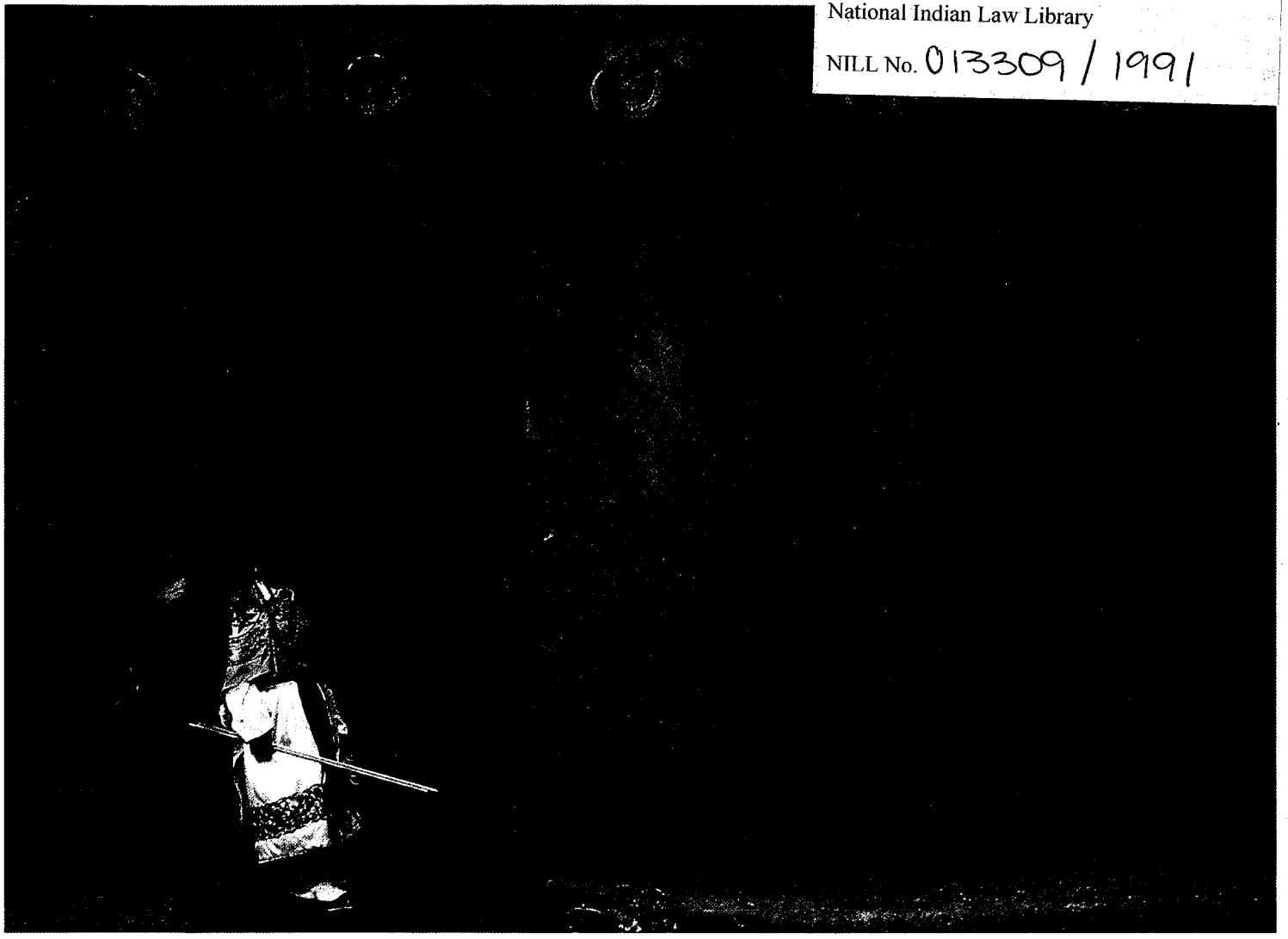


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ANNUAL REPORT
1991

Native American Rights Fund

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Alaska Office

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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.

Photo Credits

Stephen Trimble's photographs come from his book, *The People: Indians of the American Southwest*. Southwest Parks and Monuments Association, 221 N. Court, Tucson, Arizona 85701. Trimble quotes from hundreds of contemporary Southwest Indian people in this definitive overview volume. The book, due out in late 1992, contains dozens of color and black and white photographs, contemporary images by Trimble as well as many rarely seen historic photos from archives all over the country. Photographs copyright 1992 by Stephen Trimble.

Thorney Lieberman (Staff & Board Photos)

The Founding of Native American Rights Fund

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 nonprofit 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 more crucial now than ever before. NARF strives to protect the most important rights of Indian people within the limit of available resources. To achieve this goal NARF's Board of Directors has defined five priority areas for NARF's work: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.



For the past 21 years, the Native American Rights Fund has successfully represented Indian tribes and individuals 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 reputation as a national Indian law advocate is backed by its 21 years of successful legal representation on behalf of Native Americans. A brief review of NARF's origin will give a better understanding of NARF's role in the struggle to protect Native rights in today's society.

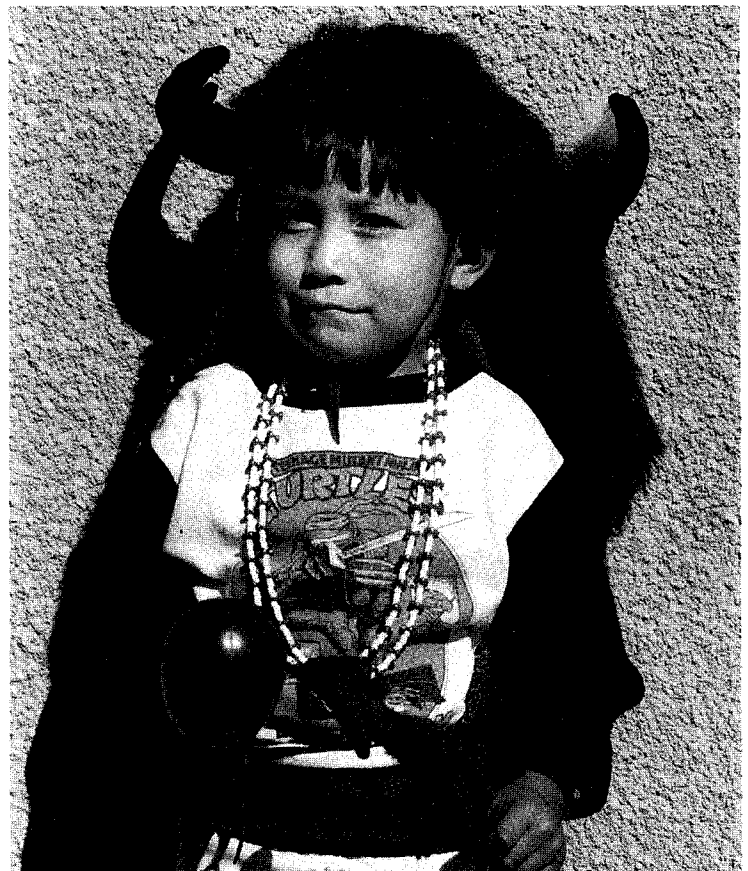
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3-year-old Buffalo dancer,
Head Start class
Laguna Pueblo, NM
© Stephen Trimble

Chairman's Message

Reflections at a Half-millennia

As we near the end of Christianity's Second Millennium, a logical mid-point set at 1492 seems befitting to mark the date which commenced America's interjection into European perceptions ensuing from Christopher Columbus's transatlantic navigational accomplishment. In looking for a shorter trade route to the Indies, he thought he had sailed around the World. Unlike some of his contemporaries of the time who thought the world was flat, Chris's adventures did not lead to his plummeting off some precipice at the edge of the earth. One has to give him credit for his vision, leadership and bravery in convincing the people of his day and geographic area that the world was not flat and traveling over uncharted waters to prove it. However, his confused identification of the lands he found fully inhabited by a congenial populace and his inability to recognize that his "Indies" lay in a part of the world far remote from Asia sparked a rape of American shores in the frantic European chase for the gold of India.

Additionally, his muddled interpretation of his location led to a monumental blunder assigning his infamous misnomer to the inhabitants of America. Worse, his geographic befuddlement led to the unshakable slander of the Carib people as cannibals — English dictionaries give the etymology of this word as being derived from Carib. Since Columbus thought he had reached the East Indies, he stretched credulity to misrepresent the identity of the Caribs in effecting a match with the ferocious cannibals described in his well-thumbed copy of Marco Polo's *Travels*.

Although lost and with an entire continent and another ocean separating him from where he wanted to be, Columbus, on October 12, 1492, left his ship in a small boat, landed on a beach, kissed the ground, planted a flag, claimed the land for the King and Queen of Spain, named the land El Salvador and was commissioned the Royal Viceroy for having discovered it. However, Chris did not discover the islands or America; the land had already been discovered by the people who lived on them and had been living on them for thousands of years.

At this half-millennia anniversary, we can expect much media attention with television specials, numerous magazine articles and many books produced to mark Columbus's efforts since his voyage set in motion events which have yielded significant consequences for the Americas, for Europe and the entire world. We cannot change history; we can only learn from it and hope we do not make the same mistakes. We can, however, change how the history was written to reflect a closer view toward the truth and give some credit to those peoples and civilizations, past and present, to

whom the credit for discovery has been denied. Hopefully, books such as Alvin M. Josephy's *America in 1492* (published by Alfred A. Knopf, New York, 1992) will receive critical acclaim and, in the process, gain a wide readership to effectively re-educate and abolish the false stereotypes despite their persistent currency. With the opportunity to consider much that may be new and provocative, we may use this half-millennia anniversary to help chart a new course for the future of the Americas.

Richard A. Hayward
Chairman, Board of Directors
Native American Rights Fund.



Executive Director's Report

1991 has marked the 21st 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 achievements in fiscal year 1991 for Native Americans.

NARF supported the National Congress of American Indians and other Indian organizations and tribes in a successful effort in obtaining Congressional legislation recognizing sovereign tribal power to assert criminal misdemeanor jurisdiction over non-member Indians on reservations. The legislation overturned the 1990 U.S. Supreme Court decision in *Duro v. Reina* that held that Congress had never recognized such tribal sovereign authority over Indians of other tribes although the tribes have traditionally exercised such misdemeanor jurisdiction in their tribal courts.

Working again in concert with several other Indian organizations and tribes, NARF assisted in the formation of a new and much-needed tribal membership organization — the National Tribal Environmental Council. NTEC will assist tribes regionally and locally in addressing inequities in federal environmental legislation and the administration of the nation's environmental laws as they affect tribal governments and Indian natural resources.

The State of Montana and the Northern Cheyenne Tribe approved a compact that settles the Tribe's reserved water rights claims after many years of litigation and negotiations. The compact, which must now be approved by Congress, would recognize tribal water rights to approximately 90,000 acre-feet of water and provide a \$21 million settlement fund. NARF has represented the Tribe since 1975.

In *Nebraska State Historical Society v. Pawnee Tribe of Oklahoma*, NARF on behalf of the Tribe, successfully blocked the Historical Society's attempt to avoid compliance with the state public records law. The Tribe needs access to the Historical Society's records to claim for repatriation and reburial Pawnee human remains and burial goods held illegally.

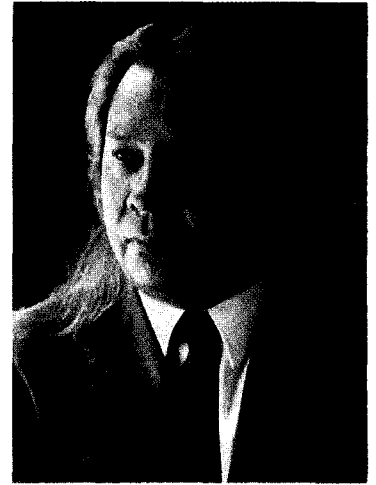
NARF was also successful in negotiating the return of 750 Alaska Native bodies and Alaska Native artifacts to the Larsen Bay Tribal Council of Kodiak Island, Alaska, from the Smithsonian Institution. The repatriation was the result of two years of negotiations with the Smithsonian.

The original version of the Omnibus Anti-Crime bill pending in Congress would have extended the death penalty to first degree murder cases under federal jurisdiction including Indian reservations. NARF worked with other Indian organizations and tribes in securing an amendment to the bill allowing each tribe to decide for themselves whether the death penalty should apply on their reservations.

In *Kauley v. United States*, NARF and Oklahoma Indian Legal Services negotiated a settlement of a lawsuit brought on behalf of individual Indian oil and gas lessors against the United States for mismanagement of their leases. In the settlement, the United States accepted its trust responsibility to properly manage the Indian oil and gas leases, agreed to improve its management procedures and will pay interest on any oil and gas royalties paid late.

These and many other important case developments in fiscal year 1991 show that Native Americans can receive justice if given the opportunity to be advised and 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 assistance.

John E. Echohawk
Executive Director



Board of Directors

Upon the formation of the Native American Rights Fund, a governing board was assembled composed of Indian leaders from across the country — wise and distinguished people who were respected by Indians nationwide. Since that time, the NARF Board of Directors has continued to provide NARF with leadership and credibility and the vision of its members has been essential to NARF's effectiveness in representing its Native American clients.

