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NILL No. 013309/1996



Native American Rights Fund *Annual Report 1996*



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ANNUAL REPORT 1996

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Cover:

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Contemporary photos by Ray Ramirez.

Design and layout: Nakota Designs
(303) 255-1730. Contact: Walt Pourier
Concept: traditional people and the land.

Tax Status The Native American Rights Fund (NARF) is a non-profit, 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. NARF was founded in 1970 and incorporated in 1971 in Washington, D.C.



Chairperson's Message

As the 1996 elections have come and gone, Indian country must prepare once again for the direction that legislative policies will take. The 105th Congress is anticipated to be similar to the 104th Congress in its sentiments towards Indians and we can expect the continued introduction of congressional bills intending to attack tribes and erode tribal sovereignty. Since 1992, there have been 38 new senators and 270 new House representatives elected — most of whom have little, if any, knowledge of tribes, Indian law, treaties nor the meaning of a

government-to-government relationship between tribes and the federal government. Consequently, Indian people and tribal governments face significant challenges.

Given the fact that in recent years, states' rights have taken precedence in all forums, continued protection of established tribal guarantees has become nearly impossible. With non-Indian attitudes steeped in both ignorance and mal-intent, many state and local governments blatantly refuse

to respect the sovereign attributes of Indian nations. To compound matters, this position has been carried forward by a Congress that has consistently sidestepped any responsible process of consultation or negotiation with tribes as to implementation of new legislation, budget cuts, and the redirection of funds to state and local governments. While the federal government has been assisting states in an orderly transfer over control of programs and services, previously administered at the federal level, Indian tribes are not being given comparable administrative support for facilitating implementation on the reservations. States have had lots of help and decades of time to develop their administrative infrastructures while tribes have experienced limited and inadequate sup-

port, at best, for their program delivery systems. Decades of vacillating, contradictory federal Indian policies have deprived tribes of an opportunity to efficiently control and administer services for the benefit of tribal people.

As tribal leaders lamented, Indian tribes are charged, again and again, like an old record being played over and over again, with educating Congress and state governments on the sovereign rights of tribes arising from treaties, executive orders, federal statutes and a long history of legal precedent. In addition to protections of daily needs, tribal governments must ensure that the trust obligations of the United States owed to American Indian and Alaska Natives are not diminished in any way. The unique government-to-government relationship between American Indian and Alaska Native tribes and the United States government must never be compromised.

At a post-election meeting with tribal leaders, Senator Daniel Inouye (D-HI), Vice-Chairman of the Senate Indian Affairs Committee, stated:

...“In this moment of uncertainty, there is one thing that is clear. The political seas for the next two years will not be calm. It would be wise to anticipate many challenges — challenges that will have a profound impact upon your future and challenges that may set you back and take away some of the gains you have fought for, for many decades. In other words, I look upon the next two years as the most serious challenge to Indian country since I became a member of the Senate Committee on Indian Affairs 19 years ago.”

The struggle continues; the battle never ends — but the reasons for keeping our mission alive are honorable reasons.

Evelyn Stevenson



Executive Director's Message

In 1996, the Native American Rights Fund continued to provide legal advice and representation to Indian tribes, organizations and individuals on issues of major significance to Native American people across the nation. The access to justice made possible by NARF's assistance resulted in several important legal victories and developments during the year.

In *Mustang Fuel Corporation v. Hatch*, a federal appeals court upheld the sovereign authority of the Cheyenne-Arapaho Tribes of Oklahoma to impose a severance tax on oil and gas development activities by energy companies on allotted Indian lands held in trust for individual Cheyenne and Arapaho tribal members by the federal government. NARF represents the Tribes' Tax Commission in the case in its efforts to collect over \$1 million annually in tribal governmental tax revenue.

NARF was successful in another tribal tax case which is a landmark ruling for tribes in Alaska. A federal appeals court in *Alaska v. Native Village of Venetie* held that Venetie is a dependent Indian community and that its Alaska Native Claims Settlement Act lands are Indian country over which the Venetie tribal government has power to tax. The State of Alaska is seeking review of the case by the United States Supreme Court.

In an important tribal court jurisdiction case, a federal district court ruled in *Nevada v. Hicks* that the Fallon Paiute-Shoshone Tribal Court has jurisdiction over a case filed by a tribal member against state wildlife officers for civil rights violations. The officers had confiscated possessions of the tribal member in criminal investigations on two occasions that resulted in no charges and had returned the possessions in damaged condition. NARF represents the Tribe in the case.

