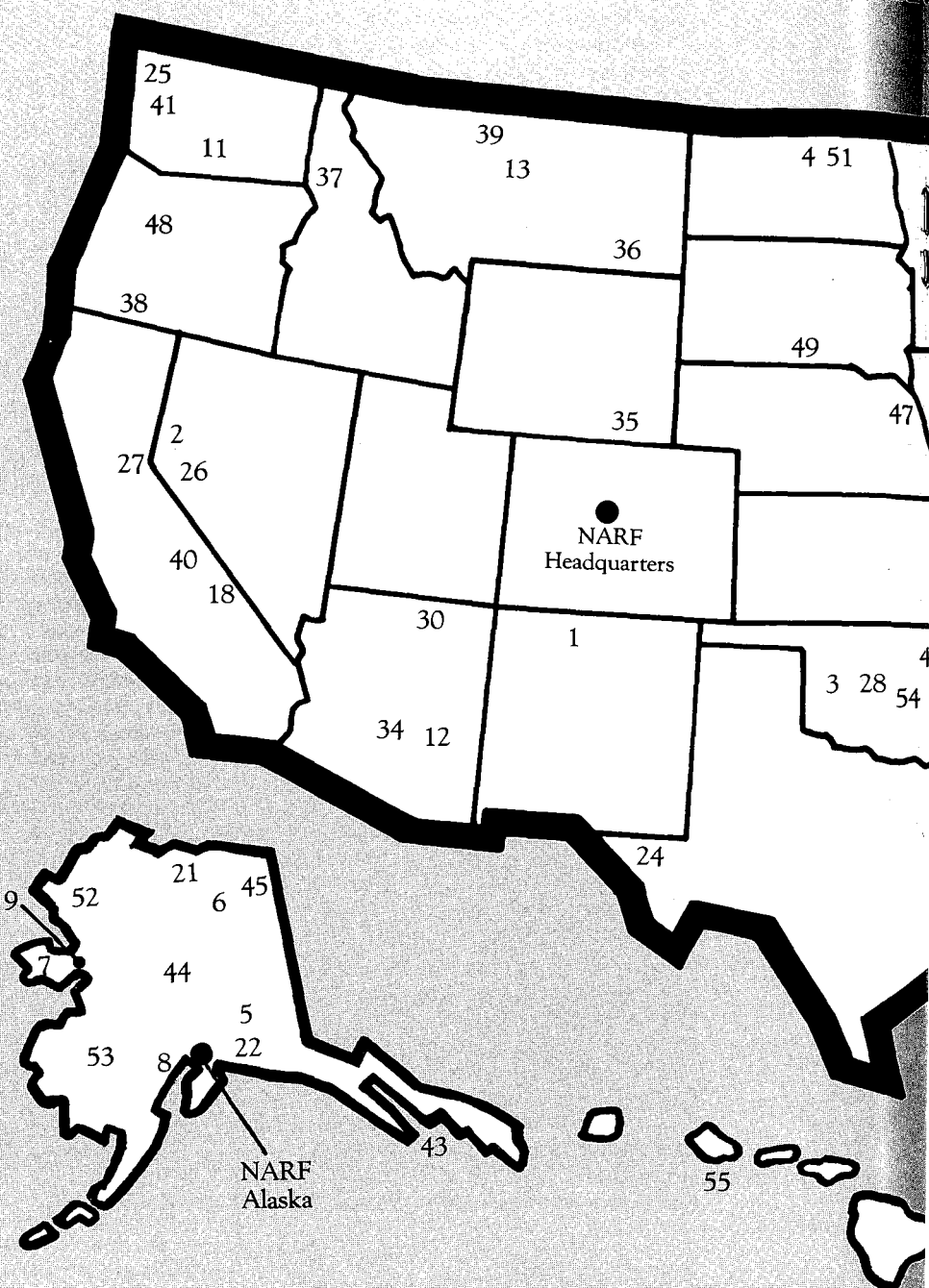
NARF is also involved with the development of the Chippewa-Cree Tribe's water claims in the Missouri River Basin in Montana. The Tribe is considering entering into joint negotiations of the Milk River Tribes and the State of Montana. NARF is also helping the Tule River Tribe of California assess its water rights in the State of California.

### Hunting and Fishing

For both subsistence and commercial purposes, the right to hunt and fish in traditional areas both on and off reservations remains a vital issue in Indian country. NARF has long been