Richard Hayward
(*Mashantucket Pequot*)
Chairman
Connecticut

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

Lionel Bordeaux (*Rosebud Sioux*)
South Dakota

Rick Hill (*Oneida*)
Wisconsin

Mahealani Kamauu (*Native Hawaiian*)
Hawaii

Willie Kasayulie (*Zupik*)
Alaska

John R. Lewis
(*Mohave/Pima/Papago*)
Arizona

Wilma Mankiller
(*Cherokee Nation of Oklahoma*)
Oklahoma (Resigned Fall 1991)

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

Calvin Peters (*Squaxin Island*)
Washington

Evelyn Stevenson (*Salish-Kootenai*)
Montana

Eddie Tullis
(*Poarch Band of Creeks*)
Alabama

Verna Williamson (*Isleta Pueblo*)
New Mexico

Mildred Cleghorn (*Fort Sill Apache*)
Oklahoma



Richard Hayward



Anthony L. Strong



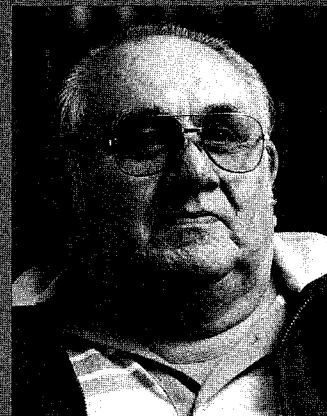
Rick Hill



Mahealani Kamauu



Willie Kasayulie



Calvin Peters



Evelyn Stevenson



Eddie Tullis



Verna Williamson

Not pictured: Lionel Bordeaux, John R. Lewis, Wilma Mankiller, Twila Martin-Kekahbah and Mildred Cleghorn.

National Support Committee

Owanah Anderson (*Choctaw*)
Edward Asner
Katrina McCormick Barnes
David Brubeck
Rep. Ben Nighthorse Campbell
(*Northen Cheyenne*)
Norman Cousins*
Ada Deer (*Menominee*)
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Chippewa*)
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Maria Tallchief (*Osage*)
Studs Terkel
Ruth Thompson
Tenaya Torres (*Chiricahua
Apache*)
Thomas N. Tureen
The Rt. Rev. William C.
Wantland (*Seminole*)
Dennis Weaver
W. Richard West, Jr. (*Cheyenne*)

*Deceased 11/30/90



Kate Davis
Cow Springs, AZ
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NARF Staff



1



2



3



4



5

Corporate Officers

John E. Echohawk (*Pawnee*)
Executive Director
Eihel J. Abeita (*Laguna Pueblo*)
Deputy Director
(resigned December 1991)
Susan Rosseter Hart
Secretary/Treasurer
Marilyn E. Pourier
(*Oglala Sioux*)
Development Officer

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(*Neft Lake Chippewa*)
Lawrence A. Aschenbrenner
(*Turtle Mountain Chippewa*)
Rick Dauphinais
(*Turtle Mountain Chippewa*)
Jerilyn DeCoteau
(*Turtle Mountain Chippewa*)
Walter R. Echo-Hawk (*Pawnee*)
Bart K. Garber (*Dena'ina*)
Kim Jerome Gottschalk
Yvonne T. Knight (*Ponca-Creek*)
Patrice Kunesh-Hartman
(*Standing Rock Sioux*)
Melody L. McCoy (*Cherokee*)
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Steven C. Moore
Robert M. Peregoy (*Flathead*)
Henry J. Sockbeson (*Penobscot*)
Donald R. Wharton
Peg Rogers
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Of Counsel

Richard B. Collins
Charles F. Wilkinson

Indian Law Support Center

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Director
Debbie Raymond-Thomas
(*Navajo*)
Administrative Assistant

National Indian Law Library

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(*Kiowa/Otoe-Missouria*)
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Mary Mousseau (*Santee Sioux*)
Librarian Assistant
Trevor Link
Secretary
Bernita Wendelin
Catalogue Librarian

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Ray Ramirez
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Mary Bumbera
Administrative Assistant
Angela Chaddlesone
(*Kiowa/Kootenai*)
Receptionist
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Administrator
Lucy Garcia
Legal Secretary
Jacqueline Gilbre
Direct Mail Coordinator
Claude Maynard
(*Cheyenne River Sioux*)
Copy Coordinator/Mail Clerk
Karen Mann (*Tlingit*)
Legal Secretary/Office Manager
Pat Moses
(*Santo Domingo Pueblo*)
Records Clerk
Patrita Ime Salazar
(*Taos/Santa Ana/Pueblo*)
Administrative Assistant
Patricia Stinnette
AP/AR Bookkeeper
Norma B. Weston
Legal Secretary
Marilyn White (*St. Regis
Mohawk*)
Legal Secretary



The Five Priorities
of the Native
American Rights
Fund:

1. The Preservation
of Tribal Existence
2. The Protection
of Tribal Natural
Resources
3. The Promotion
of Human
Rights
4. The Accountability
of Governments
5. The Development
of Indian Law

6
Without a land base, how can we be sovereign? Without a land base, how can we be free? How can we not be swallowed up in assimilation and become part of this 'melting pot'? If our land base is our identity, the priority that we have in Indian Country for small tribes is to require that land base, to protect that environment, to have a conducive environment for sovereignty. Otherwise, sovereignty becomes another meaningless term that you can look up in the dictionary later in life, and your elders can tell you about what it was like to be sovereign in the old days. 9

Georgia George, Chairperson
Suquamish Tribe, 1991

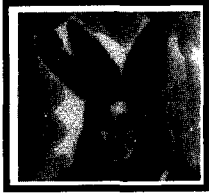


*The Preservation
of Tribal Existence*

THE PRESERVATION OF TRIBAL EXISTENCE

6 [T]he battle ground is going to be in culture, the retention of culture — and that's where we're the strongest, that's our strongest suit, our culture, if we remember.

Oren Lyons, Chief, Onondaga Nation



The 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 federally recognized tribes. NARF continues its work in the area of Indian economic development in appreciation

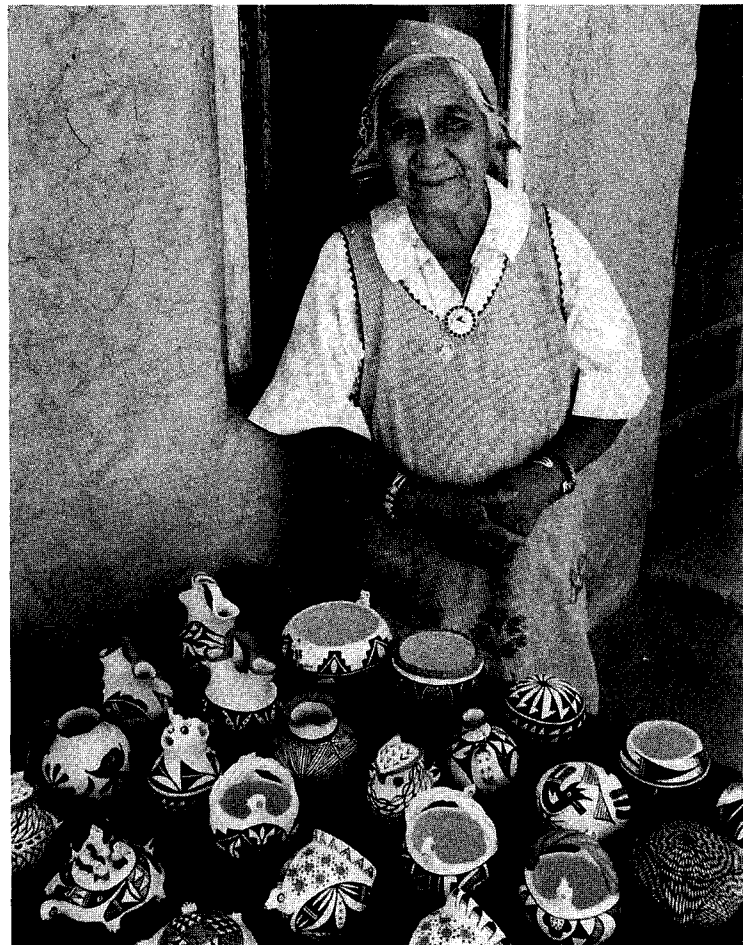
of the fact that the future of tribal existence is closely tied to the development of tribal economies.

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 state governments, the federal government, and others over these powers. During fiscal year 1991, NARF handled several major cases that affected the sovereign powers of tribes. These cases involved serious issues of taxation and jurisdiction in several states.

On January 14, 1992, the Supreme Court handed down its decision in *County of Yakima v. Confederated Tribes of the Yakima Reservation*. Attorneys at the Native American Rights Fund submitted an *amicus curiae* brief in support of the Yakima Tribe on behalf of fifteen tribes and the National Congress of American Indians. The issue before the Court was whether Yakima County could impose *ad valorem* and excise taxes on individual Indian and tribally-owned fee lands located within the Yakima Reservation. By a vote of 8 to 1, the Court held that a provision in the General Allotment Act of 1887, as amended in 1906, permits Yakima County to impose *ad valorem* taxes on reservation lands that have been patented in fee pursuant to the Act. However, the Court invoked principles "deeply rooted in Indian jurisprudence" to hold that the County is not permitted to impose an excise tax on the sale of these lands. Justice Blackmun filed a separate opinion concurring with the majority's decision on the invalidity of the County's imposition of excise taxes and dissenting from the majority's upholding the *ad valorem* taxes.

In *Mustang Fuel Corp. v. Cheyenne-Arapaho Tribes of Oklahoma*, NARF is defending the Tribe's right to generate needed tribal government revenues by taxing production and severance of oil and gas on allotted 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



Auvelia Pasquale
Acoma Pueblo, Potter, NM
© Stephen Trimble

case was remanded to tribal court, making it the first major tribal tax case to be heard by a tribal court. In January, 1991, the Cheyenne-Arapaho Tribal Court granted summary judgment in favor of the Tribe which upheld the Tribe's authority to tax oil and gas activities on trust allotments. The oil company appealed to the Tribal Supreme Court and argument was held in October, 1991, with the decision pending.

In *Parisien v. Twin City Construction Co. of Fargo, North Dakota*, a federal appeals court ruled in August, 1990 that a federal injunction barring a member of the Turtle Mountain Chippewa Tribe from proceeding in a case in tribal court should be dissolved entirely. The tribal member is suing a non-Indian construction company over a contract dispute that arose out of their building a tribal high school on the reservation. The federal appeals court ordered the case back to tribal court under the

tribal code that had been amended since the suit was filed. Oral argument was held in March, 1991, in the Turtle Mountain Tribal Court on the issue of tribal court jurisdiction. In May, 1991, the court rendered its order wherein it found that the retroactive application of the current Tribal Code's jurisdictional statute, in light of its clear legislative intent, did not offend established concepts of fairness. It also held that neither the tribal constitution nor existing federal law limit the jurisdiction of the tribal court to hear the matter. Twin City Construction Company has appealed the decision of the Turtle Mountain Tribal Court. The case is now before the Turtle Mountain Tribal Court of Appeals. NARF represents the tribal member.

In the State of Alaska, NARF continued representing the Kluti Kaah Native Village of Copper Center, a traditional tribe, 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 to enjoin the Village from enforcing its tax ordinance claiming that Copper Center was not a federally recognized tribe and thus lacked taxing authority. If the tribe's taxing power is upheld it will mean several hundred thousand dollars a year in revenue for Copper Center which has had practically no revenue source in the past. Resolution is expected in 1992. NARF also represents the Native Village of Venetie and the Nome Eskimo Community in other tribal tax cases which likewise raise the issue of tribal status and question whether the Native villages constitute "Indian Country" over which the tribal government may exercise governmental powers.