The Court of Federal Claims has held in *Alabama-Coushatta Tribe of Texas v. United*

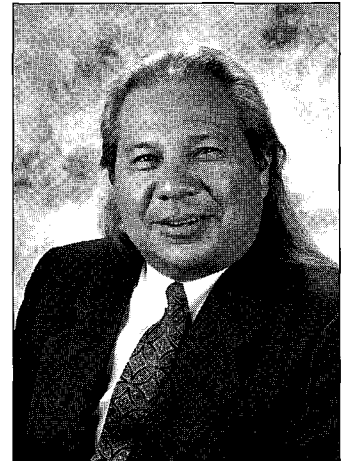
States that the United States should compensate the Tribe for the loss of 3.4 million acres of ancestral land in east Texas illegally taken between 1845 and 1954. NARF has represented the Tribe since 1981 and is currently involved in negotiations with the United States over the amount of compensation.

In *Cheyenne-Arapaho Tribes v. Woods*, the Tribes received a \$1.5 million settlement from the oil companies involved. NARF had won a 1992 ruling that three tribal oil and gas leases had been extended illegally by the oil companies and the federal government at below market rates and without tribal consent. A separate claim for damages against the federal government is pending.

The Comprehensive Federal Indian Education Policy Statement that NARF has been drafting for the National Congress of American Indians was approved in convention and will be presented to the Clinton Administration for adoption and implementation. It addresses broad issues such as the government-to-government relationship between Indian tribes and the federal government and the primacy of tribal governments in Indian education.

In order for NARF to sustain its program of national Indian legal representation into the future, we will need the continued financial support of all of those who have assisted us throughout the nation and additional support from new contributors. We thank you for your help and encourage you to keep supporting the access to justice provided to Native Americans through the existence of the Native American Rights Fund.

John E. Echohawk





Board of Directors

The Native American Rights Fund has a governing board composed of Indian leaders from across the country — wise and distinguished people who are respected by Indians nationwide. The NARF Board of Directors, whose members serve a maximum of six years, provide NARF with leadership and credibility and the vision of its members is essential to NARF's effectiveness in representing its Native American clients.



Left to Right (sitting)

Judy Knight-Frank
(*Ute Mountain Ute, Colorado*);
Mildred Cleghorn
(*Fort Sill Apache, Oklahoma*);
Rebecca Tsosie (*Pasqua Yaqui, Arizona*);
Kathryn Harrison
(*Confederated Tribes of Grand Ronde, Oregon*);

(standing)

Cliv Dore (*Passamaquoddy, Maine*);
David Archambault
(*Standing Rock Sioux, North Dakota*);
former Board member
Willie Kasayulie (*Yup'ik, Alaska*);
Rev. Kaleo Patterson
(*Native Hawaiian, Hawaii*);
Gilbert Blue (*Catawba, South Carolina*);
and Will Mayo, Vice Chairman
(*Native Village of Tanana, Alaska*).

Not pictured:

Roy Bernal (*Taos Pueblo, New Mexico*);
Ernest Stevens, Jr.
(*Wisconsin Oneida, Wisconsin*);
and, Mike P. Williams (*Yup'ik, Alaska*).



Introduction

The Native American Rights Fund is a legal organization devoted to the assertion and the protection of Indian rights and to the orderly development of the body of law affecting Indians. Native Americans continue to be concerned over controversies in areas such as self-determination and sovereignty rights, self-government, treaty rights, economic development, land rights, environmental protection, violation of human rights, discrimination, cultural protection, and religious freedom.

For the past 26 years, the Native American Rights Fund (NARF) has represented over 190 Tribes in 31 states in such areas as tribal restoration and recognition, land claims settlements, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides NARF has made in achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its ability to bring excellent, highly ethical legal representation to dispossessed Tribes. NARF has been successful in representing Indian tribes and individuals in cases that have encompassed every area and issue in the field of Indian law. 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.

The Founding of the Native American Rights Fund

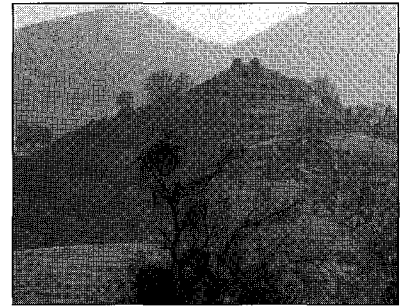
In the 1960's, the federal government and private philanthropists began to address the inability of underserved populations to access legal services. The federal government funded a network of legal services programs to serve a variety of populations and it soon became apparent through the work of those programs that there were several population groups among those needing legal services which had unique needs.