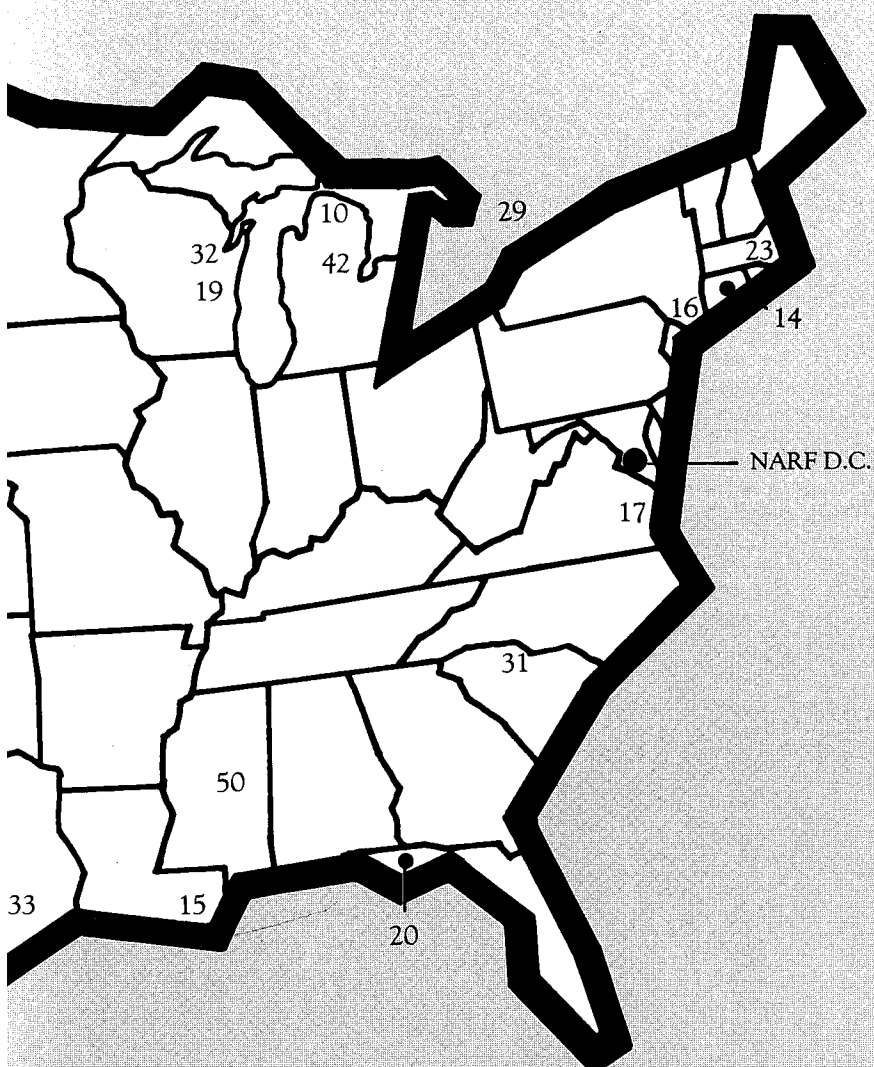
*Continued on page 18 . . .*

- NM 1. Cotton Petroleum Company  
v. New Mexico (taxation)
- NV 2. Pyramid Lake Paiute Tribe  
vs. Burchette (taxation)
- OK 3. Mustang Fuel Corporation v.  
Cheyenne-Arapaho  
(taxation)
- ND 4. Parisien v. Twin City  
Construction Co.  
(jurisdiction)
- AK 5. Alyeska Pipeline Service Co.  
v. Kluti Kaah Native  
Village of Copper Center  
(taxation)
- AK 6. State of Alaska v. Native  
(taxation)
- AK 7. Nome Eskimo Community  
(jurisdiction)
- AK 8. Native Village of Tyonek v.  
Puckett (jurisdiction)
- AK 9. Native Village of Kawerak  
(jurisdiction)
- MI 10. U.S. v. Bay Mills Chippewa  
Indian Community  
(jurisdiction)
- WA 11. Brendale v. Yakima Indian  
Nation *amicus curiae*  
(jurisdiction)
- AZ 12. Duro v. Reina *amicus curiae*  
(jurisdiction)
- MT 13. Little Shell Tribe of  
Chippewa Indians of  
Montana (recognition)
- CT 14. Schaghticoke Tribe of  
Connecticut (recognition)
- LA 15. Houma Tribe of Louisiana  
(recognition)
- NY 16. Shinnecock Tribe of New  
York (recognition)
- VA 17. Pamunkey Tribe of Virginia  
(recognition and land  
claim)
- CA 18. Toyon Wintu Tribe of  
California (recognition)
- WI 19. Brothertown Tribe of  
Wisconsin (recognition)
- FL 20. Florida Creek Tribe of  
Florida (recognition)
- AK 21. Village of Nuiqsut  
(recognition)
- AK 22. Alaska Native Coalition  
(recognition)
- MA 23. Gay Head Wampanoag Tribe  
of Massachusetts  
(restoration)
- TX 24. Ysleta del Sur Pueblo of  
Texas (restoration and land  
claim)



- WA 25. Swinomish Tribal  
Community v. Burlington  
Northern, Inc. (land claim)
- NV 26. Walker River Paiute Tribe v.  
Southern Pacific (land  
claim)
- CA 27. California v. United States  
(land claim)
- OK 28. Cheyenne-Arapaho Tribe v.  
United States (land claim)





- 29. Pottawatomi Nation in Canada (land claim)
- AZ 30. Sidney v. Haskie v. James (recognition and land claim)
- SC 31. South Caroline v. Catawba (land claim)
- WI 32. Stockbridge-Munsee Tribe of Wisconsin (land claim)
- TX 33. Alabama-Coushatta Tribe (land claim)

- AZ 34. Fort McDowell Indian Community v. Salt River Project (water rights)
- WY 35. State of Wyoming v. United States of America *amicus curiae* (water rights)
- MT 36. Northern Cheyenne Tribe of Montana (water rights)
- ID 37. Nez Perce Tribe of Idaho (water rights)
- OR 38. Klamath Tribe of Oregon (water rights)
- MT 39. Chippewa-Cree Tribe of Montana (water rights)
- CA 40. Tule River Tribe of California (water rights)
- WA 41. Skokomish Tribe of Washington (fishing rights)
- MI 42. U.S. v. Michigan (fishing rights)
- AK 43. Katie John v. State of Alaska (fishing rights)
- AK 44. Native Village of Tanana v. Cowper (hunting rights)
- AK 45. Gwich'in Steering Committee v. Lujan (hunting rights)
- OK 46. Pawnee Tribe of Oklahoma, (reburial issue)
- NE 47. Winnebago Tribe of Nebraska (reburial issue)
- OR 48. Employment Division, Department of Human Services, State of Oregon v. Smith (religious freedom)
- SD 49. Rosebud Sioux Tribe (education and self-determination)
- MI 50. Mississippi Band of Choctaw Indians v. Holyfield *amicus curiae* (Indian child welfare)
- ND 51. Turtle Mountain Chippewa Tribe of North Dakota, (discrimination)
- AK 52. Native Village of Noatak v. Hoffman (accountability)
- AK 53. Native Village of Akiachak (accountability)
- OK 54. Kauley v. Clark (accountability)
- HI 55. Ulaleo v. Paty (accountability)

instrumental in assisting tribes to establish their hunting and fishing rights that are guaranteed by treaty or other federal law.

NARF is assisting the Skokomish Tribe in intervening in the City of Tacoma's proceeding for the relicensing of the Cushman Dams on the Skokomish River by the Federal Energy Regulatory Commission. The Skokomish Tribe holds treaty reserved fishing rights in the Skokomish River. The Cushman Dams, built in 1926 and 1930, have effectively eliminated all anadromous fish habitat above the lower dam, for about 17.5 miles, for the past sixty years. The Tribe seeks compensation for damage done and mitigation measures to restore the Tribe's fishery. Thus far, the Tribe has been able to delay relicensing until the necessary studies can be completed on which to base a request for mitigation and damages.

NARF is representing the Bay Mills Chippewa Indian Communi-

ty in implementing its settlement agreement of approximately \$5 million that includes a tribal trust fund and the development of tribal conservation programs. The settlement was reached following a decision in *U.S. v. Michigan* where the courts affirmed the Tribe's treaty right to fish under tribal regulations and to have exclusive access to fish in certain parts of the Great Lakes.

In *Katie John v. State of Alaska*, NARF continues to assert subsistence fishing rights for Alaskan Native subsistence users from Mentasta Village and Dot Lake. In June 1989, the federal district court granted a preliminary injunction permitting subsistence fishing on a full time basis at the traditional site of Batzulnetas. The fishery had been closed since 1964 with intermittent fisheries allowed in 1987 and 1988.

In *Native Village of Tanana v. Cowper*, NARF obtained the first regulation declaring that a traditional Alaska Native potlatch

is a subsistence use of fish and wildlife. The regulation authorizes a summer subsistence moose hunt directed by the Native Village of Tanana Council. The regulation will prevent arrests of Native hunters and participants for taking moose or possessing moose meat for the potlatch as had occurred in past years.

NARF recently filed suit against the Department of the Interior on behalf of Gwich'in Athabaskan Tribes in Alaska and Canada in *Gwich'in Steering Committee v. Lujan*. The suit challenges the adequacy of a legislative environmental impact statement that the Department of Interior submitted to Congress regarding the potential impact of oil development on the Arctic National Wildlife Refuge (ANWR). The Refuge is home to hundreds of thousands of caribou upon which the Gwich'in people rely for their livelihood and cultural well-being.