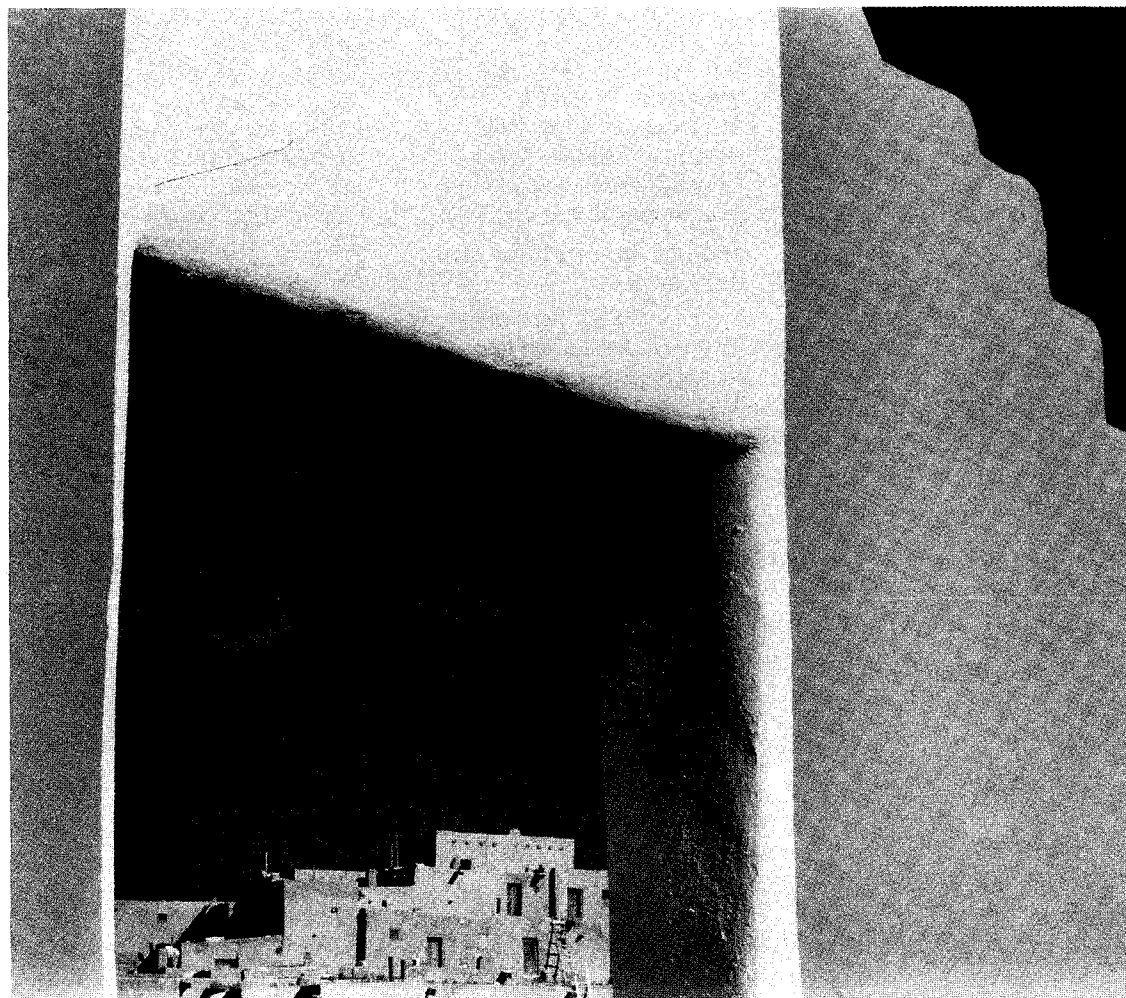
NARF has continued its assistance to Kawerak and the sixteen villages which comprise its membership, and the Village of Kotzebue in

Alaska to obtain tribal jurisdiction over Indian Child Welfare Act matters and in assisting tribal courts in the adjudication of child custody disputes. NARF has provided tribes assistance in monitoring Indian Child Welfare Act Cases and in intervening in state proceedings. The development of model foster parent licensing regulations is now underway.

On May 29, 1990, the U.S. Supreme Court decided that Indian tribes do not have criminal misdemeanor jurisdiction over non-member Indians who commit crimes on their reservations. NARF had filed an *amicus curiae* brief on behalf of 14 tribes in *Duro v. Reina* asking the Court to uphold tribal jurisdiction over Indians who are not enrolled in the Tribe. Because most reservations have substantial non-member Indian populations, this decision seriously undermined a tribe's ability to maintain law and order within its territory. NARF became actively involved in efforts to assess the magnitude of the problems created by the *Duro* decision and to devise an appropriate solution. Temporary Congressional legislation addressing these problems was passed in the late fall of 1990. In October, 1991, the House and Senate Conference Committee passed permanent legislation overturning the *Duro* decision.

Indian Economic Development Law Project

The Indian Economic Development Law Project is continuing to work on developing the systems to support reservation economic and commercial development. In addition to the more traditional issues of creating an atmosphere supportive of commercial



Adobe arch,
Mission Church
Taos Pueblo, NM
© Stephen Trimble

growth, the Project has, over the past year, focused its efforts on the environmental side of economic development. This focus is based on the recognition that the lands of Native Americans constitute their permanent homes, and that environmental issues are themselves frequently serious economic development opportunities.

The Project continues to work with the Klamath Tribe to develop the Congressionally mandated Economic Self-Sufficiency Plan for that Tribe. We are also working with the Warm Springs Tribe on their efforts to accomplish a complete recodification of their tribal code, including an entirely new commercial code. The Project will also be working with the Turtle Mountain Chippewa Tribe to develop their commercial and tax codes. In addition, the Project continues to work with New West Partners

to develop a plan to encourage tourism and development among the Tribes on the Colorado Plateau. In particular, the Project is looking at alternative dispute resolution options for use by tribes in Indian Country.

The Project served on three of the seven Task Forces of the American Indian Policy Research Center — a congressionally funded effort to determine whether and in what form a "think tank" for Indian Country would be useful. The Project also continues to work with the Tribal Leaders Forum in its efforts to formulate an Indian initiated legislative agenda for the 1990's in the areas of economic development and protection and enhancement of Indian resources.

In the environmental arena, the Project was instrumental in two significant efforts over the past year. First, the Project assisted tribes nationally to form and obtain funding for

the National Tribal Environmental Council — a tribal membership organization formed to assist tribes regionally and locally to address the inequities in federal legislation and administration of the nation's environmental laws. Second, the Project worked to bring together tribal and traditional leaders with leaders from the national environmental community to discuss their areas of common interest and potential conflict. Out of that meeting came a coalition of environmental and Indian representatives committed to assisting one another on Indian religious freedom issues and endangered species concerns.

The Project also participated in the first ever Congressional Workshop on Solid Waste in Indian Country. The Workshop was a forum intended to inform Congressional leaders on the issues faced by Tribes in attempting to manage compliance with environmental laws that frequently were drawn with no thought to the concerns of Indian Country. The Project also worked with tribes and other national Indian organizations to resist California's attempt to legislate state environmental regulation on reservations within that State.

Federal Recognition and Restoration

NARF currently represents ten 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 these NARF clients are seeking an administrative determination by the Depart-

ment 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 continues to work with Congress to improve the administrative acknowledgment process through legislation 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 tribes NARF is assisting in the federal acknowledgment process include the Little Shell Tribe of Chippewa Indians of Montana, 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 Wintu Tribe of California, the Brothertown Tribe of Wisconsin, the San Juan Southern Paiute Tribe of Arizona, and the Alaska Native Coalition. NARF continues to work with the Gay Head Wampanoag of Massachusetts to implement their recent settlement which included recognition and a land base.

NARF is working closely with the Alaska Native Coalition, native regional organizations and numerous villages in an effort to have the Secretary of the Interior publish a new list of federally recognized tribes in Alaska which would expressly and unequivocally recognize their tribal status.



3-year-old traditional dancer, Head Start class
Laguna Pueblo, NM
© Stephen Trimble



ANNUAL REPORT
1991

*The Protection
of Tribal
Natural
Resources*

Indian Country needs to be thought of as permanent tribal homelands, not lands that will be taken as soon as the government can find a scheme to take that land away from us. I think people are realizing the tribes are a permanent part of this country, and if they are, then we need a permanent home.

*John E. Echohawk, Executive Director
Native American Rights Fund, 1991*

THE PROTECTION OF TRIBAL NATURAL RESOURCES



The 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 represents the Alabama-Coushatta Tribe in its lawsuit against the United States for breach of trust. In *Alabama-Coushatta v. U.S.*, the Tribe is suing the United States for its failure to protect the Tribe's possession of its 9 million acres of aboriginal territory. Oral argument was held before a three judge review panel in the United States Claims Court in April, 1991. NARF argued in support of the review panel's authority to remand a decision of a prior hearing officer

without the necessity of first vacating or reversing the prior decision. The panel ruled that they have such authority. Subsequent to this, NARF filed a motion for a new trial and a motion for an expedited decision to stay all proceedings until the pending motion for a new trial was decided. The motion to stay was granted in July, 1991.

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. NARF requested and a federal court of appeals granted an early date for oral argument. Oral argument was heard in September, 1990. A decision has not yet been rendered in this case.

In *South Carolina v. Catawba Indian Tribe*, NARF continues to assist the Tribe in pursuing its claim to 225 square miles in and around Rock Hill, South Carolina. In July, 1990,

the U.S. District Court, on remand from the United States Supreme Court and Fourth Circuit Court of Appeals, dismissed numerous parcels of land and 23 defendants from the suit based upon the defendants' adverse possession of the parcels. While much land and many defendants remain subject to the Tribe's claim, in February, 1991, the District Court denied the Tribe's motion to certify a defendant class and ruled that the Tribe's claim against the vast majority of occupants of the claimed land is barred. The Tribe has appealed both rulings and oral argument on both appeals is scheduled for February 4, 1992.

In *Catawba Tribe v. U.S.*, the Tribe sued the United States to recover the value of those lands to which the Tribe is barred in *Catawba v. South Carolina*. In August, 1991, the U.S. Claims Court granted the government's motion to dismiss the Tribe's case based on the expiration, in 1951, of the Statute of Limitations in the Indian Claims Commission Act. In December, 1991, NARF attorneys filed their opening brief on appeal in the U.S. Court of Appeals for the Federal Circuit.

NARF is helping the Swinomish Tribe prepare for trial in a major 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 all but one of the defendants in which they recognize the Tribal Community's title.

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 1900's to escape removal. NARF suc-

cessfully introduced legislation last year to authorize the U.S. Claims Court to hear their case. The Canadian government has joined the Pottawatomie in support of the claim and has worked closely with NARF in support of the legislation. NARF has filed the case in the U.S. Court of Claims and is now waiting for a ruling on the Summary Judgment Motion.

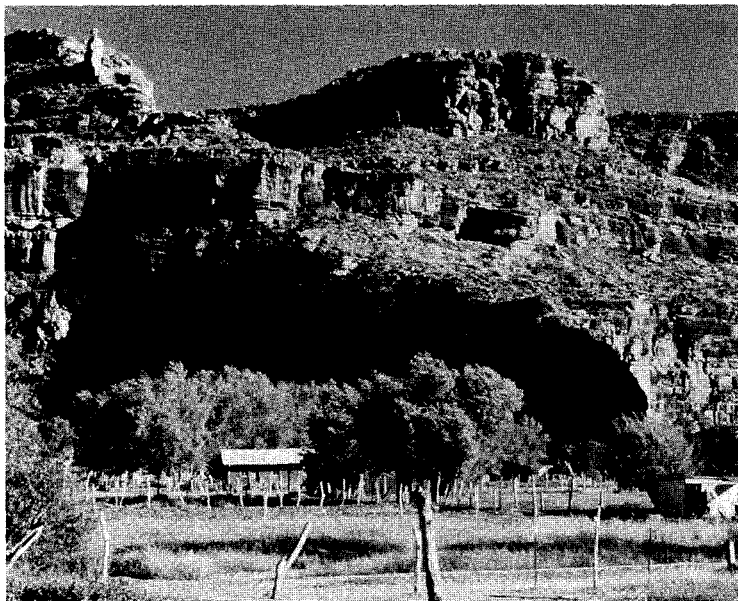
In *Masagesva v. Haskie v. James*, NARF and the San Juan Southern Paiute Tribe of Arizona are currently awaiting a U.S. District Court decision on the Tribe's land claim proper for land use patterns and valuations. Trial for the partition phase is expected in 1992.

NARF is also assisting the Schaghticoke Tribe of Connecticut and the Stockbridge-Munsee Tribe of Wisconsin in settlement negotiations on their land claims; the Pamunkey Tribe of Virginia established the land boundaries of its reservation; and the Ysleta del Sur Pueblo of Texas researched its aboriginal land claim. NARF continues to monitor the trespass settlement agreement of the Walker River Paiute Tribe.

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.

The State of Montana and the Northern Cheyenne Tribe have approved a compact that settles the Tribe's reserved water rights claims. The State and Tribe have been in negotiations for the past several years to resolve the water claim. The approved compact provides for the administration of the Tribe's water rights and the



rehabilitation, repair and enlargement of the Tongue River Dam that sits above the reservation. NARF represents the Tribe in the matter. NARF and the Tribe are now seeking Congressional approval of the tribal-state compact which recognizes tribal water rights to 40,000 acre-feet of water in the Tongue River; 30,000 acre-feet from the Yellowtail Reservoir on the Big Horn River; 1,800 acre-feet from Rosebud Creek, plus an additional 19,530 acre-feet provided certain water users upstream and downstream are not impacted. A \$21 million settlement fund is also sought from Congress.

In *United States and Klamath Tribe v. Oregon*, the United States District Court for the District of Oregon rendered its decision on the United States and the Klamath Tribe's Motions for Summary Judgment in September, 1991. Both the Tribe and the United States contended that the proceedings were administrative and such proceedings did not give the state jurisdiction under the McCarran Amendment to determine the Tribe's water rights. The Court held that the procedure followed by the State of Oregon to adjudicate the water rights of the Tribe and the United States meets the requirements of the McCarran Amendment. It rejected the Tribe's claim that the procedure would subject them to decision-makers who are biased and therefore violate its right to due process under the 14th Amendment. The court did exempt the Tribe and United States from paying the filing fees based upon the Treaty of 1864. To enforce the filing fee requirement would be to require the Tribe to pay for exercising rights reserved by the Tribe under the Treaty. The Tribe plans to appeal the decision.

NARF is asserting the Chippewa-Cree Tribe's rights to water flowing on and through its reservation in Montana. NARF attorneys assisted the Tribe in the creation of an inter-governmental coordination committee charged with the responsibility of facilitating the

formulation of a Milk River basin water management plan. The Chippewa-Cree Tribe, the Fort Belknap Tribe, the Blackfeet Tribe, the State of Montana, the United States, and three irrigation districts are represented on the Committee.