Native Americans, whose lives have long been governed by the hundreds of treaties, thousands of federal statutes, and numerous regulations and administrative rulings which make up the specialized body of law known as federal Indian law, were one such group whose needs demanded a specialized legal practice with a national purview.

The Native American Rights Fund was formed in California in 1970 to address the need for a central, national perspective in the practice of federal Indian law. NARF, then a pilot project, was assisted in its work by the legal academic community and California Indian Legal Services. Funding was provided by the Ford Foundation.

The need for NARF's services was quickly established, and in 1971, NARF moved its growing staff to Boulder, Colorado, a location more central to Indian country. 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 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*.





The Preservation of Tribal Existence

The most critical issue facing Indian tribes today is the preservation of their existence as governmental entities with all the power and authority that such 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. Tribal governments possess the power to regulate the internal affairs of their members as well as the activities within their reservations.

Conflicts often arise with states, the federal government, and others over tribal sovereignty. During 1996, NARF handled several major cases that affected the sovereign powers of tribes. These cases involved serious issues of taxation and jurisdiction in several states. For other tribes, the issue is as basic as

persuading the federal government to recognize their status as tribes.

Tribal Sovereignty

Several of these cases represent part of an on-going and extremely important effort to protect the viability and integrity of tribal courts nationally. Tribal judicial systems are under ceaseless attack from those who do not wish to be held accountable for their conduct while on Indian reservations. Tribes look to the federal courts to uphold the right of tribes to provide a forum for the resolution of civil disputes which arise within their territories, even when those disputes involve non-Indians.

NARF believes that protection of tribal jurisdiction is a long and well-documented struggle dating to the very beginnings of this nation's founding. The question is whether the original people of this land will be allowed to define and protect their way of life in those situations where outsiders seek to avoid accountability in tribal courts for their actions while on Indian lands.

In *Strate v. A-1 Contractors*, the United States Supreme Court agreed in October, 1996, to review a decision by the U.S. Court of Appeals for the Eighth Circuit. The case involves the jurisdiction of the tribal court of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota to decide a personal injury case between two non-Indians on the reservation. A non-Indian resident of the reservation was involved in an automobile collision on a state highway within the reservation with a non-Indian owner/employee of a landscape construction company located off the reservation but conducting business on the reservation under a subcontract with the Tribe. The Court of Appeals held that the tribal court does not have jurisdiction over the case.

NARF senior attorney Melody McCoy (Cherokee) presented arguments before the United States Supreme Court on behalf of the Three Affiliated Tribes which consist of the Mandan, Hidatsa and Arikara. She argued that tribal courts should have jurisdiction along with state courts over motor vehicle torts that threaten the reservation community, even if they occur on state highways with rights-of-way across the reservation. Ms. McCoy is just one of five Indian women to argue a case before the

"I feel very close to the moon.
I feel close to the sun. I feel
close to the earth, the femininity
of Mother Earth. When you think
about all these things, you just
become a part of them and they
become a part of you."

(Tohono O'Odham man)

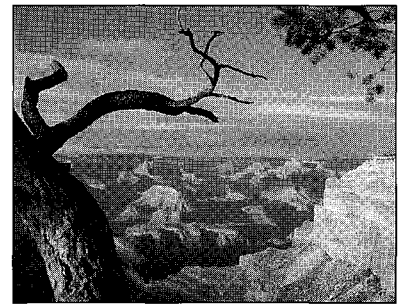
United States Supreme Court. Two of the other four women were also NARF attorneys.