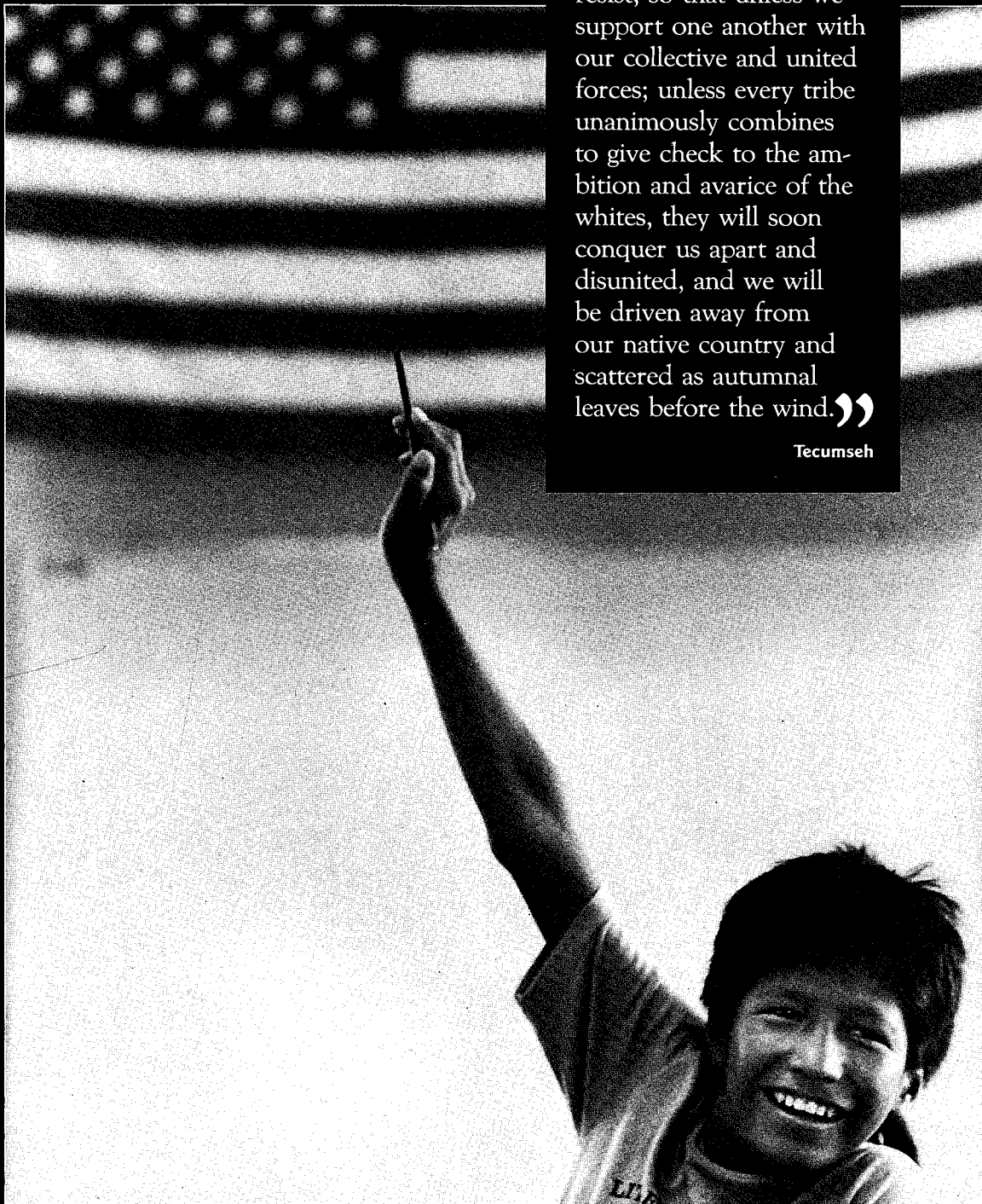


### Attorney Staff

L-R 1st row — Don Wharton, Yvonne T. Knight (Ponca/Creek), Melody McCoy (Cherokee), Faith Roessel (Navajo), Jerilyn DeCoteau (Turtle Mountain Chippewa), Bart Garber (Dena'ina), 2nd row — John Echohawk (Pawnee), Rick Dauphinais (Turtle Mountain Chippewa), Robert M. Peregoy (Flathead), Kim Gottschalk, Lare Aschenbrenner, Walter Echo-Hawk (Pawnee), Tom LeClaire (Mohawk). Not pictured is Ethel Abeita (Laguna Pueblo), Bob Anderson (Nett Lake Chippewa), Henry J. Sockbeson (Penobscot), and Don Miller.

“The whites are already nearly a match for us all united, and too strong for any one tribe alone to resist; so that unless we support one another with our collective and united forces; unless every tribe unanimously combines to give check to the ambition and avarice of the whites, they will soon conquer us apart and disunited, and we will be driven away from our native country and scattered as autumnal leaves before the wind.”

Tecumseh



Annual Report 1989

# The Promotion of Human Rights

In addressing human rights, NARF seeks to enforce laws which are designed to address the unique needs and problems of Native Americans in this area. In 1989, NARF provided assistance in problems involving religious freedom, voting rights, education, Indian child welfare and the federal death penalty.

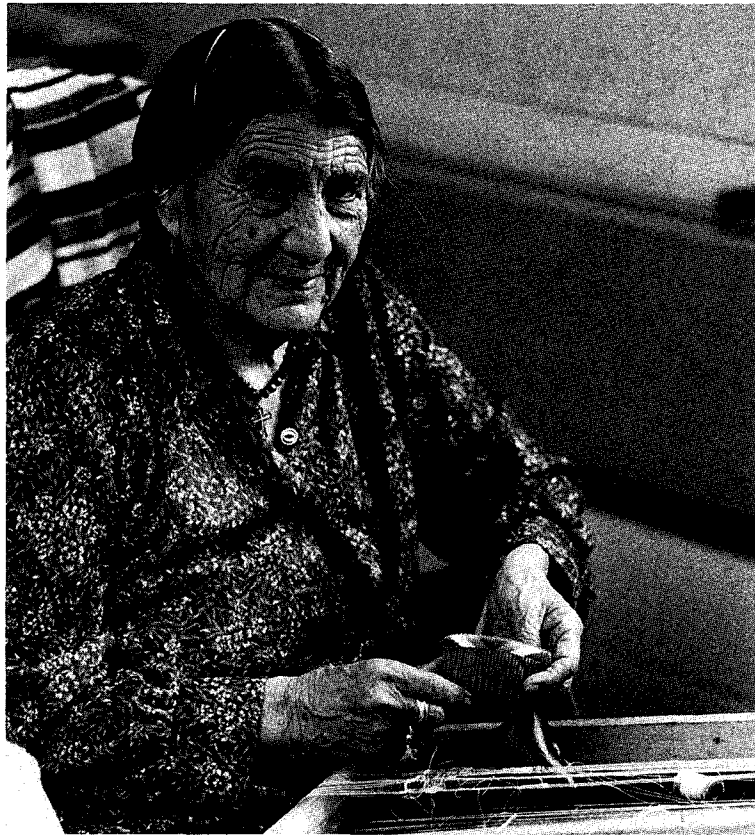
## Religious Freedom

The protection of traditional Native American religions is synonymous with the preservation of traditional cultures of those peoples. Indian religions are entitled to the same First Amendment protection as other religions. This includes access to and protection of sacred objects and sites and the freedom to practice traditional religious ceremonies.

In two Indian burial cases, NARF was successful in the States of Nebraska and Kansas in implementing legislation to stop the desecration of Indian remains and burial goods.

Nebraska lawmakers enacted a precedent-setting law which requires state-sponsored museums to return Indian skeletal remains and associated burial goods to tribes for reburial. The law is the first of its kind in the country expressly requiring the return of all tribally identifiable skeletal remains and linkable burial goods to Indian tribes for reburial.

The legislation prohibits the unnecessary disturbance of unmarked burials and establishes criminal penalties for trafficking the contents of burials located within the state. In the event unmarked Indian graves must be disturbed in instances such as road construction, the legislation requires state authorities to contact identifiable Indian tribes and comply with their decision as to reburial or other disposition. NARF represented the Pawnee and Winnebago Tribes in the matter.



In April 1989, Kansas Governor Mike Hayden signed into law the "Kansas Unmarked Burial Sites Preservation Act." The new law bans unregulated public displays of human remains and protects unmarked graves from unnecessary disturbance. The measure, which passed the legislature with overwhelming support in both houses, had been introduced at the request of the Kansas State Historical Society. NARF represented the Pawnee Tribe in the matter.

On a national scale, NARF attorneys, together with representatives of the National Congress of American Indians and the Association on American Indian Affairs, have been working with the staff of the Senate Select Committee on Indian Affairs to develop counterpart amendments to the American Indian Religious Freedom Act (AIRFA) in the

Senate. The amendments are being proposed to offset the damage done by the disastrous U.S. Supreme Court decision in *Lyng v. Northwest Indian Cemetery Protective Association*. Rendered over a year ago, that decision stripped Indians of the constitutional right to safeguard the integrity of their sacred worship sites.