NARF is also involved with the development of the Tule River Tribe's claim to reserved water rights in California. NARF is assisting the Nez Perce Tribe of Idaho to quantify their rights to water in the Snake River Basin. Studies have been completed and the appointment of a negotiations team has been requested. In addition, NARF is continuing to implement and monitor the Fort McDowell settlement agreement in Arizona.

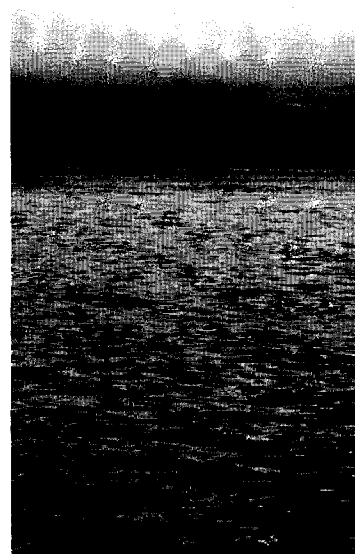
Hunting and Fishing

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 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 the State of Washington to intervene 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. A report entitled "Effects of the Cushman Hydro-Electrical Project on the Habitat Structure of the Skokomish River Estuary: Source and Impact of Changes" is now complete.

Following the 1985 settlement reached in *U.S. v. Michigan* where the courts affirmed the Bay Mills Chippewa Indian Community's treaty right to fish under tribal regulations, it became apparent in 1990 that the Tribe's small boat fishers did not have adequate fishing opportunities and that modification of the settlement was necessary. A hearing was conducted in April, 1991, to determine whether the Bay Mills Indian Community had met the legal standard for modification of the Consent Order which allocates the treaty fishery between Indian and non-Indian users. The Bay Mills Indian Community was seeking the re-opening of fishing areas suitable for small boat fishers, which had been closed to the tribes under the Consent Order. The Court denied Bay Mills' motion with the provision that the issue will be reevaluated if proof of lack of opportunity for small boat fishers can be shown.

NARF is representing the eleven Native villages in the Norton Sound area of Alaska in establishing their aboriginal hunting and fishing rights on the Outer Continental Shelf. In September, 1991, the district court granted the government's Motion for Summary Judgment and dismissed the Village's aboriginal land claims. The Villages are appealing this decision to the Ninth Circuit Court of Appeals. Meanwhile,



in July, 1991, at the Court's suggestion, three of the Villages involved in *Gambell v. Lujan*, namely, Nome Eskimo Community, King Island Native Community, and the Native Village of Solomon filed a separate federal lawsuit against the Secretary of the Interior seeking to enjoin him from holding a gold lease sale in the heart of their aboriginal hunting and fishing grounds in the Outer Continental Shelf off the coast of Nome.

NARF represents the Gwich'in Athabascan Tribes in Alaska and Canada in *Gwich'in Steering Committee v. Lujan*. The suit, filed against the Department of the Interior, challenges the adequacy of a legislative environmental impact statement that the Department 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.

In *Kluti Kaah Native Village of Copper Center v. State of Alaska*, NARF is assisting the Village in changing state and federal regulations governing the subsistence harvests of caribou and moose in the Copper River Basin. NARF obtained a preliminary injunction extending the Fall moose season. That order, however, was stayed pending a State Supreme Court review. This case was argued in the State Supreme Court in September.

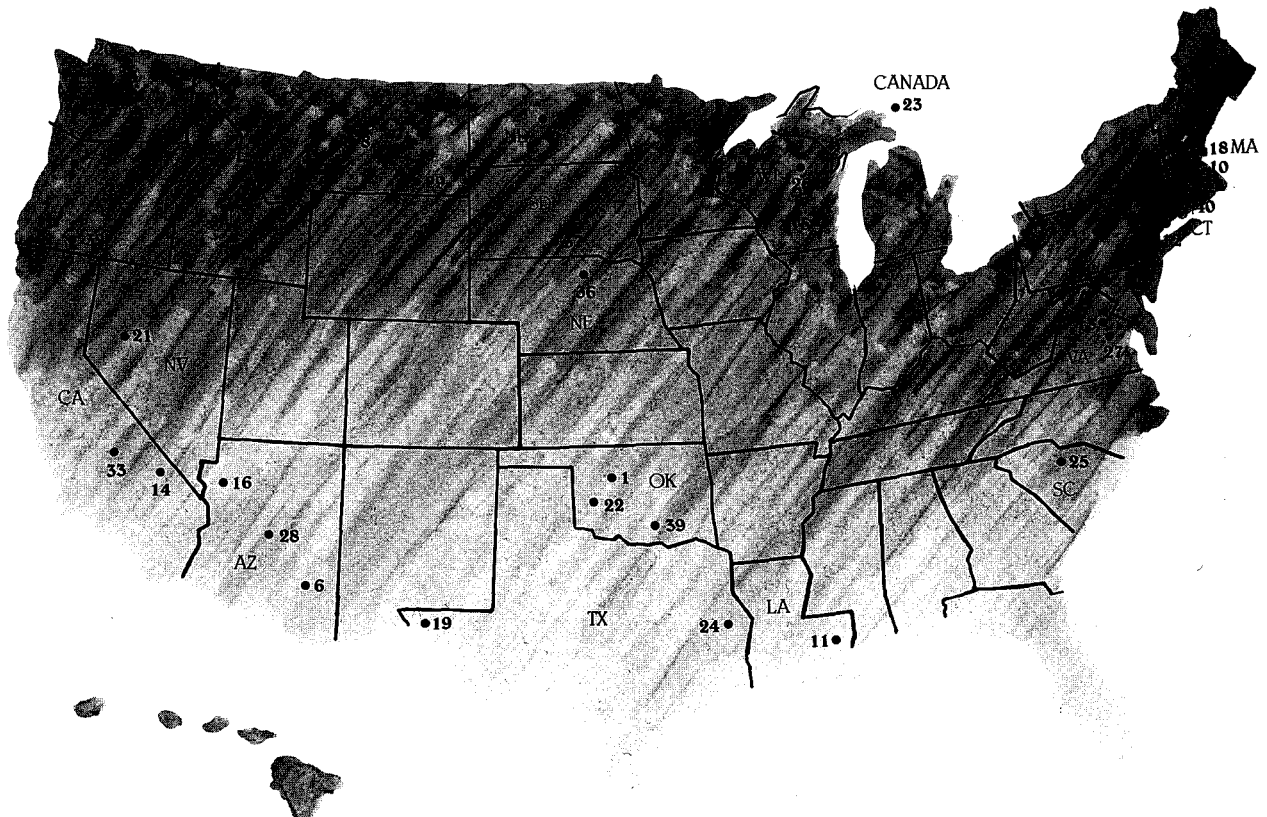
NARF continues to assert subsistence fishing rights for Alaskan Native subsistence users from Mentasta Village and Dot Lake. A federal court had previously granted a preliminary injunction permitting subsistence fishing on a full-time basis at the traditional site of Batzulnetas. NARF has completed the legal briefs in the proceedings to force the United States Department of Interior to open the Batzulnetas Fishery on a full-time basis. The court has yet to rule but a decision is expected in 1992.

Major Activities, 1991

OK Mustang Fuel Corp. v. Cheyenne-Arapaho Tribes of Oklahoma (taxation) 1
 ND Parisien v. Twin City Construction Co. of Fargo, North Dakota (jurisdiction) 2
 AK Alyeska Pipeline Service Co. v. Kluti-Kaah Native Village of Copper Center (taxation) 3
 AK State of Alaska v. Native Village of Venetie (taxation) 4
 AK Native Village of Kawerak (jurisdiction) 5
 AZ Duro v. Reina (amicus curiae-jurisdiction) 6
 OR Warm Springs Tribe of Oregon (economic development) 7
 MT Little Shell Tribe of Chippewa Indians (recognition) 8
 CT Schaghticoke Tribe of Connecticut (recognition) 9

MA Mashpee Wampanoag Tribe of Massachusetts (recognition) 10
 LA Houma Tribe of Louisiana (recognition) 11
 NY Shinnecock Tribe of New York (recognition) 12
 VA Pamunkey Tribe of Virginia (recognition) 13
 CA Wintu Tribe of California (recognition) 14
 WI Brothertown Tribe of Wisconsin (recognition) 15
 AZ San Juan Southern Paiute Tribe of Arizona (recognition and land claim) 16
 AK Alaska Native Coalition (recognition) 17
 MA Gay Head Wampanoag Tribe of Massachusetts (restoration) 18
 TX Ysleta del Sur Pueblo of Texas (land claim) 19
 WA Swinomish Tribal Community v. Burlington Northern, Inc. (land claim) 20
 NV Walker River Paiute Tribe v. Southern Pacific (land claim) 21
 OK Cheyenne-Arapaho Tribe v. United States (land claim) 22
 CANADA Potawatomi (land claim) 23
 TX Alabama-Coushatta Tribe v. U.S. (land claim) 24
 SC South Carolina v. Catawba Indian Tribe (land claim) 25
 WI Stockbridge Munsee Tribe of Wisconsin (land claim) 26
 VA Pamunkey Tribe of Virginia (land claim) 27

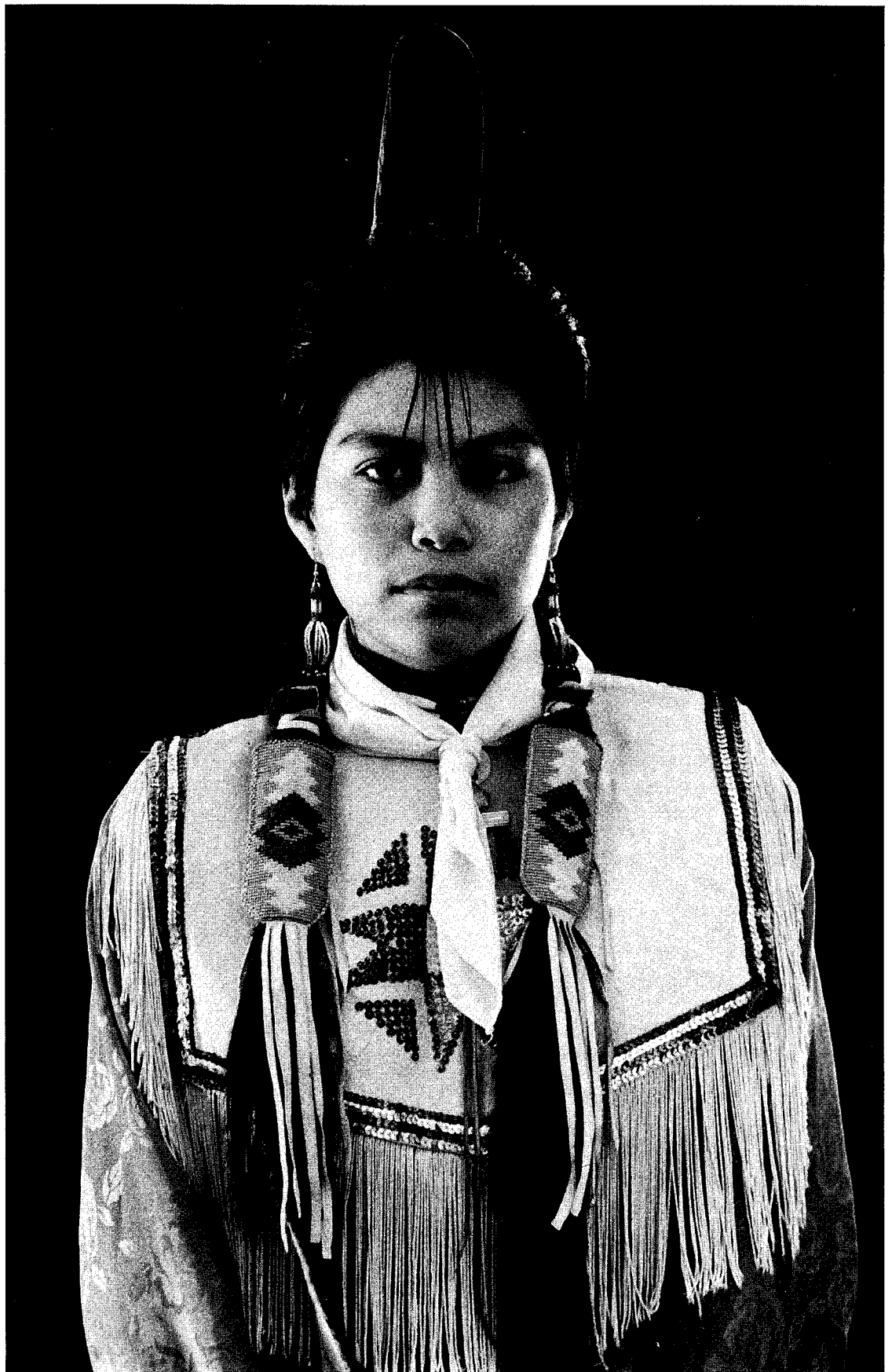
AZ Fort McDowell Indian Community v. Salt River Project (water rights) 28
 MT Northern Cheyenne Tribe of Montana (water rights) 29
 MT Chippewa-Cree Tribe of Montana (water rights) 30
 ID Nez Perce Tribe of Idaho (water rights) 31
 OR Klamath Tribe of Oregon (water rights) 32
 CA Tule River Tribe of California (water rights) 33
 WA Skokomish Tribe of Washington (fishing rights) 34
 AK Gwich'in Steering Committee v. Lujan (hunting rights) 35
 NE Nebraska State Historical Society v. Pawnee Tribe of Oklahoma v. State of Nebraska (reburial issue) 36
 SD Rosebud Sioux Tribe of South Dakota (education) 37
 AK Native Village of Noatak v. Hoffman (accountability) 38
 OK Kauley v. United States (accountability) 39
 CT Mashantucket Pequot (constitution revision) 40



6

What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the winter-time. It is the little shadow which runs across the grass and loses itself in the sunset.