The Cheyenne and Arapaho Tribes of Oklahoma prevailed in its objective to defend its right to tax oil and gas production on allotted Indian lands when the United States Court of Appeals for the Tenth Circuit upheld the Tribes' right in an August, 1996, decision in *Mustang Fuel Corporation v. Hatch*. The allotments, 160 acre land parcels held in trust by the federal government for members of the Tribes, are scattered throughout nine counties in western Oklahoma. The parcels are virtually all that remains of the Cheyenne and Arapaho 4.5 million acre reservation which the federal government took back in 1890. In reviewing the case, the federal appeals court held that "the Tribes have an inherent sovereign power to tax economic activities on their lands, and because the allotted lands are within their jurisdiction, the Tribes have the power to enact and enforce a severance tax on oil and gas production from allotted lands." The Cheyenne and Arapaho Tribes first enacted the tax in 1988 to raise \$1 million annually for roads, schools, and housing for their 10,000 members, many of whom live in poverty. Nineteen oil companies, who for decades have been extracting oil and natural gas from the allotments, immediately challenged the tax and are expected to seek review of this decision in the United States Supreme Court.

The Native American Rights Fund represents the Native Village of Venetie in *Alaska v. Native Village of Venetie*. This case involves the Tribe's authority to impose a tax on a non-tribal member who engages in business activity within the Village. In November, 1996, the Ninth Circuit

Court of Appeals held that the 1971 Alaska Native Claims Settlement Act (ANCSA) did not extinguish Indian country in Alaska and that the land that Venetie occupies is Indian country over which it has taxation authority. The *Venetie* decision represents a complete and unqualified victory for the tribes in Alaska. It eliminates the argument that ANCSA extinguished the territorial power of the Tribes. This holding is not unique to Venetie and therefore, will apply to virtually all other Native villages, removing the barrier for other Alaska tribes to establish their Indian country status and jurisdiction. Moreover, many of the factual conclusions made in the Venetie case are common to many if not most rural Alaska Native communities. The State of Alaska is now expected to petition the United States Supreme Court to review the case.

In a similar case, NARF represents the Kluti Kaah Native Village of Copper Center, a traditional tribe, in its effort to collect tribal taxes from several 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 Kluti Kaah was not a federally-recognized tribe and, thus, lacked taxing authority. In November, 1996, the Ninth Circuit Court of Appeals, concluded that when Congress authorized establishment of the Trans-Alaska Pipeline corridor, Congress also implicitly precluded ANCSA corporations from selecting lands within the corridor and intended to preclude corridor lands from having Indian country status. As a result, the Court ruled that the Kluti Kaah Tribe could not tax the pipeline.

In *Native Village of Barrow v. City of Barrow*, another Indian country case, NARF represented the Native Village of Barrow in efforts to stop the City of Barrow from allowing liquor sales in the community. The boundaries of the Village and the City are roughly contiguous and the population is 36% non-Native. Federal law prohibits the sale of liquor in Indian country without tribal consent and the Village is opposed to liquor sales. The Village is also composed of numerous Native allotments and townsite lots held in trust by the United States which by law are defined as Indian country. In February, 1996, the Ninth Circuit Court of Appeals granted the Native Village of Barrow an injunction banning all liquor pending an appeal. In the interim, the City of Barrow voted to go "dry" under a state local option election and accordingly, in March, 1996, Barrow's federal case was voluntarily dismissed without prejudice.

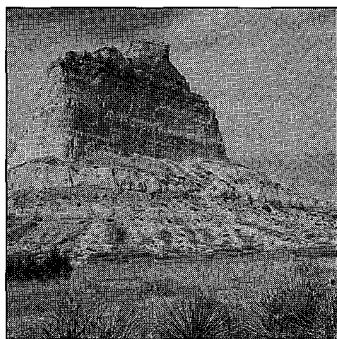
In *Nevada v. Hicks*, two officers of the Nevada Division of Wildlife, on two separate occasions, searched the residence and confiscated possessions of a member of the Fallon

Paiute-Shoshone Tribe. The tribal member resides on his Indian allotment land within the Fallon Paiute-Shoshone Indian Reservation in Nevada. It was determined that the tribal member committed no crime. His possessions were returned, but in damaged condition. As a result, the tribal member sued the officers in Fallon Paiute-Shoshone Tribal Court for the violation of his civil rights. The officers contested the jurisdiction of the Tribal Court in both the Tribal Court of Appeals (which affirmed the Tribal Court's jurisdiction) and the Federal District Court for Nevada. NARF represented the Tribe in the Federal District Court, which ruled in October, 1996, that the Tribal Court does indeed have jurisdiction to hear the case. The State has appealed this ruling to the U.S. Court of Appeals for the Ninth Circuit.

NARF participated with the Tribal Working Group on the Endangered Species Act in negotiations with the Departments of Interior and Commerce over a Secretarial Order. The purpose of the Order is to harmonize the federal Indian trust responsibility, the government-to-government relationship that exists between the tribes and the federal government, and the Endangered Species Act.