NARF represents the Pawnee Tribe of Oklahoma and the



Larsen Bay Tribal Council of Kodiak Island, Alaska in its negotiations with the Smithsonian Institution to return Indian remains and artifacts. To date, the Smithsonian has agreed to repatriate Indian remains to a Tribe upon request, where evidence indicates the remains are culturally affiliated with the requesting Tribe. Funerary offerings are also subject to repatriation under the same standard.

In *Employment Division, Department of Human Services of the State of Oregon v. Smith*, the Oregon Supreme Court, on remand from the U.S. Supreme Court, ruled that the free exercise clause of the First Amendment to the U.S. Constitution prevents enforcement of state prohibitions

against possession or use of peyote for religious purposes in the Native American Church. The State of Oregon appealed the decision to the U.S. Supreme Court. The case involves the rights of Native American Church members to receive unemployment compensation from the State of Oregon after being fired for engaging in Church ceremonies, including the use of peyote, which allegedly violated their employer's work policies. NARF filed an *amicus curiae* brief in the case on behalf of the Native American Church of North America and several chapters.

## Education

Education is especially important for Native Americans since it

is essential for developing the skills necessary for tribal self-sufficiency. NARF has worked successfully with tribes, parent groups, and national Indian organizations to assure that Native Americans have an active and participatory voice in deciding the educational future of their children.

NARF is assisting the Rosebud Sioux Tribe of South Dakota in its efforts to establish a tribal education department and develop a tribal education code. The Tribe has identified several problems in elementary and secondary education on its reservation, including low achievement levels, high drop out rates, widespread alcohol and drug abuse, and few Indian teachers





and administrators. The code will address these needed areas of reform. The Rosebud Sioux Indian Reservation is largely served by a single public school district. Over eighty percent of the students are Indian children.

## Indian Child Welfare

The Indian Child Welfare Act (ICWA) is a federal law enacted in 1978 which is intended to promote the stability of Indian tribes and families by establishing minimum federal standards for the removal of Indian children from their families and the placement of Indian children in adoption or foster homes.

NARF and the Native American Program-Oregon Legal Services (NAPOLS) filed an *amicus curiae* brief with the U.S. Supreme Court in an ICWA case. In *Mississippi Band of Choctaw Indians v. Holyfield*, the U.S. Supreme Court upheld the Mississippi Choctaw Tribal Court's jurisdiction over the adoption proceeding of twin Indian children who were born off the Choctaw reservation although their parents lived on the reservation. The Court found that the twins were "domiciled" on the Tribe's reservation within the meaning of the ICWA's exclusive tribal jurisdiction provision. The Court stated that "Congress enacted the ICWA because of concerns going beyond the wishes of individual parents, finding that the removal of Indian children from their cultural setting seriously impacts on long-term tribal survival and has a damaging social and psychological impact on many individual Indian children."

## Discrimination

Federal death penalty legislation pending in Congress, if passed, would primarily be imposed on American Indian defendants. Most prosecutions in the federal court system are for first degree murder - not treason, espionage, or attempted assassination of the President - the other categories in the proposed legislation. In those states that do not have criminal jurisdiction over Indians on Indian lands, the federal Major Crimes Act and the General Crimes Acts applies. American Indian defendants comprise two-thirds to three-fourths of all first degree murder cases prosecuted in federal courts. NARF testified on behalf of its client, the Turtle Mountain Chippewa Tribe of North Dakota, against federal death penalty legislation because of the disproportionate and discriminatory impact on American Indians and infringement on tribal sovereignty.



**Alaska Office Staff**

L-R — Bart Garber, attorney (Dena'ina), Rita Pitka, secretary (Turtle Mountain Chippewa), Martina Mancil, secretary (Tlingit), Lare Aschenbrenner, attorney.

# 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 Indian people. NARF continues to be involved in several cases which focus primarily on the accountability of the federal and state governments to Indians.

In *Native Village of Noatak v. Hoffman*, an appeals court ruled that the Village of Noatak and all other Alaska Native Villages listed in the Alaska Native Claims Settlement Act are "tribes" for the purpose of bringing suit under 28 U.S.C. 1362. In *Noatak*, NARF is challenging the State of Alaska's position that the state cannot constitutionally allocate revenue sharing monies to tribal governments. NARF is asserting that the villages are tribes with the same status as lower 48 Indian tribes and therefore they may be singled out for discrete beneficial treatment without running afoul of equal protection which the law guarantees. The decision is a significant step on the road to recognition of the tribal status of all Native Villages for all purposes.

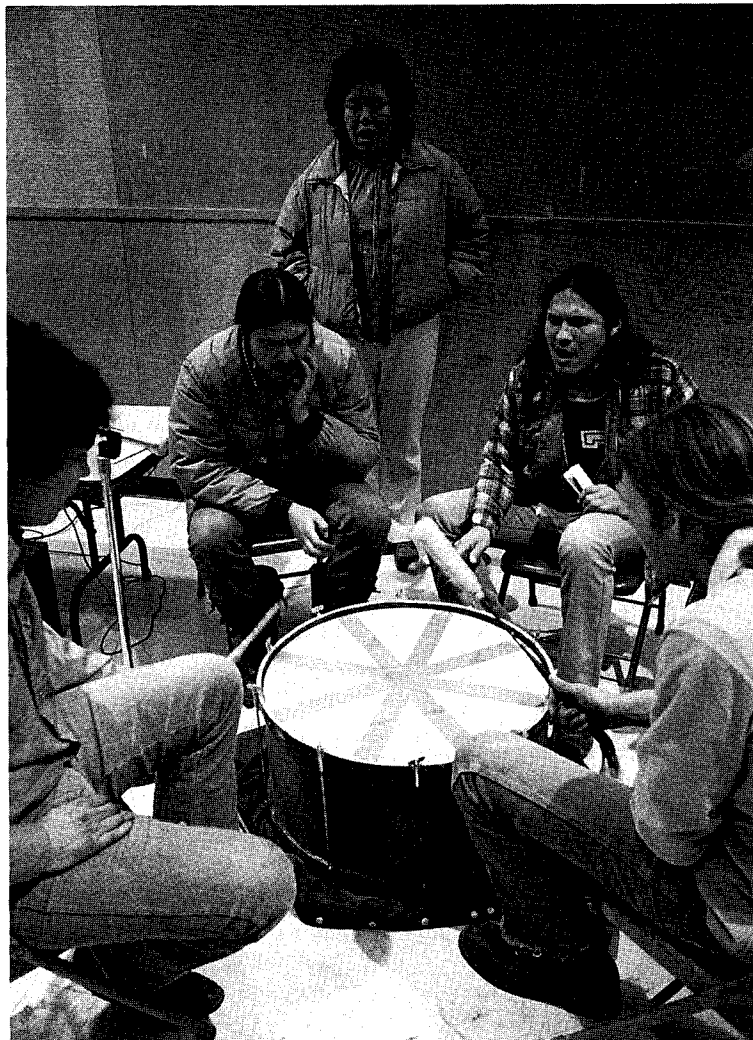
NARF is also assisting the Native Village of Akiachak in its effort to dissolve its state-chartered municipalities in order that its federally-recognized tribal government will remain the paramount governing body in the community. This year, legislation successfully passed the Alaska Legislature allowing communities such as Akiachak to dissolve state-chartered municipalities in favor of tribal governments. The Alaska Local Boundary Commission has approved the petition for dissolution and the City Government of Akiachak will be dissolved upon a vote by community residents.