Crowfoot (Blackfoot); April, 1890



*The Promotion
of Human Rights*

THE PROMOTION OF HUMAN RIGHTS

Since time immemorial, Indian tribal Holy Men have gone into the high places, lakes, and isolated sanctuaries to pray, receive guidance from the Spirits, and train younger people in the ceremonies that constitute the spiritual life of the tribal community. In these ceremonies, medicine men represented the whole web of cosmic life in the continuing search for balance and harmony and through various rituals in which birds, animals, and plants were participants, harmony of life was achieved and maintained.

Vine Deloria, Legal Review, Summer 1991



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 fiscal year 1991, NARF provided assistance in problems involving religious freedom, education, the federal death penalty, and voting rights.

Religious Freedom

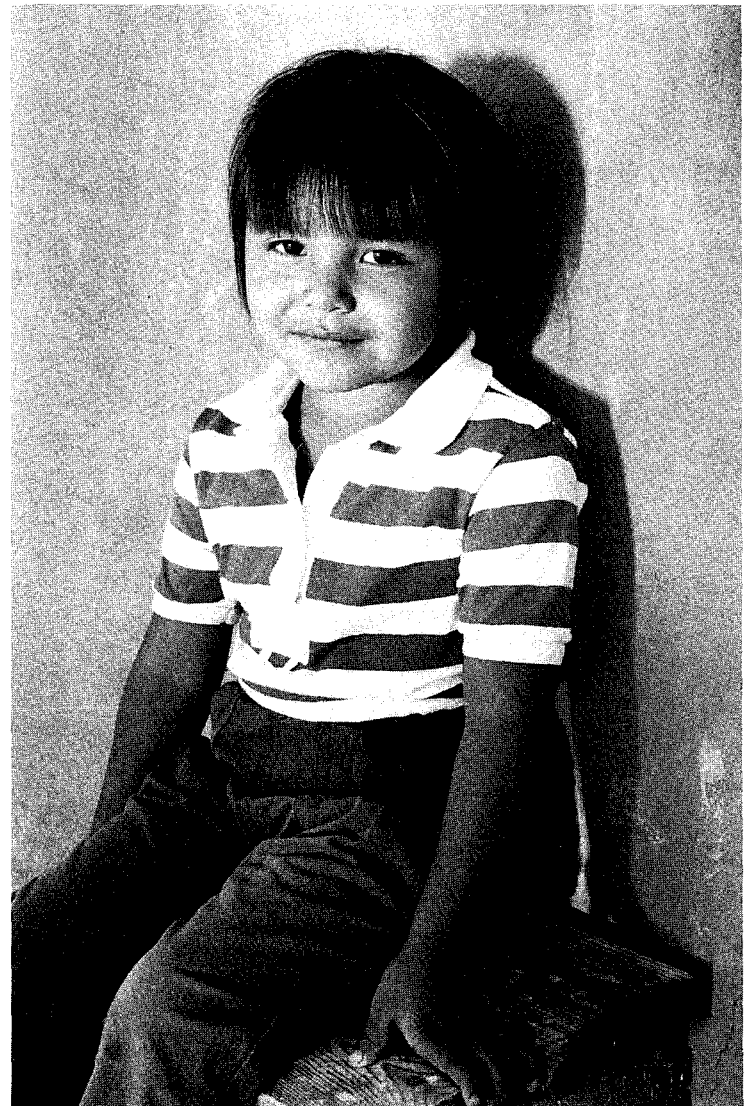
All world religions share a unifying dependence, in varying degrees, upon sacred sites, including the indigenous religions of American Indian tribes, Native Hawaiians and Native Alaskans. Indeed, worship at sacred sites is a basic attribute of religion itself.

However, when thinking of sacred sites, most Americans think only of well-known Middle Eastern sites familiar to the Judeo-Christian tradition such as Mecca, the Wailing Wall, Mount Sinai or Bethlehem. In the recent war against Iraq, our government and its allies took special care not to destroy sensitive religious areas. None doubt that these important Middle Eastern religious sites are entitled to stringent legal protection for the practitioners of those faiths.

Unfortunately, American law and social policy overlook that our own land-

scape is dotted with equally important American Indian religious sites that have served as cornerstones for indigenous religions since time immemorial. Traditional Native American religious sites — some of which rank among the most beautiful and breath-taking natural wonders left in American —

serve a variety of important roles in tribal religion which should be readily understandable to most people. When Congress passed the American Indian Religious Freedom Act (AIRFA) in 1978, there was hope that protection of Native worship at sacred sites would be incorporated into American law



Girl attending summer day-school program
Paiute Tribe of Utah,
Cedar City

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and social policy, since Congress recognized the need to protect such worship at that time. However, since the passage of AIRFA, two recent Supreme Court cases have created a crisis in religious liberty for Native Americans: *Employment Div., Dept. of Human Resources of Oregon v. Smith*, and *Lyng v. Northwest Indian Cemetery Assn.* These cases held that the First Amendment does not protect tribal religious practices and referred the task of protecting Native worship to Congress.

Since 1978, federal land managing agencies such as the Forest Service and the Park Service had repeatedly been allowed by the courts to destroy irreplaceable Native sacred sites despite AIRFA. The courts have consistently been unwilling to find any protection under the First Amendment or AIRFA. Finally, the struggle in the courts culminated in 1988, when the Supreme Court ruled in *Lyng* that Indians stand outside the purview of the First Amendment entirely when it comes to protecting tribal religious areas on former tribal lands now considered to be federal lands.

In 1990, the Supreme Court denied constitutional protection for an entire Indian religion of pre-Columbian antiquity, which involves sacramental use of a cactus plant named peyote, against state criminal prohibition of peyote use. For Indians who lost constitutional protection for worship in the name of the "Drug War", *Smith* was devastating. For the rest of society, *Smith* caused an outcry because it dramatically departs from First Amendment law, weakens the Free Exercise Clause and religious liberty, and makes it easier for government to intrude upon freedom of worship.

On a national scale, NARF attorneys, together with

tribal leaders, representatives of the National Congress of American Indians and the Association on American Indian Affairs, have been working with the Senate Select Committee on Indian Affairs to develop amendments to the American Indian Religious Freedom Act (AIRFA) for consideration by Congress. NARF has assisted in coordinating meetings throughout the country in a concerted effort to address and develop, with full tribal consultation, the amendments to AIRFA.

In *Nebraska State Historical Society v. Pawnee Tribe of Oklahoma*, NARF achieved a significant victory from the state court in this case. In May, 1991, the Nebraska District Court ordered the Nebraska State Historical Society (NSHS) to comply with the state public records law and provide museum documents to

the Pawnee Tribe of Oklahoma to enable them to claim Pawnee bodies and burial goods held illegally by the NSHS. NSHS sought to prevent the Tribe from access to public records by alleging that NSHS was a non-profit entity which was not subject to the public records law. The court ruled that NSHS is a state agency and ordered it to comply with the law.

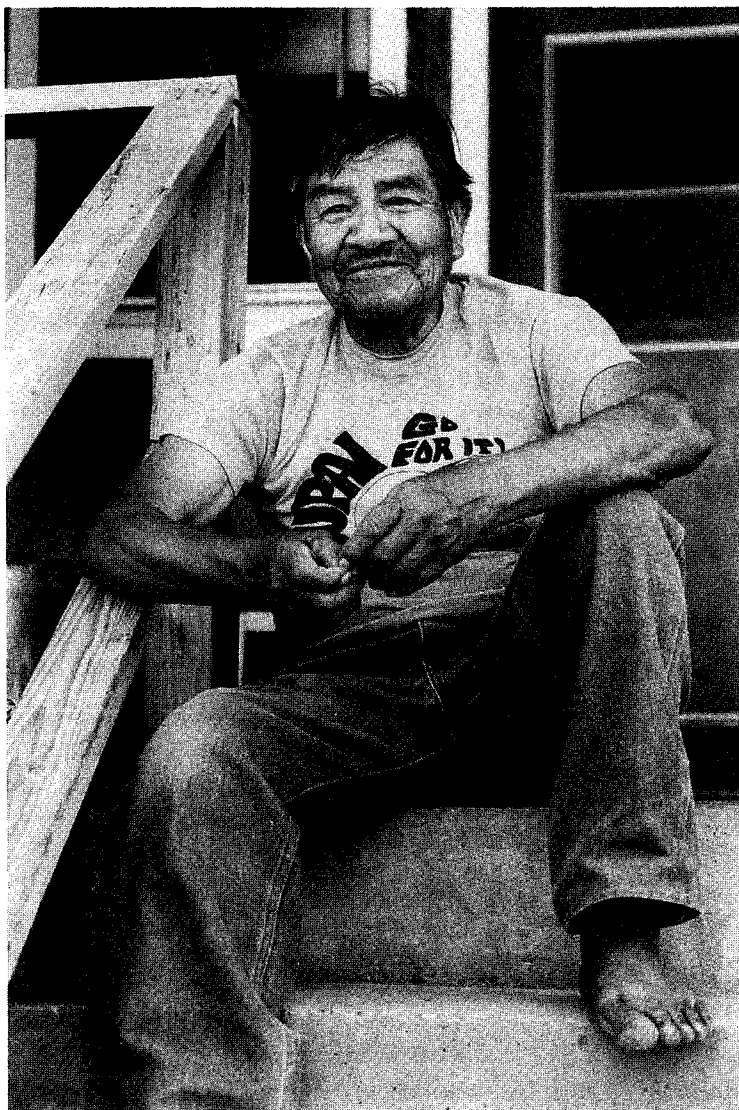
NARF represents the Pawnee Tribe of Oklahoma and the Larsen Bay Tribal Council of Kodiak Island, Alaska, in its negotiations with the Smithsonian Institution to return Indian remains and artifacts. In April, 1991, the Smithsonian agreed to return to the Larson Bay Tribal Council the remains of 750 Alaska Natives. On October 5, 1991, these remains, along with the associated burial offerings, were reburied. This repatriation has occurred after

two years of negotiation with the Smithsonian.

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.

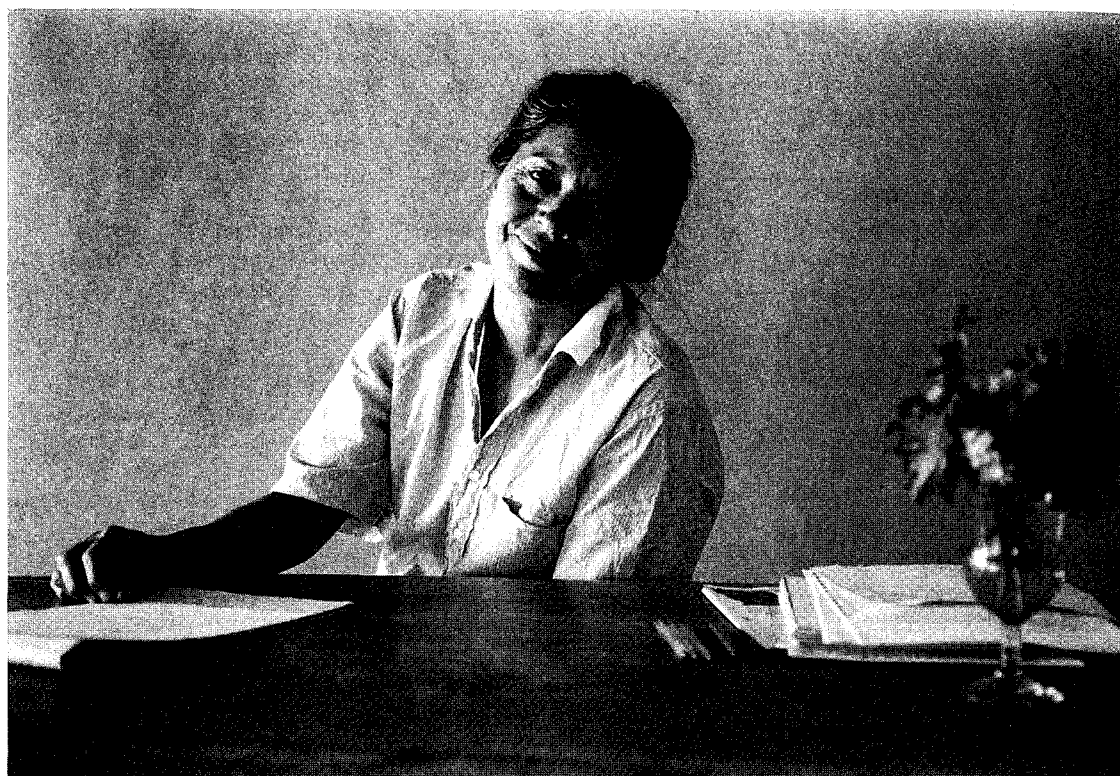
NARF is assisting the Rosebud Sioux Tribe of South Dakota in its efforts to establish a tribal education department and develop a reservation-wide tribal education code. The Tribe has identified several problems in elementary and secondary education on its reservation, including low achievement levels, high drop-out rates, widespread alcohol and drug abuse, few Indian teachers and administrators, and lack of relevant curriculum and role models. 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 (80%) of the students are Indian children.