Federal Recognition of Tribal Status

NARF currently represents six 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 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.

For more than 100 years, these Indian communities have been foreclosed from the benefits of a formal federal relationship with the federal government. Through administrative acknowledgment, NARF is now trying to bridge that gap.

On behalf of the United Houma Nation of Louisiana, NARF is responding to proposed findings against federal acknowledgment issued by the Bureau of Indian Affairs (BIA) under their acknowledgment regulations. The Tribe had asked the Department of Interior to revise those regulations based on the 1994 amendments to the Indian Reorganization Act. The Department declined and the Tribe filed suit in the Federal District Court for the District of Columbia. The Tribe applied to the Court for a preliminary injunction staying proceedings on its petition for recognition until the Court decides whether the regulations should be revised. The preliminary injunction was denied in October, 1996.

On behalf of the Mashpee Wampanoag Tribe of Massachusetts, NARF responded to a notice of obvious deficiency issued by the BIA in February, 1996, after NARF had filed a recogni-

tion petition for the Tribe. NARF completed a petition for federal recognition in 1994 on behalf of the Little Shell Tribe of Chippewa Indians of Montana and is pressing the BIA for active consideration. Petitions for federal recognition are being prepared and will be filed by NARF on behalf of the Shinnecock Tribe of New York and the Pamunkey Tribe of Virginia.

In *Miami Nation of Indians v. Babbitt*, NARF is challenging the Bureau of Indian Affairs' 1992 denial of the Miami Nation's petition for federal recognition. The United States District Court for Indiana rejected the Miami's claim that they were recognized by a 1854 treaty and have never been terminated by Congress. The Court is currently considering other Miami claims that the BIA erroneously rejected their petition by misapplying the criteria that must be met for recognition. The BIA is also being asked to reconsider its decision based upon 1994 changes in the recognition regulations and related legislative and litigation developments.

On behalf of its federal recognition clients, NARF continued to monitor three recognition bills pending in Congress in 1996 that would reform the federal recognition process. NARF's recognition clients support only one of these bills that would change the process and criteria for recognition. NARF has testified on this bill and has worked against those bills that would make unnecessary and harmful changes to the recognition procedures and criteria.





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, the practice of tribal sovereignty is difficult. NARF helps Indian people to establish and maintain ownership and control of land and to assert their rights to water and hunting and fishing.

Protection of Indian Lands

The Alabama-Coushatta Tribe of Texas may now be entitled to compensation for the loss of millions of acres of fertile forest that they once occupied in southeast Texas. The Tribe has been represented by the NARF since 1981 in their quest to prove that their ancestral land was illegally taken from them by settlers. In July, 1996, the United States Court of Federal Claims ruled in *Alabama-Coushatta Tribe of Texas v. United States* that the United States

should compensate the Alabama-Coushatta Tribe for the loss of 3.4 million acres of ancestral land illegally taken between 1845 and 1954. This land includes all or part of 12 southeast Texas counties and has been the center for oil, gas and timber production. NARF and the Tribe are now conducting extensive research on determining the law of compensation for the loss of use and occupancy of the land, including fair rental

value and profits from oil, gas and timber produced over the years. Initial settlement discussions with the United States have begun. Also in Texas, NARF has resumed representation of the

Ysleta del Sur Pueblo on their claim to aboriginal lands in west Texas and research is in progress.

NARF represents the Keewatinosagaing or "Northern Lakes" Pottawatomi Nation of Canada before the United States Court of Federal Claims on their claim against the United States for compensation for outstanding treaty entitlements. Under a Congressional reference resolution passed by the United States Senate, the Court is asked to report to the Senate on the treaty claims of the Canadian Pottawatomi against the United States. In a status conference with the Court in August, 1996, the Court rejected the notion proposed by the government that the Tribe constituted a group of "happy migrants" when they left the United States after 1838. In addition to trial preparation, NARF has now begun settlement discussions with the United States, since the government has concluded that the Court is likely to find government liability.

In *Cheyenne-Arapaho Tribes v. Woods*, NARF won a 1992 federal appeals court decision enjoining the BIA from illegally extending the terms of three tribal oil and gas leases in Oklahoma at below market rates without tribal consent and establishing a breach of the federal government's fiduciary duty to manage Indian trust lands prudently. In July, 1996, the Tribes received a \$1.5 million settlement from the energy companies involved in the *Woods* case. In *Cheyenne-Arapaho Tribes v. United States*, a separate claim for damages against the United States is currently pending in the U.S. Court of Federal Claims.