In *Kauley v. Clark*, NARF and Oklahoma Indian Legal Services represent individual Indian allottees in their effort to enforce the Federal Oil and Gas Royalty Management Act (FOGMA) of 1983. FOGMA expressly vests in the Secretary of Interior the responsibility for administering federal and Indian oil and gas resources leased to private developers. The allottees allege that the federal government has been negligent in administering the Act.

NARF is also assisting the Rosebud Sioux Tribe of South

Dakota to negotiate a resolution of its outstanding Comprehensive Employment Training Act debt. So far, the debt has been reduced by two-thirds.

NARF and the Native Hawaiian Legal Corporation are challenging the State of Hawaii's unequal exchange of ceded lands to a private landowner for the development of a geothermal facility on the Island of Hawaii. The State lands exchanged were ceded lands subject to a special trust under the 1959 Hawaii Admission Act for the benefit of Native Hawaiians.



# The Development of Indian Law

The systematic development of Indian law is essential for the continued protection of Indian rights. This process involves distributing Indian law materials to, and communicating with, those groups and individuals working on behalf of Indian people. NARF has two ongoing projects which are aimed at achieving this goal.

## Indian Law Support Center

The first of these projects is the Indian Law Support Center (ILSC), which is one of 16 national support centers funded by the Legal Services Corporation. NARF has operated the ILSC since 1972, providing backup legal assistance to local legal services programs which serve Indians on reservations and in urban areas nationwide.

During the fiscal year 1989, the ILSC provided assistance to local programs in all areas of Indian law. In responding to hundreds of requests, the Center's services have included letter and telephone advice, furnishing legal materials, co-counseling in cases, conducting legal research, reviewing drafts of court pleadings and briefs, analyzing legislation, and providing other services as requested by legal services field programs. The Center conducted a national training event on community-based Indian economic development in 1989. The publication of a monthly newsletter distributed to Indian law practitioners is another service performed by the Center.

The ILSC continues to assist directly in the litigation involving Klamath tribal water rights, enforcement of federal oil and gas laws and the federal trust responsibility for members of Oklahoma tribes, the rights of Native prisoners, and the protection of First Amendment religious rights of Native Americans and Hawaiian Natives. Additionally, the ILSC has written and widely

distributed six manuals on major areas of Indian law. The manuals include: *A Manual on Tribal Regulatory Systems*, *A Self-Help Manual for Indian Economic Development*, *A Handbook of Federal Indian Education Laws*, *A Manual for Protecting Indian Natural Resources*, *A Manual on the Indian Child Welfare Act and Laws Affecting Indian Juveniles*, and a manual on *Prison Law and the Rights of Native American Prisoners*. Updates to four of these manuals are also available.

## National Indian Law Library

In 1972, with the financial assistance of the Carnegie Corporation of New York and the technical assistance of the National Clearinghouse for Legal Services in Chicago, Illinois, NARF began the development of a library project. At the time, there was no library or major collection devoted entirely to Indian law. Today that library project is called the National Indian Law Library (NILL). It has grown into a national resource center of Indian legal materials, encompassing federal Indian law as well as Tribal Law.

The NILL collection is unique in that it is the only Indian law library specializing in practice materials needed for practitioners litigating cases dealing with federal Indian law. NILL widely collects court documents, books, government documents, tribal constitutions and codes, articles, Indian newspapers, student reports and law reviews. The people who use the NILL collection are a diverse group, including attorneys, judges, law clerks, students of all ages, news media, prisoners, tribal court personnel, Indian organizations and other libraries. These users find that the most important aspect of the collection is the reference service provided by the entire NILL staff.

Through these past 17 years, the NILL staff has demonstrated a desire to meet the information needs of those involved in Indian law matters. To this end, the NILL staff has embarked upon two on-going projects. First, the establishment of a comprehensive Tribal code and legal documents collection in a single repository. Second, the retrospective conversion of the entire NILL collection from a book catalog to an automated library system, which will accurately reflect the NILL holdings to its clients via a personal computer and modem. The *National Indian Law Library Catalogue* will continue to be published in book form once this retrospective conversion has been completed.

## Other Activities

In addition to its major projects, NARF staff is actively involved in national Indian conferences and legal education projects. During the past fiscal year, NARF attorneys and staff served in a formal or informal leadership capacity at numerous tribal, state, academic, and national Indian meetings such as the National Congress of American Indians and the Federal Bar Association.

NARF remains firmly committed to continuing its effort to share the legal expertise which NARF possesses with these groups and individuals working in support of Indian rights, and to foster the recognition of Indian rights in mainstream society.

# Treasurer's Report

**N**ative American Rights Fund ended fiscal 1989 with a \$144,568 decrease in total fund balances.

The decrease reflects a planned expenditure of the prior year's gains and purchases of new computer equipment for all three—Colorado; Washington, D.C.; and Alaska—offices of NARF. Attorney staffing was at eighteen for most of the year and reached nineteen in August, 1989, with the addition of Skadden Fellow Patrice Kunesh-Hartman.

Support and revenues increased 12.3% in fiscal 1989 to a total of \$4,912,146. Sources of support and revenue are shown below for fiscal 1989 and 1988:

Revenue Source	FY 89	FY 88
Government	44.4%	43.3%
Foundations & trusts	27.8	23.3
Individuals & corporations	18.0	17.9
Legal fees	5.7	6.0
Other	4.1	9.5
	100.0%	100.0%

There were no major changes in revenue source categories as a percentage of total revenues in fiscal 1989. Each of these sources showed a dollar increase over the previous year except for the category Other, which contained \$275,000 in non-repeating revenue items in fiscal 1988.

Expenses totalled \$5,056,714 in fiscal 1989, up 20.8% from fiscal 1988. The increase in expenses was due to a heavy trial schedule during the year, as well as to NARF's usual cost increases.

NARF's expenditures for fiscal 1989 were 78.1% for program services and 21.9% for support services. The percentages are broken out below for expenditures by function for fiscal years 1989 and 1988:

Functional Expenditures	FY 89	FY 88
Litigation & client services	70.7%	72.0%
National Indian Law Library	7.4	5.7
Program Services	78.1%	77.7%
Management & general	9.7%	10.0%
Fund raising	12.2	12.3
Support Services	21.9%	22.3%



Expenditures for program services increased as a percentage of total expenditures by .4% in fiscal 1989.

The audited financial statements for NARF for fiscal 1989 are presented for your review on the following pages.

25



**Summer Law Clerks, 1989**

Left to right — Scott Morrison (Choctaw), Bob Murray (Shoshone), Peter Tasso, Todd Doss, Mark Tilden (Navajo), Toni Goodin (Chippewa).



**REPORT OF INDEPENDENT ACCOUNTANTS**

December 12, 1989

To the Board of Directors of  
Native American Rights Fund, Inc.

In our opinion, the accompanying balance sheets and the related statements of support, revenue, expenses and changes in fund balances, of changes in cash and of functional expenses present fairly, in all material respects, the financial position of Native American Rights Fund, Inc. at September 30, 1989 and 1988, and the results of its operations and changes in its cash for the years then ended in conformity with generally accepted accounting principles. These financial statements are the responsibility of the organization's management; our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits of these statements in accordance with generally accepted auditing standards which require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for the opinion expressed above.