Lee Marshall,
Havasupai,
Supai, AZ
© Stephen Trimble

Federal Death Penalty

NARF was instrumental in the passage of an amendment to the Omnibus Anti-Crime Bill. The Senate passed its Omnibus Crime Bill (S. 1241) in June, 1991. This bill, which expanded the federal death penalty, also contained an option provision which would allow tribes to decide for themselves whether the death penalty for first degree murder should apply on their reservations. NARF worked closely with the Senate Select Committee on Indian Affairs staff to make sure the opt-in provision was included in the bill. The House of Representatives passed its crime bill in October, 1991. NARF worked with both the Democrats and the Republicans to ensure that both included the opt-in provision in their versions of the bill. Therefore, tribal rights would be covered regardless of which version prevailed. The final House bill included an opt-in provision identical to that passed by the Senate. The crime bill must now go to conference committee, but since the House and Senate agree on the opt-in provision, it should not be raised at conference.



Voting Rights

NARF is also working with a coalition of Asian and Hispanic groups to support reauthorization of Section 203 of the federal Voting Rights Act, which is due to expire in 1992. Section 203 requires that certain counties provide assistance in Native American languages (and Spanish and Asian languages) throughout the electoral process. Without language assistance, many speakers of Indian languages will be effectively prevented from exercising their constitutional right to vote, simply because they cannot understand the English language ballot. In addition to simply extending Section 203 for another fifteen

years, NARF proposes amending the coverage criteria used to determine who receives assistance. As the criteria are currently written, many Indian language speakers who need assistance do not receive it because they are few in number compared to large off-reservation non-Indian populations. NARF suggests making reservations (or their equivalents) the operative geographic jurisdictions by which to judge tribal populations, as opposed to counties.

Rina Swentzell,
Santa Clara Pueblo
Santa Fe, NM
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ANNUAL REPORT
1991

The Accountability of Governments

6
The Indian plays much the same role in our American society that the Jews played in Germany. Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities marks the rise and fall of our democratic faith. 9

Felix Cohen,
the Father of
Federal Indian Law

THE ACCOUNTABILITY OF GOVERNMENTS

Recent opinions of the Supreme Court on questions of Indian law represent "a significant shift in the attitude of the federal courts, significant enough to portend a figurative holocaust of Indian rights in the future."

F. Browning Pipestem,
Oklahoma attorney

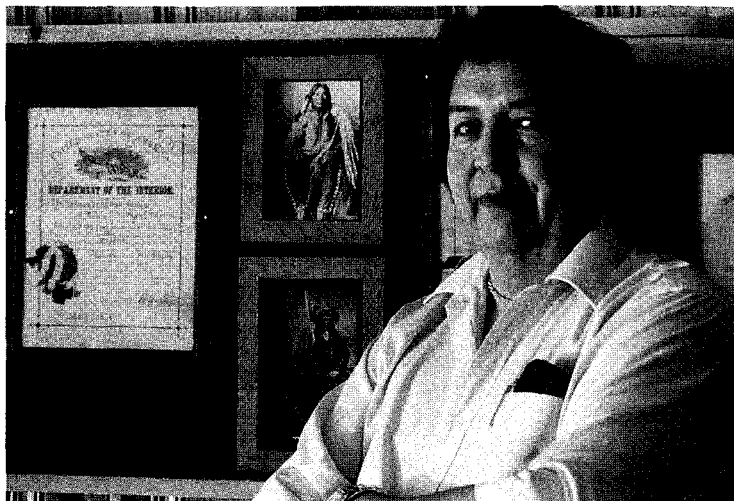


NARF works to hold all levels of government accountable for the proper enforcement of the many laws and regulations which govern the lives of Indian people. NARF continues to be involved in several cases which focus primarily on the accountability of the federal and state governments to Indians.

In the landmark case of *Native Village of Noatak v. Hoffman*, the Federal Ninth Circuit Court of Appeals in San Francisco ruled that the Village of Noatak and all other 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 the law guarantees. The decision is a major step on the road to recognition of the tribal status of all Native Villages for all purposes.

The Court also held that the Eleventh Amendment did not clothe the states with sovereign immunity from suit by Indian tribes. This is the first case to so hold and if upheld will benefit all tribes. The State of Alaska has, however, appealed to the U.S. Supreme Court with the support of 19 states.

In June, 1991, the U.S. Supreme Court ruled that tribes may not sue states for money damages because of the states' sovereign immunity from suit. The Supreme Court did not,



Fred Peso, Mescalero Apache, with photos of his grandfather, Peso, Mescalero, New Mexico
© Stephen Trimble

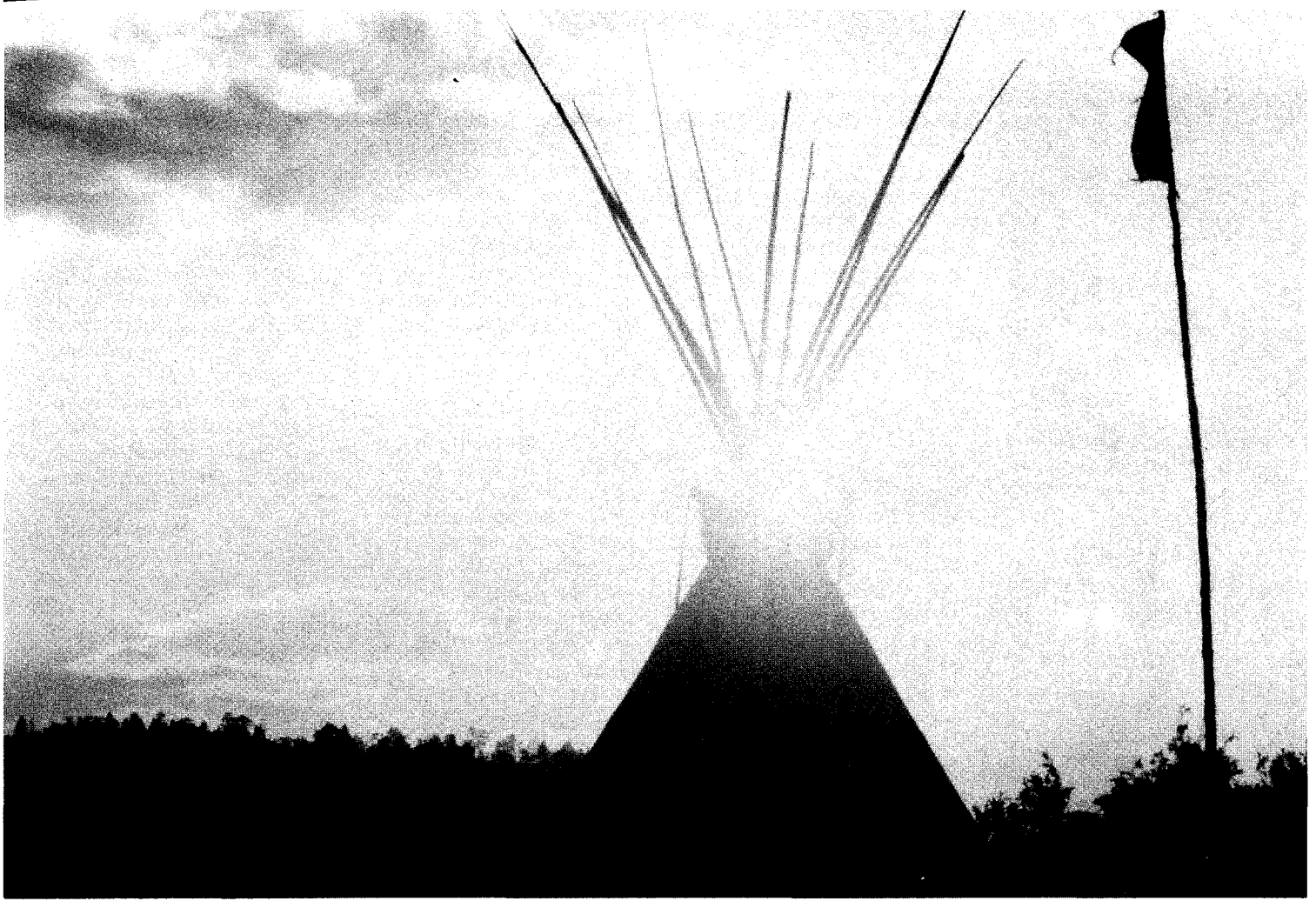
however, rule on the critical tribal status issue thereby leaving intact the Ninth Circuit's decision that all Alaska Native Villages listed in the Alaska Native Claims Settlement Act [ANCSA] or listed in the Indian Reorganization Act have tribal status for purposes of bringing suit in federal court, under 28 U.S.C. 1362.

The Supreme Court remanded the case to the Ninth Circuit to determine whether Alaska Native Villages have tribal status for the purpose of exercising governmental powers. NARF is now waiting for the Ninth Circuit to remand this case to the District Court in light of the U.S. Supreme Court's decision.

In *Kauley v. United States*, 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 the Secretary of Interior with the responsibility of 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, thereby squandering the oil and gas resources and royalties of Oklahoma allottees. In December of 1991, the U.S. District Court for the Western District of Oklahoma approved a settlement agreement reached by the parties requiring improved procedures and interest on late payments.

On behalf of affected Native Hawaiians, NARF and the Native Hawaiian Legal Corporation are challenging the State of Hawaii's illegal exchange of state 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.



ANNUAL REPORT
1991

The Development of Indian Law

6

We had to shatter the myth of the vanishing American, which held that Indian people were a thing of the past. Not only were we still here, but we were going to fight for the right to determine our own future.

John E. Echohawk

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 1991, 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, co-counseling in litigation, and providing other services as requested by legal services field programs. The Center conducted a national training event on current Indian law issues in September 1991. 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 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: *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

The systematic development of Indian law, involves not only the establishment of favorable court precedents in major areas of Indian law, but also the collection, classification and dissemination of Indian legal resources to everyone working on behalf of Indian rights.

It was from the Native American Rights Fund's desire to join with others working in the field of Indian law to ensure its orderly development, that the idea of a national clearinghouse to coordinate these efforts was born. In May of 1972, the President of the Carnegie Corporation announced a grant to the Native American Rights Fund for the development of the National Indian Law Library (NILL).

The significance of the NILL collection is crucial for the orderly development of Indian law; it is the only Indian law library specializing in materials indispensable for practitioners. Within its collection are 14,223 legal pleadings in virtually every major Indian case since the 1950's.

Beginning in 1988, NILL became the only comprehensive lending collection of tribal government documents on almost every conceivable subject, from declarations of self-determination to sewage disposal, limited adoption of the Uniform Commercial Code, off-reservation regulations, conservation and pow-wow ordinances. NILL has established an invaluable communications network for those involved in the drafting and updating of tribal government documents, thereby strengthening tribal governments, and has

fulfilled an urgent need as the single repository where tribal governments routinely send all documents.

NILL is the only clearinghouse actively collecting Indian law related materials, including books, federal government documents, state government documents, scholarly reports, Indian newspapers, student reports, and law reviews. NILL provides numerous access points through the subject matter index of the *National Indian Law Library Catalogue*.

NILL has proved to be an invaluable resource for attorneys associated with Indian legal service programs and tribal attorneys, who because of the geographically isolated nature of most Indian legal service programs and tribal governments, would be without access to adequate law libraries.

NILL has demonstrated its ability to meet the information needs of those involved in litigating Indian law matters, and in the 19 years since its inception remains at the heart of Indian legal practice. NILL embodies its mission statement which reads: "To be a national repository for Indian legal materials and resources."

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 formal or informal speaking and leadership capacities 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. The Native American Rights Fund is a non-profit organization specializing in the protection of Indian rights.



Lee Dixon, Chairman (Pauma)
Advisory Committee

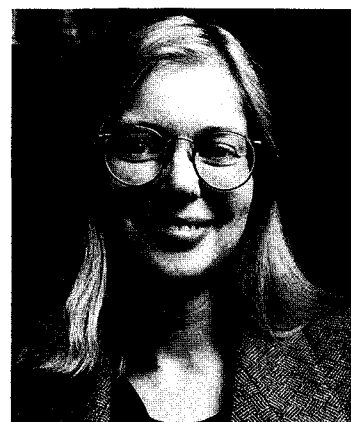
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Treasurer's Report

Fiscal Year 1991

In fiscal 1991, total fund balances of the Native American Rights Fund increased by \$247,225 to total \$711,140. The increase is the net of an increase in the unrestricted fund balance of \$291,035, and a decrease in the general fixed asset fund of \$43,810. The increase in fund balances was a welcome change from last year's decrease, and is attributable to a combination of cost-saving efforts, and the generosity of NARF's contributors. NARF's attorney staff numbered 17.67, on average, over the fiscal year.

Revenues increased by 6.1% over the previous fiscal year to total \$6,261,837. A comparison of sources of revenue



Susan Rosseter Hart
Secretary/Treasurer

and support as a percentage of total revenue are given below for fiscal 1991 and fiscal 1990:

Revenue Source	FY91	FY90
Governmental grants	43.8	40.0
Foundation and trust grants	21.5	27.0
Contributions	18.2	18.0
Legal fees	6.3	5.5
Other	10.2	9.5
	100.0%	100.0%

Each of the revenue sources stayed substantially the same over the two years.