The Stockbridge-Munsee Tribe of Wisconsin, represented by NARF, has a land claim to 26,000 acres in New York pending in federal district court in New York against the State of New York and various local governments. The claim is based on the 1790 Non-intercourse Act as amended which invalidates any Indian land transactions which were made without federal approval. Plans are in process for negotiations on all Indian land claims in New York which would include this claim. On behalf of the Tribe, NARF has filed an *amicus curiae* brief in the United States Supreme Court in *Couder D'Alene Tribe v. Idaho* which will determine the issue of whether state officials are immune from suit by Indian tribes. The United States will now enter an appearance, as trustee, on behalf of the Tribe. With the United States as a party, the State of New York will be prevented from asserting its Eleventh Amendment immunity from suit.

NARF continued representing the San Juan Southern Paiute Tribe in the consolidated cases of *Masayesva v. Zah v. James* and *Navajo Tribe v. U.S. v. San Juan Southern Paiute Tribe*, cases involving the Navajo and Hopi Tribes in a dispute over an area of land in northern Arizona claimed by all three tribes. An Arizona federal district court in 1992 held that the San Juan Southern Paiutes had established exclusive use to 75 acres and joint use with the Navajo Tribe to another 48,000 acres of land. Those findings have been appealed to the Ninth Circuit of Appeals. Briefing has been completed and oral argument continues to be held up while settlement negotiations are carried on.

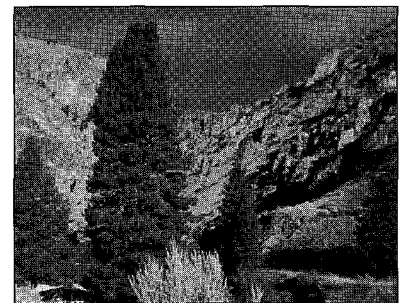
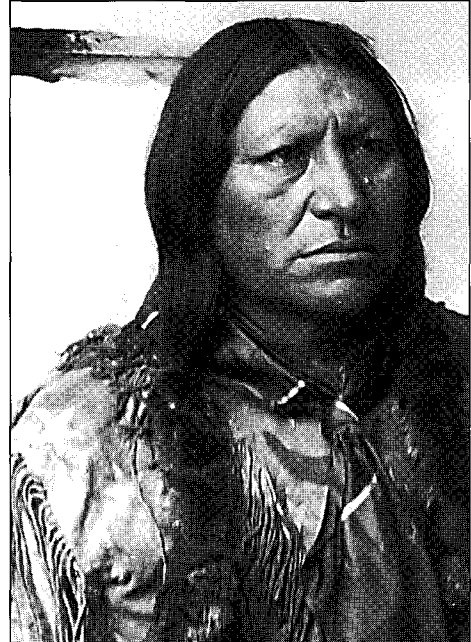
NARF continued its work with the Klamath Tribe of Oregon on their Economic Self-Sufficiency Plan (ESSP) which was mandated by Congress in 1986 in the Klamath Tribal Restoration Act

which reversed the Tribe's 1954 termination by Congress. The ESSP's chief recommendation is the return of federally held tribal lands, along with the assessment of the costs of termination of the government-to-government relationship and the loss of the tribal reservation lands to federal management. The

ESSP is under review by the Secretary of the Interior who must submit it to Congress with his recommendations.

NARF has played a key role in the implementation of federal environmental law and policy that recognizes tribal governments as the primary regulators and enforcers of the federal environmental laws on Indian lands.

NARF will continue to work with tribes, the National Tribal Environmental Council and other Indian organizations to maintain the progress that has been made with the Environmental Protection Agency and other federal agencies. As a member of the Green Group, the coalition of national environmental





organizations, NARF will continue to educate the environmental community on the role of tribes in environmental law and policy.