*Price Waterhouse*

**NATIVE AMERICAN RIGHTS FUND, INC.  
BALANCE SHEET**

	September 30,			
	1989		1988	
	Current funds Unrestricted	Restricted	General fixed asset fund	Total all funds
<b>ASSETS</b>				
Cash, including certificates of deposit of \$185,001 and \$870,132, respectively	\$ 193,692	\$	\$	\$ 193,692
Marketable securities, at cost (Note 2)	115,065			115,065
Grants receivable (Note 3)		953,878		953,878
Bequests receivable (Note 1)	276,091			276,091
Other receivables, net of allowance for doubtful accounts of \$37,000	229,641			229,641
Prepaid expenses and other assets	47,077			47,077
Interfund receivable (payable)	215,494	(215,494)		
Property and equipment, at cost:				
Land and buildings			313,938	313,938
Improvements to land and buildings			145,328	145,328
Office equipment and furnishings			542,864	542,864
Professional library			119,261	119,261
Less: accumulated depreciation			(533,838)	(533,838)
	<u>\$1,077,060</u>	<u>\$738,384</u>	<u>\$587,553</u>	<u>\$2,402,997</u>
				<u>\$3,210,002</u>
<b>LIABILITIES AND FUND BALANCES</b>				
Accounts payable	\$ 192,231	\$	\$	\$ 192,231
Other accrued expenses	176,850			176,850
Deferred revenue (Notes 1 and 3)	223,459	738,384		961,843
Mortgage and notes payable (Note 4)	100,000		91,859	191,859
Fund balances	384,520		495,694	880,214
Commitments (Note 5)				
	<u>\$1,077,060</u>	<u>\$738,384</u>	<u>\$587,553</u>	<u>\$2,402,997</u>
				<u>\$3,210,002</u>

The accompanying notes are an integral part of the financial statements.



**NATIVE AMERICAN RIGHTS FUND, INC.**  
**STATEMENT OF SUPPORT, REVENUE, EXPENSES AND**  
**CHANGES IN FUND BALANCES**

For the year ended September 30,					
1989			1988		
	Current funds		General fixed asset fund	Total all funds	Total all funds
	Unrestricted	Restricted			
Support and revenue: (Note 6)					
Governmental grants	\$	\$2,181,016	\$	\$2,181,016	\$1,893,203
Foundation and trust grants	117,828	1,246,613		1,364,441	1,018,716
Contributions	884,436			884,436	785,307
Legal fees		280,695		280,695	261,588
Other	201,558			201,558	417,407
Total support and revenue	1,203,822	3,708,324		4,912,146	4,376,221
Expenses:					
Program services: (Note 6)					
Litigation and client services	914,458	2,582,690	75,648	3,572,796	3,015,855
National Indian Law Library	96,085	271,372	7,948	375,405	239,224
Total program services	1,010,543	2,854,062	83,596	3,948,201	3,255,079
Support services:					
Management and general	125,872	355,500	10,413	491,785	417,789
Fund raising	157,882	445,789	13,057	616,728	514,501
Total support services	283,754	801,289	23,470	1,108,513	932,290
Total expenses	1,294,297	3,655,351	107,066	5,056,714	4,187,369
Excess (deficiency) of support and revenue over expenses	(90,475)	52,973	(107,066)	(144,568)	188,852
Fund balances, beginning of year	575,412		449,370	1,024,782	835,930
Other changes in fund balances:					
Acquisition of property and equipment	(100,417)	(41,465)	141,882		
Repayment of mortgage and notes payable		(11,508)	11,508		
Fund balances, end of year	\$ 384,520	\$ —	\$495,694	\$ 880,214	\$1,024,782

The accompanying notes are an integral part of the financial statements.

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**NATIVE AMERICAN RIGHTS FUND, INC.**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 1989**

**NOTE 1 — ORGANIZATION AND SUMMARY OF  
SIGNIFICANT ACCOUNTING POLICIES**

**Organization**

Native American Rights Fund, Inc. (NARF) was incorporated 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 resources, 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. Unrestricted donations of marketable securities or other in-kind contributions are recorded as revenue at their estimated fair market value at the date of contribution.

Bequests are recorded as a receivable and deferred revenue in the unrestricted fund when the amount of the bequest can be reasonably determined. Such bequests are recorded as revenue when the receipt of the funds is imminent.

**Interfund receivable (payable)**

All 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 excess of net assets specifically identifiable with the restricted fund over deferred revenue at September 30, 1989 and 1988.

**Allocation of expenses**

Expenses are allocated to grants based on time devoted to projects by attorneys, except where expenses are specifically identifiable with a particular grant or project.

**Professional staff**

Personnel classified as professional staff include attorneys, paralegals, librarians, interns and office management personnel.

**NATIVE AMERICAN RIGHTS FUND, INC.**  
**STATEMENT OF CHANGES IN CASH**

For the year ended September 30,

	1989			1988
	<u>Current funds</u>		<u>General fixed asset fund</u>	<u>Total all funds</u>
	<u>Unrestricted</u>	<u>Restricted</u>		<u>Total all funds</u>
Cash was provided by (used for):				
Excess (deficiency) of support and revenue over expenses	\$ (90,475)	\$ 52,973	\$ (107,066)	\$ (144,568)
Add (deduct) items not affecting cash:				
Deferred revenue and grants receivable recognized as support and revenue		(2,670,580)		(2,670,580)
Bad debt expense				109,257
Depreciation			101,356	101,356
Loss on disposal of property and equipment			5,710	5,710
Deferred revenue received and grants receivable collected		1,695,595		1,695,595
(Increase) decrease in other receivables (Net of accounts written off of \$0 and \$72,257, respectively)	(175,985)			(175,985)
(Increase) decrease in prepaid expenses	(7,288)			(7,288)
Increase (decrease) in interfund receivable/payable	(974,985)	974,985		
Increase (decrease) in accounts payable	(4,942)			(4,942)
Increase (decrease) in other accrued expenses	257,331			257,331
Cash provided by (used for) operations	(996,344)	52,973		(943,371)
(Increase) decrease in marketable securities	230,006			230,006
Proceeds from issuance of note payable	75,000			75,000
	(691,338)	52,973		(638,365)
Cash was used for:				
Net fund balance transfers	(100,417)	(52,973)	153,390	
Acquisition of property and equipment			(141,882)	(141,882)
Repayment of mortgage and notes payable			(11,508)	(11,508)
	(100,417)	(52,973)		(153,390)
Increase (decrease) in cash	\$ (791,755)	\$ —	\$ —	\$ (791,755)

The accompanying notes are an integral part of the financial statements.

### 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.

### General fixed asset fund

The general fixed asset fund accounts for NARF's recorded fixed assets and related debt obligations. Uses of current operating funds for acquisition of property and equipment and principal debt service are accounted for as transfers to the general fixed asset fund. Proceeds from issuance of debt obligations or the sale of fixed assets are accounted for as transfers to the current unrestricted and restricted funds.

### Depreciation

Depreciation is computed over the estimated useful lives of the assets using the straight-line method for buildings (25 years), the professional library (30 years), copiers (5 years), and computer hardware and software (5 years), and the declining balance method for other property and equipment (10 years).

### Reclassifications

Certain 1988 balances have been reclassified for comparative purposes.

### NOTE 2 — MARKETABLE SECURITIES

Marketable securities consist of marketable corporate equity and debt securities and mutual fund investments. These investments are stated at cost of \$115,065 and \$345,071 which is lower than market of \$156,036 and \$357,878 at September 30, 1989 and 1988, respectively. Declines

in market value from cost are recognized when the aggregate market value is less than the carrying amount. Recoveries of aggregate market amounts are recorded in the period realized subject to the limitation that the carrying amount does not exceed the original cost.