NARF's expenditures decreased by \$408,726 from fiscal 1990 to fiscal 1991, or by 6.9%. The decrease in expenditures is due to a lower staffing level — 19 in fiscal 1990 compared to 17.67 in fiscal 1991 — and to rigorous saving measures. Total expenditures are shown as a percentage by program and support functions below for the two years:

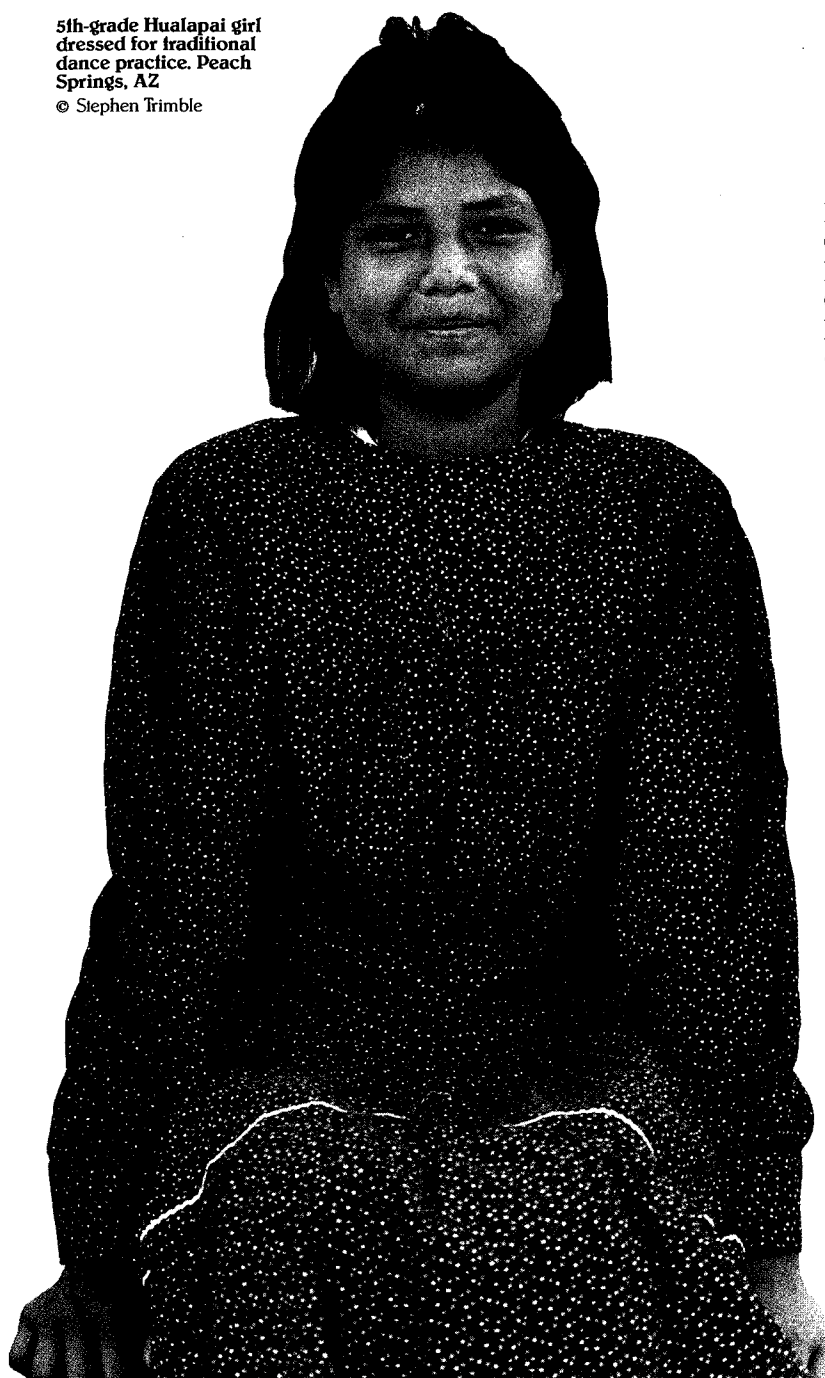
Functional Expenditures	FY91	FY90
Litigation & client services	71.6%	73.1%
National Indian Law Library	4.7	5.5
Program Services:	76.3%	78.6%
Management & general	12.3%	8.5%
Fundraising	11.4	12.9
Support Services:	23.7%	21.4%

Expenditures for program activity decreased slightly from fiscal 1990 to fiscal 1991 because of lower program staff and less extended trial activity in fiscal 1991 than in 1990, but NARF's spending for support services is still within a very reasonable 25% of total spending.

NARF's audited financial statements for the year ended September 30, 1991 are included on the following pages for your review.

5th-grade Hualapai girl dressed for traditional dance practice. Peach Springs, AZ

© Stephen Trimble





REPORT OF INDEPENDENT ACCOUNTANTS

December 13, 1991

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

In our opinion, the accompanying balance sheet and the related statements of support, revenue, expenses, and changes in fund balances, of changes in cash and of functional expenses present fairly, in all material respects, the financial position of Native American Rights Fund, Inc. at September 30, 1991 and 1990, 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,			
	1991		1990	
	Current Funds	General fixed	Total	Total
	<u>Unrestricted</u>	<u>Restricted</u>	<u>asset fund</u>	<u>all funds</u>
ASSETS				
Cash, including certificates of deposit of \$400,000 in 1990	\$ 25,221		\$ 25,221	\$ 551,744
Marketable securities, at cost	5,245		5,245	11,252
Grants receivable (Note 2)		\$ 38,375	38,375	332,289
Unbilled grants receivable (Note 2)		818,578	818,578	
Bequests receivable (Note 1)	431,595		431,595	205,125
Other receivables, net of \$48,000 allowance for doubtful accounts in 1990	225,096		225,096	203,479
Mailing list acquisition costs (Note 1)	208,266		208,266	
Donated art (Note 1)	188,000		188,000	188,000
Prepaid expenses and other assets	29,211		29,211	41,306
Interfund receivable (payable)	682,225	(682,225)		
Property and equipment, at cost:				
Land and buildings			\$ 313,937	313,937
Improvements to land and buildings			181,757	145,329
Office equipment and furnishings			532,976	529,893
Professional library			133,597	127,585
Less: accumulated depreciation			(656,634)	(580,677)
	<u>\$1,794,859</u>	<u>\$ 174,728</u>	<u>\$ 505,633</u>	<u>\$ 2,475,220</u>
			<u>\$2,475,220</u>	<u>\$ 2,069,262</u>
LIABILITIES AND FUND BALANCES				
Accounts payable	\$ 435,949		\$ 435,949	\$ 346,766
Other accrued expenses	319,999		319,999	268,450
Deferred revenue (Notes 1 and 2)	431,595	\$ 174,728	606,323	901,698
Line of credit (Note 3)	300,000		300,000	
Mortgage and notes payable (Note 3)			\$ 101,809	88,433
Fund balances	307,316		403,824	463,915
Commitments (Note 4)				
	<u>\$1,794,859</u>	<u>\$ 174,728</u>	<u>\$ 505,633</u>	<u>\$ 2,475,220</u>
			<u>\$2,475,220</u>	<u>\$ 2,069,262</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,				
	1991			1990	
	Current Funds Unrestricted	Restricted	General fixed asset fund	Total all funds	Total all funds
Support and revenue: (Note 5)					
Governmental grants		\$2,744,102		\$2,744,102	\$ 2,358,623
Foundation and trust grants		1,346,392		1,346,392	1,618,725
Contributions	\$1,139,033			1,139,033	1,047,425
Legal fees		393,566		393,566	325,198
Other	638,744			638,744	552,068
Total support and revenue	<u>1,777,777</u>	<u>4,484,060</u>		<u>6,261,837</u>	<u>5,902,039</u>
Expenses:					
Program services: (Note 5)					
Litigation and client services	998,194	3,176,061	\$ 58,305	4,232,560	4,616,324
National Indian Law Library	62,914	209,870	3,853	276,637	349,796
Total program services	<u>1,061,108</u>	<u>3,385,931</u>	<u>62,158</u>	<u>4,509,197</u>	<u>4,966,120</u>
Support services:					
Management and general	160,492	557,459	10,195	728,146	535,285
Fund raising	157,885	505,111	9,273	672,269	816,933
Total support services	<u>318,377</u>	<u>1,062,570</u>	<u>19,468</u>	<u>1,400,415</u>	<u>1,352,218</u>
Total expenses	<u>1,379,485</u>	<u>4,448,501</u>	<u>81,626</u>	<u>5,909,612</u>	<u>6,318,338</u>
Excess (deficiency) of support and revenue over expenses	398,292	35,559	(81,626)	352,225	(416,299)
Fund balances, beginning of year	16,281		447,634	463,915	880,214
Other changes in fund balances:					
Acquisition of property and equipment	(37,523)	(13,669)	51,192		
Acquisition of new mortgage			(105,000)	(105,000)	
Repayment of mortgage and notes payable	(69,734)	(21,890)	91,624		
Fund balances, end of year	<u>\$ 307,316</u>	<u>\$ -</u>	<u>\$ 403,824</u>	<u>\$ 711,140</u>	<u>\$ 463,915</u>

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

NATIVE AMERICAN RIGHTS FUND, INC.
NOTES TO FINANCIAL STATEMENTS
SEPTEMBER 30, 1991

**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 sources, revenue and related receivables are recognized to the extent of such costs unless, in management's opinion, future grant or contract funds will be insufficient. In such cases, costs are charged to unrestricted funds.

Contributions and donations from unrestricted sources are generally recognized when received. 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 (including segregation within the restricted fund by grant source), unrestricted and the general fixed asset funds is maintained in the accounting records. The interfund receivable (payable) results from the deficiency of net assets specifically identifiable with the restricted fund over deferred revenue at September 30, 1991.

Donated art

During fiscal 1990, NARF received donations of Native American art in collaboration with an association of Native American artists. The art was recorded as an asset and unrestricted revenue at its estimated fair market value of \$188,000. A corresponding expense and liability of \$56,000 was recorded in the accompanying financial statements to recognize a commitment to the artists' association for its assistance in obtaining the art donations. At September 30, 1991, the art is being held for sale.

Mailing lists

Costs incurred to acquire mailing lists are deferred until direct mailings occur.

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.

Fund raising

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

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

	For the year ended September 30,				
	1991		General fixed asset fund	Total all funds	1990
	Unrestricted	Restricted			Total all funds
Cash was provided by (used for):					
Excess (deficiency) of support and revenue over expenses	\$ 398,292	\$ 35,559	\$ (81,626)	\$ 352,225	\$ (416,299)
Add (deduct) items not affecting cash:					
Deferred revenue and grants receivable recognized as support and revenue		(1,553,526)		(1,553,526)	(1,070,673)
Deferred revenue received and grants receivable collected		507,017		507,017	1,650,451
Bad debt expense	32,192			32,192	61,017
Depreciation			78,466	78,466	81,925
(Gain) loss on disposal of property and equipment			3,160	3,160	(1,886)
(Increase) decrease in other receivables	(248,087)			(248,087)	36,111
(Increase) in other assets	(196,173)			(196,173)	(182,229)
(Increase) decrease in interfund receivable/payable	(1,046,509)	1,046,509			
Increase in accounts payable	89,183			89,183	154,535
Increase in other liabilities	277,736			277,736	73,266
Cash provided by (used for) operations	(693,366)	35,559		(657,807)	386,218
Decrease in marketable securities	6,007			6,007	103,813
Net (payment) proceeds of debt	268,093			268,093	(100,000)
	<u>(419,266)</u>	<u>35,559</u>		<u>(383,707)</u>	<u>390,031</u>
Cash was used for:					
Net fund balance transfers	(107,257)	(35,559)	142,816		
Acquisition of property and equipment, net			(51,192)	(51,192)	(28,553)
Repayment of mortgage and notes payable			(91,624)	(91,624)	(3,426)
		<u>(35,559)</u>			<u>(31,979)</u>
Increase (decrease) in cash	<u>\$ (526,523)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (526,523)</u>	<u>\$ 358,052</u>

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

General fixed asset fund

The general fund 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 insurance 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 (10 year), copiers (5 year), and computer hardware and software (5 years), and the declining balance method for other property and equipment (10 years).

NOTE 2 - RESTRICTED GRANTS RECEIVABLE AND DEFERRED REVENUE

Restricted grants receivable and deferred revenue consist of the following individual restricted grants or contracts.