Water Rights

Establishing tribal rights to the use of water in the arid west continues to be a major NARF involvement. Under the precedent established by the United States Supreme Court in 1908 in the case of *Winters v. United States* and confirmed in 1963 in *Arizona v.*

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

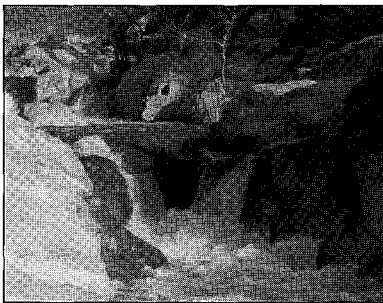
in the water-short West. Unfortunately, most tribes have not utilized their reserved water rights and most of these rights are unadjudicated or unquantified. As a result, tribal water claims constitute the major remaining water allocation issue in the West. The major need in each case is to define or quantify the exact amount of water to which each tribe is entitled. NARF pursues these claims on behalf of tribes through litigation or out-of-court settlement negotiations.

NARF continues to assist the Klamath Tribe in obtaining and reviewing the hydrological, biological and other studies required to adjudicate the Tribe's reserved water rights to support its 1864 treaty hunting and fishing rights. NARF began work with the Oregon Department of Water Resources to develop a timeline for the adjudication, including the deadline for filing claims, and to fashion an appropriate settlement negotiations framework for exploring a comprehensive, basin-wide Indian water rights settlement. NARF continued its efforts to change management of Upper Klamath Lake by the Bureau of Reclamation (BOR) in order to better protect the Tribe's treaty-protected fishery, including two species of fish which have been listed as endangered pursuant to the Endangered Species Act. This effort produced significant, favorable management changes, such as the development of written interim water management plans for 1995 and 1996 which adopted the Tribe's proposed water level for fishery purposes, an agreement to develop a long-term water plan, and a decision by the BOR to re-initiate consultations under the Endangered Species Act to determine better ways to protect the endangered fishery of Upper Klamath Lake.

NARF continued to implement and monitor the Fort McDowell Indian Community's water rights settlement in Arizona which was approved by Congress in 1991 and provides for 36,350 acre-feet of water, \$25 million for economic development and a \$13 million loan to assist the Tribe in putting its water to use. Part of the Tribe's water comes from the Central Arizona Project managed by the Bureau of

"You water your children like
you water the tree."

(Apache medicine man)



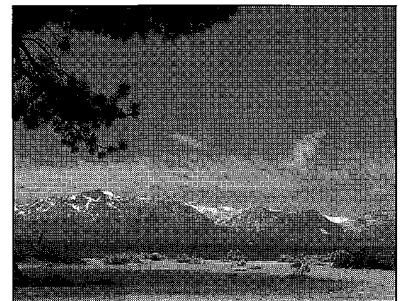
Reclamation, which is in the process of transferring management to the Central Arizona Water Conservation District. NARF is involved in these negotiations to protect the interests of the Tribe.

NARF is asserting the Chippewa-Cree Tribe's rights to water flowing on and through the Rocky Boys Reservation in Montana in settlement negotiations with the Montana Reserved Water Rights Compact Commission and the federal government. A Compact between the Tribe and the State has been preliminarily approved by both parties and has resolved virtually all major quantification and administration/mitigation issues concerning the Tribe's on-Reservation water rights. The goal of the Tribe and State is to have the Montana State Legislature ratify the Compact during its 1997 session. The Tribe and State have also secured a Congressional appropriation of \$300,000 to institute a feasibility study of the importation of water to the Rocky Boy's Reservation. The federal government has not yet agreed to support the Compact and have indicated concerns on the water importation issue.

NARF is also representing the Nez Perce Tribe of Idaho in efforts to secure their reserved water rights in the Snake River Basin adjudication in an Idaho state court. The Tribe is claiming sufficient water for instream flows to protect tribal fisheries and for irrigation and domestic uses. Settlement negotiations with the State of Idaho and private parties have been proceeding simultaneously with litigation, but the litigation is now stayed to allow negotiations to proceed without distractions.

For the past several years, NARF has been advising the Tule River Tribe in California on identifying the existence and scope of the Tribe's water rights and designing a conceptual water development plan for the Reservation. The Tribe anticipates requesting a federal water rights negotiating team soon to commence settlement negotiations over its water rights claims. The Tribe has received federal funding to establish a Tribal Water Resource Division and conduct a domestic water supply needs assessment.

NARF is represented on the Western Water Policy Review Advisory Commission which is composed of members appointed by the President and Congress. The Commission is to undertake a comprehensive review of federal activities in the 19 western states which affect the allocation and use of water resources and submit a report of findings and recommendations to Congress in 1997. It is hoped that the recognition and development of Indian reserved water rights and other Indian water issues can be prominently featured in the final report.