### NOTE 3 — RESTRICTED GRANTS RECEIVABLE AND DEFERRED REVENUE

Restricted grants receivable and deferred revenue consisted of the following individual restricted grants or contracts at September 30, 1989 and 1988:

	1989		1988	
	<u>Grants receivable</u>	<u>Deferred revenue</u>	<u>Grants receivable</u>	<u>Deferred revenue</u>
Bureau of Indian Affairs	\$479,081	\$	\$309,452	\$
The Rockefeller Foundation	94,000			
John D. and Catherine T. MacArthur Foundation	170,000	221,919	340,000	482,984
Northwest Indian Fisheries Commission	68,625		75,000	79,133
Department of Health and Human Services — Administration for Native Americans	136,527		17,844	
Ford Foundation		412,036		913,578
Legal Services Corporation		9,557		25,299
Other	5,645	94,862	214,915	215,708
	<u>\$953,878</u>	<u>\$738,374</u>	<u>\$957,211</u>	<u>\$1,716,702</u>

**NATIVE AMERICAN RIGHTS FUND, INC.**  
**STATEMENT OF FUNCTIONAL EXPENSES**

For the year ended September 30,

	1989						1988	
	Program services			Support services			Total expenses	Total expenses
	Litigation and client services	National Indian Law Library	Total	Management and general	Fund raising	Total		
Salaries and wages:								
Professional staff	\$1,037,492	\$118,169	\$1,155,661	\$195,867	\$128,371	\$ 324,238	\$1,479,899	\$1,185,862
Support staff	341,747	50,682	392,429	68,930	47,758	116,688	509,117	466,051
Fringe benefits	245,881	60,910	306,791	45,615	46,439	92,054	398,845	228,658
Total salaries and related costs	1,625,120	229,761	1,854,881	310,412	222,568	532,980	2,387,861	1,880,571
Contract fees and consultants	901,601	14,066	915,667	40,480	47,469	87,949	1,003,616	785,458
Travel	341,974	6,112	348,086	50,950	16,706	67,656	415,742	325,114
Space costs	91,516	18,503	110,019	18,946	12,256	31,202	141,221	132,200
Office expenses	453,603	66,605	520,208	55,536	307,693	363,229	883,437	741,870
Equipment maintenance and rental	(3,858)	26,846	22,988	(341)	(520)	(861)	22,127	74,297
Litigation costs	46,730		46,730	2	2	4	46,734	10,410
Library costs	42,663	4,529	47,192	917	801	1,718	48,910	41,498
Expenses before bad debts and property transactions	3,499,349	366,422	3,865,771	476,902	606,975	1,083,877	4,949,648	3,991,418
Loss on disposal of property and equipment	3,917	479	4,396	794	520	1,314	5,710	1,069
Depreciation	69,530	8,504	78,034	14,089	9,233	23,322	101,356	85,625
Bad debt expense								109,257
Total expenses	<u>\$3,572,796</u>	<u>\$375,405</u>	<u>\$3,948,201</u>	<u>\$491,785</u>	<u>\$616,728</u>	<u>\$1,108,513</u>	<u>\$5,056,714</u>	<u>\$4,187,369</u>

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The accompanying notes are an integral part of the financial statements.

**NOTE 4 — MORTGAGE AND NOTES PAYABLE**

Mortgage and notes payable consisted of the following:

	September 30,	
	1989	1988
Line of credit; renewable January 1990; interest at the prime rate (10.50%) payable monthly; secured by land and building at 1506 Broadway, Boulder, Colorado.	\$100,000	\$ 25,000
Mortgage payable in equal monthly installments of \$825, including interest at 12%, with remaining principal balance due March 1991. Secured by land and building at 1712 N Street, N.W., Washington, D.C.	71,179	72,462
Promissory note payable in 60 monthly installments, including interest at 10.2%, through January 1989. Secured by certificate of deposit.		7,805
Promissory note payable in 58 monthly installments of \$220 principal, plus accrued interest at 11%, with one final principal payment of \$13,420 plus accrued interest to date; due April 1992.	20,680	23,100
	191,859	128,367
Less: current portion	(104,306)	(36,728)
Due beyond next fiscal year	<u>\$ 87,553</u>	<u>\$ 91,639</u>

Annual maturity requirements on the mortgage and note payable are as follows (fiscal years): 1990—\$104,306; 1991—\$4,269; 1992—\$17,016; 1993—\$2,069; 1994—\$2,331; and beyond—\$61,868.

**NOTE 5 — COMMITMENTS**

NARF leases equipment under operating leases. Annual future minimum rental payments under operating leases are as follows (fiscal years): 1990—\$34,023; 1991—\$18,188. Rental expense was \$35,237 and \$34,607 for 1989 and 1988, respectively.

**NOTE 6 — RESTRICTED REVENUE AND PROGRAM EXPENSES**

Restricted grant revenues for the years ended September 30, 1989 and 1988 are as follows:

	1989	1988
Department of Health and Human Services — Administration for Native Americans	\$1,075,692	\$1,061,839
Bureau of Indian Affairs	832,025	543,296
Ford Foundation	501,465	414,660
Legal Services Corporation	272,268	288,067
Rockefeller Foundation	219,000	101,050
The John D. and Catherine T. MacArthur Foundation	263,055	27,016
Northwest Indian Fisheries Commission	113,133	20,867
Northwest Area Foundation	25,698	
The Edna McConnell Clark Foundation	15,000	35,000
Others	110,293	183,198
	<u>\$3,427,629</u>	<u>\$2,674,993</u>

Total program expenses for the year ended September 30, 1988 included \$2,750,298 in restricted program expenses.

# Acknowledgement of Contributors for Fiscal Year, 1989

The Native American Rights Fund would like to acknowledge the generous support given by the following contributors during the 1989 fiscal year.

## Foundations

Anschutz Family Foundation  
Bay Foundation  
Birnbaum Foundation  
Bush Foundation  
Edna McConnell Clark Foundation  
Ford Foundation  
General Service Foundation  
Koinonia Foundation  
Fanny and Svante Knistrom Foundation  
John D. and Catherine T. MacArthur  
Foundation  
Merck Family Fund  
New-Land Foundation  
Northwest Area Foundation  
Onaway Trust  
Plumsock Foundation  
Rockefeller Foundation  
John Ben Snow Memorial Trust  
Tides Foundation

## Corporations and Other Granting Institutions

American Telephone and Telegraph  
Foundation  
Big Clock Rock Benefit  
BuQuo Studio  
Celestial Seasonings  
Adolph Coors Company  
Cummins Engine Foundation  
General Electric Foundation  
Greyhound Corporation  
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Jewish Philanthropy of Greater Boston  
National Lawyers Guild  
Philip Morris Inc.  
Riverside Church  
Santa Fe Natural Tobacco Company  
Sinte Gleska College  
Sisters of Mercy Provincialate  
Skadden, Arps, Slate, Meagher and Flom  
Sonosky, Chambers, Sachse and Miller  
Spirit of Monterey Wax Museum

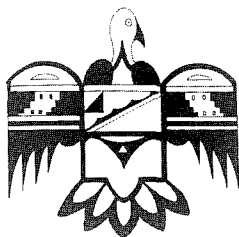
## Federal Programs

Administration for Native Americans  
Bureau of Indian Affairs  
Legal Services Corporation

## "Top Three"

*(Our special thanks to these people who supported NARF very generously in 1989. Listed largest first.)*

Ruth Thompson  
Rev. and Mrs. C. Frederick Buechner  
Abigail Disney



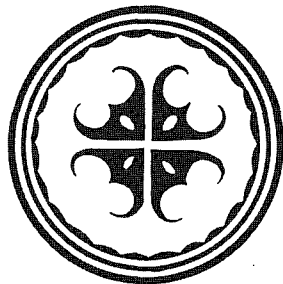
## Advocates

*(Individuals donating or pledging \$1,000 or more in a twelve-month period.)*

Arnold Auerbach  
John Augsburg  
Anne G. Baldwin  
Audrey A. Baldwin  
Susan Bartlett  
Myra Bauer  
Ann Lurie Berlin  
Oliver Binney  
Leonard Block  
Richard Boren  
Mary A. Brook  
Rev. and Mrs. C. Frederick Buechner  
Mrs. William Campbell  
Dr. Jack Campisi  
Deborah S. Carmichael  
Susan L. Clark  
Mrs. Lindsay Clegg  
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Judith Cook  
Hal Davis  
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Mrs. Dorothy Therman  
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Mildred Thompson  
Ruth Thompson  
Catherine Tilghman  
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Mr. and Mrs. James Van Dyke  
Dorothy Vondrasek  
Wendy Walsh  
Sandra Wright  
Bud Yorkin and Cynthia Sikes  
Harvey and Gail Zarren  
David J. Zesbaugh