	September 30,			
	1991		1990	
	Grants receivable	Deferred revenue	Grants receivable	Deferred revenue
Bureau of Indian Affairs (Unbilled in 1991)	\$818,578	\$ 1,600	\$310,928	\$ -
The Rockefeller Foundation	32,314	-	3,238	-
John D. and Catherine T. MacArthur Foundation	-	68,714	-	46,801
Department of Health and Human Services-Administration for Native Americans	-	44,084	13,976	-
Ford Foundation	-	-	-	618,894
Legal Services Corporation	-	24,909	4,147	-
Other	6,061	35,361	-	30,878
	<u>\$856,953</u>	<u>\$174,728</u>	<u>\$332,289</u>	<u>\$696,573</u>

NOTE 3 - MORTGAGE AND NOTES PAYABLE

Mortgage and notes payable consists of the following:

	September 30,	
	1991	1990
Line of credit; face amount of \$300,000; renewable January 1992; interest at the prime rate (8%) payable monthly; secured by land and building at 1506 Broadway, Boulder, Colorado	\$300,000	\$ -
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.	-	69,733
Note payable in equal monthly installments of \$1,750, including interests at 8.5%, with remaining principal balance due October 1995; secured by land and building at 1712 N Street, N.W., Washington, D.C.	85,750	-
Promissory note payable in 58 monthly installments of \$220 principal, plus accrued interest at 11%, with one final principal payments of \$13,420 plus accrued interest to date; due April 1992	16,059	18,700
	401,809	88,433
Less: current portion	(337,059)	(4,269)
Due beyond next fiscal year	<u>\$ 64,750</u>	<u>\$ 84,164</u>

Annual maturity requirements on the mortgage and notes payable are as follows (fiscal years): 1992 - \$337,059; 1993 - \$21,000; 1994 - \$21,000; 1995 - \$21,000; 1996 and beyond - \$1,750.

NATIVE AMERICAN RIGHTS FUND, INC.
STATEMENT OF FUNCTIONAL EXPENSES

For the year ended September 30,								
1991							1990	
	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	\$1,106,668	\$ 96,330	\$1,202,998	\$302,362	\$122,601	\$ 424,963	\$1,627,961	\$1,573,577
Support staff	335,091	51,272	386,363	99,651	40,824	140,475	526,838	581,875
Fringe benefits	<u>296,558</u>	<u>51,153</u>	<u>347,711</u>	<u>95,071</u>	<u>54,693</u>	<u>149,764</u>	<u>497,475</u>	<u>468,754</u>
Total salaries and related costs	1,738,317	198,755	1,937,072	497,084	218,118	715,202	2,652,274	2,624,206
Contract fees and consultants	1,479,048	6,563	1,485,611	52,272	148,329	200,601	1,686,212	1,569,168
Travel	273,296	1,020	274,316	31,235	8,838	40,073	314,389	511,379
Space costs	72,674	14,289	86,963	29,697	12,221	41,918	128,881	135,436
Office expenses	493,400	40,446	533,846	97,476	267,360	364,836	898,682	1,195,247
Equipment maintenance and rental	21,661	5,257	26,918	8,929	3,640	12,569	39,487	36,437
Litigation costs	12,101		12,101				12,101	33,759
Library costs	<u>54,984</u>	<u>6,405</u>	<u>61,389</u>	<u>1,129</u>	<u>4,371</u>	<u>5,500</u>	<u>66,889</u>	<u>71,650</u>
Expenses before bad debts and property transactions	4,145,481	272,735	4,418,216	717,822	662,877	1,380,699	5,798,915	6,177,282
(Gain) loss on disposal of property and equipment	1,960	198	2,158	524	478	1,002	3,160	(1,886)
Depreciation	56,048	3,704	59,752	9,800	8,914	18,714	78,466	81,925
Bad debt expense	<u>29,071</u>		<u>29,071</u>				<u>29,071</u>	<u>61,017</u>
Total expenses	<u>\$4,232,560</u>	<u>\$276,637</u>	<u>\$4,509,197</u>	<u>\$728,146</u>	<u>\$672,269</u>	<u>\$1,400,415</u>	<u>\$5,909,612</u>	<u>\$6,318,338</u>

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

NOTE 4 - COMMITMENTS

NARF leases equipment under operating leases. Annual future minimum rental payments under operating leases are as follows (fiscal years): 1992 - \$46,000; 1993 - \$28,000; 1994 - \$15,000; 1995 - \$6,000. Rental expense was \$49,699 and \$33,923 for 1991 and 1990, respectively.

NOTE 5 - RESTRICTED REVENUE AND PROGRAM EXPENSES

Restricted grant revenues consist of the following restricted grants or contracts:

	Year ended September 30,	
	1991	1990
Bureau of Indian Affairs	\$1,302,000	\$1,213,790
Department of Health and Human Services - Administration for Native Americans	1,200,187	861,002
Ford Foundation	668,894	763,166
Legal Services Corporation	241,915	283,611
The John D. and Catherine T. MacArthur Foundation	178,088	175,128
Rockefeller Foundation	254,076	59,238
Skadden Fellowship	84,088	41,635
Bush Foundation	53,867	34,540
Merck Foundation	—	25,000
Knistrom	—	21,919
Others	<u>500,945</u>	<u>380,910</u>
	<u>\$4,484,060</u>	<u>\$3,859,858</u>

Total program expenses for the year ended September 30, 1990 included \$4,448,501 in restricted program expenses.

Acknowledgement of Contributions for Fiscal Year 1991

The Native American Rights Fund would like to acknowledge the generous support given by the following contributors during the 1991 fiscal year (October 1, 1990 - September 30, 1991)

Foundations

Bay Foundation
Bush Foundation
Carnegie Corporation of New York
Cummins Engine Foundation
Ford Foundation
General Service Foundation
John D. & Catherine T. MacArthur Foundation
New York Community Trust
New-Land Foundation
Rockefeller Foundation
Seidman Family Foundation
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Corporations and Other Granting Institutions

Black Oak Books
Center for Studies of Ethnicity and Race in America/University of Colorado at Boulder
Combined Jewish Philanthropies
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New Leaf Distributing
Polo Shop/Aspen
Santa Fe Natural Tobacco Company
Sinte Gleska College
Skadden, Arps, Slate, Meagher and Flom
Wild Oats Market
Whole Earth Center of Princeton, The
XYZ Corporation (James Travel)

Tribal Contributions

Confederated Tribes of Warm Springs
Eight Northern Indian Pueblo Council
Mashantucket Pequot Tribe
Prairie Island Tribal Council
Stockbridge-Munsee Tribal Council
The Confederated Salish & Kootenai Tribes of the Flathead Nation
The Shoshone-Bannock Tribes

Federal Programs

Administration for Native Americans
Bureau of Indian Affairs
Legal Services Corporation

Legal Advocates Society

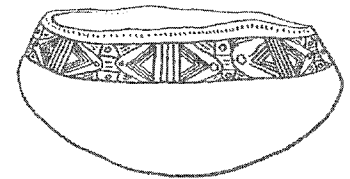
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Mrs. Fanny H. Arnold
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Susan Bartlett
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(Thank you to more than 32,000 additional people throughout the United States who supported our efforts in 1991.)



NARF 21st Century Trust

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Institute for Resource Management
NARF Staff
Wampanoag Tribal Council of Gay Head, Inc.

Matching Gifts

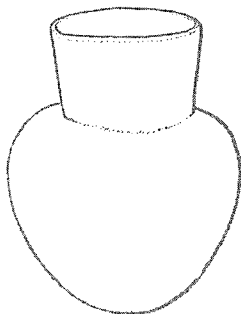
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 Margaret E. McDonough *through US West Foundation*
 Mary Susan Heise *through US West Foundation*

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Christopher T. Aquilino - Washington, D.C.
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 James Botsford - Rosalie, NE
 Phil Converse - Memphis, TN
 DWI Associate - Boulder, CO
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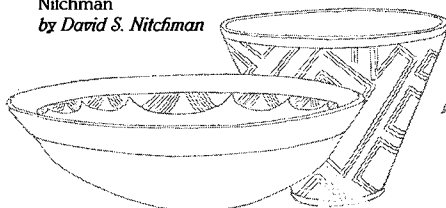
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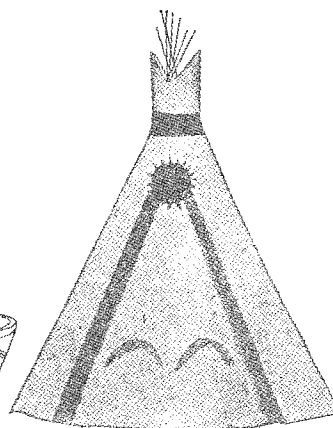
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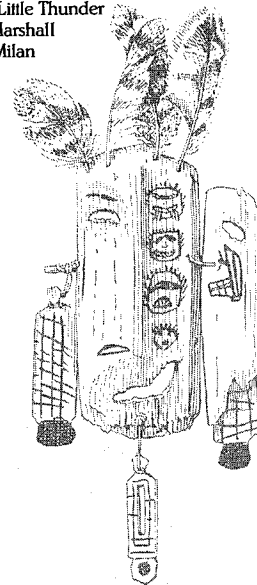


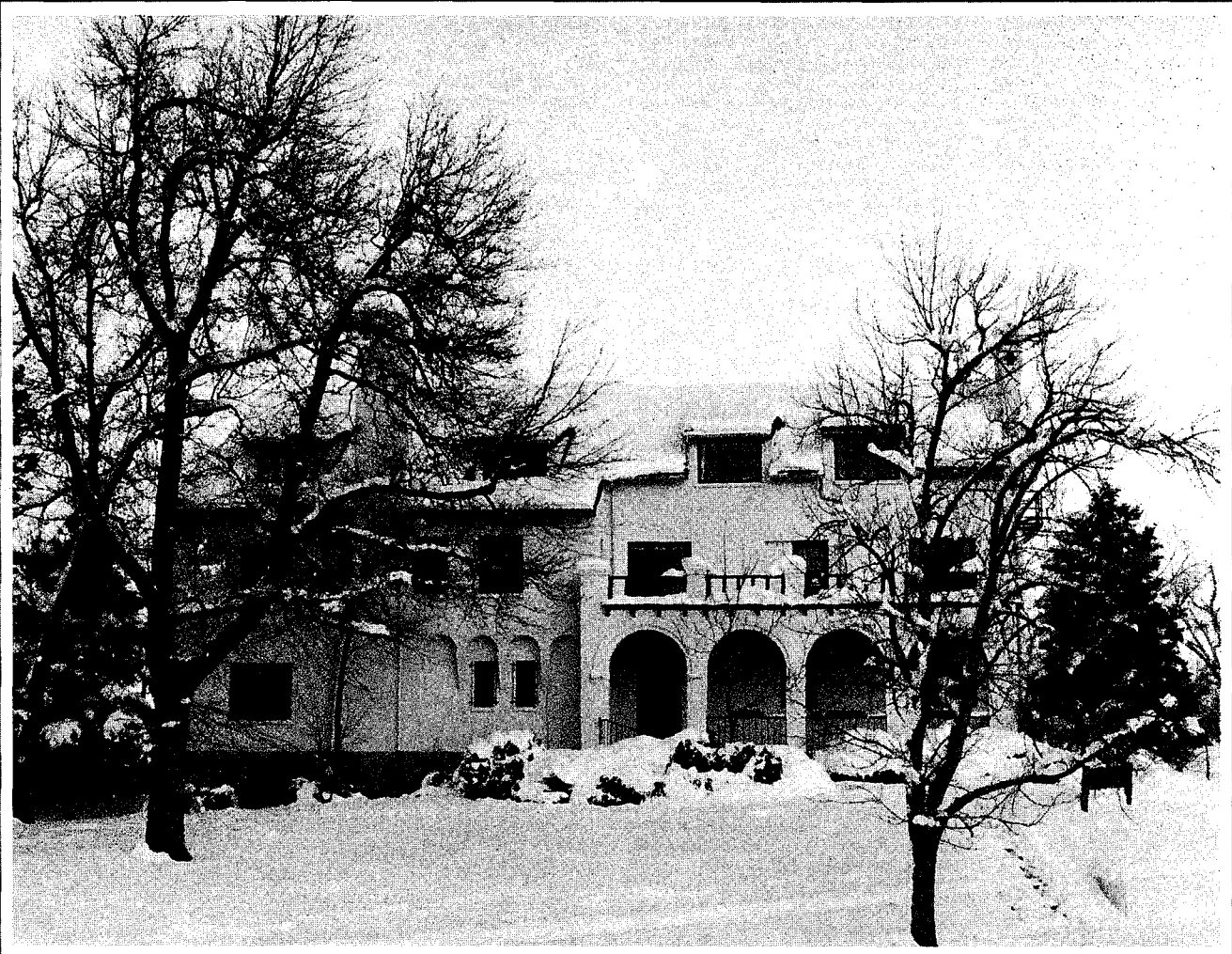
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Thank you to the thousands of federal, state and municipal employees throughout the country who, through a payroll deduction, contributed more than \$115,000 to NARF in 1991.

Artists Contributing to the "Artists and Advocates" Traveling Art Auction in '91

Wilbur Bears Heart, Jr.
 Merlin Little Thunder
 Alvin Marshall
 Pablo Milan





6

I have seen your power, I have felt your power, and I'm convinced that it has always been there. After all, all you have to do is to look back in your history, and . . . you will note that you have survived every effort of the most powerful government on this globe to exterminate you, to deceive you, to destroy your culture, destroy your language, to rob you of your land and resources. You have survived all of this. You are the living testament of this . . . [Y]ou have the power and the spirit to carry on. Tomorrow and in the days to come, I think the world will see how you will exercise your power in new ways. This nation will see Indian governments emerging as proud and strong . . . I think America will begin to see a people that has refused to be conquered . . . [Y]ou have set yourselves upon a course of overcoming any and all obstacles that history has placed in your path.

Senalor Daniel K. Inouye, 1991