*(Thank you to the more than 25,000 additional people throughout the United States who supported our efforts in 1989.)*



## Matching Gifts

Melvin Backman through the New York Community Trust  
 Ann W. Stamm through Dennison Manufacturing Company  
 Lester Harwood through Equitable Life Assurance  
 James A. Sheehan through ARCO Foundation  
 Alvin Mabry through ARCO Foundation  
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 Elizabeth A. Plaisted through Reader's Digest Foundation  
 Dan Romer through Leo Burnett Company, Inc.

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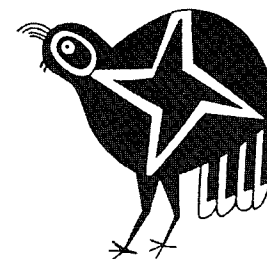
## Bequests

Vincent Matthews  
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 Theo Nelson  
 Ralph H. Works  
 Sam Ingram  
 Doris Corbey Trust  
 Howard S. LeDrew  
 Lillian J. Evans  
 Gaynelle L. Fitzgerald  
 Ruth Tuttle  
 Erna A. Hunter



## Memorials (\$ 100+)

Sarah Frank by Dr. J. M. Halloway  
 Harold L. & Anne W. Ickes by Raymond W. Ickes  
 Oscar & Ruth Richter by Adelaide Richter  
 Helen C. Lewis by Susan Le Van  
 Elaine Virnig by The Weihe Partnership  
 Richard Falkenstein by The Koinonia Foundation  
 Emilia Nygaard by Mildred Thompson  
 Elizabeth A. Bauschke by William G. Bauschke  
 Blanche M. Garcia by Bessie E. Thiede  
 Nellie B. Starr by Sandra Starr  
 Woo Ju (Nancy) Shen by Michel T-T Jackson  
 Albert Joseph Estrada by The Ramirez Family  
 Michael Von Huene by Aimee Von Huene  
 Aunt Muriel Falls by Tamar Diana Wilson  
 Gordon Campbell Strain by L. C. Strain  
 John Pancoast by Mr. & Mrs. Allen Richards  
 Benjamin LaFrance by Sandra & Tim LaFrance  
 Naida Ackley by Ethel E. Huebner  
 (In addition to the \$100 memorials, hundreds of smaller gifts were made through the "Otu'han" memorial and honoring program during the 1989 fiscal year.)



## Tribal Contributions

Poarch Band of Creek Indians, AL  
 Nisqually Indian Tribe, WA  
 Doyon Limited, AK  
 Mashantucket Pequot Tribe, CT  
 Iowa Tribes of Kansas & Nebraska, IA  
 Osage Nation, OK  
 Sault Ste. Marie Tribe of Chippewa Indians  
 Bay Mills Indian Community  
 Grand Traverse Band of Ottawa & Chippewa Indians

## Federated Work-Place Drives

Thank you to the thousands of federal and states employees throughout the country who, through a work-place deduction, contributed more than \$70,000 to NARF in 1989.

## Partners

Partners have provided \$200 or more in promotion of NARF's 20th anniversary activities.

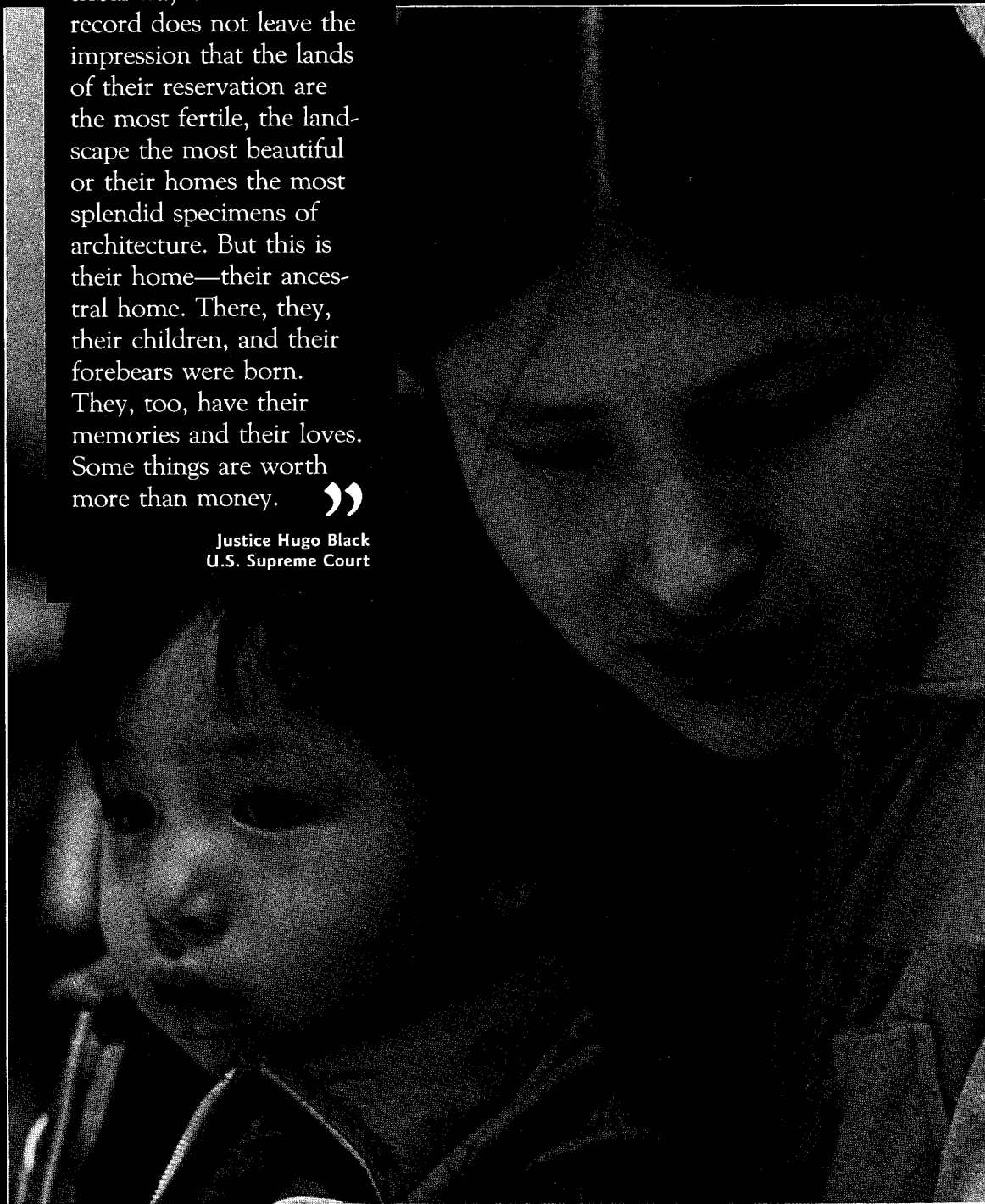
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 Patricia Nelson Limerick  
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 Ruth Thompson  
 Mr. and Mrs. Alex Warner





“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





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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