Hunting and Fishing

The right to hunt and fish in traditional areas, both on and off reservations, and for both subsistence and commercial purposes, remains a vital issue in Indian country. NARF has long been instrumental in assisting tribes to assert hunting and fishing rights, which are guaranteed by treaty or other federal law.

In 1995, the Ninth Circuit Court of Appeals ruled in favor of two Athabaskan Villages,

Mentasta and Dot Lake, that were denied their right to subsistence fishing by the State of Alaska and the federal government. The Ninth Circuit held that the federal government has the obligation to provide subsistence fishing priority on all navigable waters in Alaska in which the

United States has a federally reserved water right. The Court instructed the Departments of Interior and Agriculture to identify

those waters for the purpose of implementing federal, rather than state, regulation of subsistence activities. In April, 1996, the Department of the Interior announced their intention to amend the scope and applicability of the Federal subsistence program to include subsistence activities on inland navigable waters in which the United States has a reserved water right. However, Alaska's Congressional delegation blocked this effort by placing a temporary

moratorium on the federal government's ability to implement the court's decision.

In *Elim v. Alaska*, NARF represents several Norton Sound area Alaska Native villages that depend on Norton Sound chum salmon stocks for a subsistence fishery that is now in decline because the State allows those fish to be intercepted and harvested in the commercial sockeye salmon fishery at False Pass in the Aleutian chain. The suit asserts the legal priority that subsistence fishing has over commercial fishing under federal law. In 1995, the Alaska state court enjoined the State from providing for the False Pass fishery in 1996 until it further justified the taking of so many chum salmon. At its April, 1996 meeting, the State Board of Fisheries failed to reduce the chum salmon cap. In June, 1996, the Villages filed a motion to amend their complaint to challenge the Board's most recent actions which they believe violate the Alaska Constitution, the subsistence law and the mixed-stock policy.

The Kenaitze Indian Tribe is a federally recognized tribal government whose members are direct descendants of Tanaina (Dena'ina) Athabaskan Indians. The Tribe has occupied the Cook Inlet region for centuries and subsisted by harvesting and gathering the resources offered by the land and the sea with salmon as the primary subsistence resource. Under the Alaska National Interest Lands Conservation Act (ANILCA), residents of "rural" areas are given a subsistence priority over sport and commercial hunters and fishermen. In 1991, the Federal Subsistence Board declared large portions of the Kenai Peninsula to be nonrural, including the entire Kenai area, which comprises the primary

"It matters little where we pass the remnant of our days. They will not be many. The Indian's night promises to be dark. Not a single star of hope hovers above the horizon. Sad-voiced winds moan in the distance. Grim fate seems to be on the Red Man's trail, and wherever he will hear the approaching footsteps of his fell destroyer and prepare stolidly to meet his doom, as does the wounded doe that hears the approaching footsteps of the hunter."

(Chief Seattle, 1854)

hunting and fishing grounds for members of the Kenaitze Indian Tribe. The Kenaitze Indian Tribe, with NARF's assistance, will draft and submit a proposal to the Regional Advisory Council and the Federal Subsistence Board seeking to have the Board reverse its 1991 "non-rural" determination with respect to the Kenai Peninsula and declare the entire Kenai Peninsula to be "rural" within the meaning of the ANILCA.

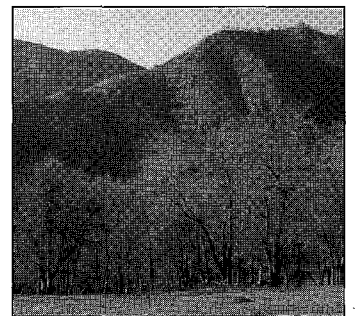
In *Kluti Kaah Native Village of Copper Center v. Rosier*, NARF assisted the Village in changing state and federal regulations governing the subsistence harvests of caribou and moose in the Copper River Basin. NARF argued that the Board of Game violated the state subsistence law by failing to provide an adequate hunting season to obtain moose for subsistence uses, and seeks to establish that the subsistence priority include consideration of customary and traditional uses of a resource. The Board of Game has elected to change the current regulatory regime and grant Kluti Kaah members an adequate hunting season.

NARF is assisting the Gwich'in Nation of Alaska and Canada in their opposition to ongoing Congressional efforts to open up the Arctic National Wildlife Refuge to oil development. The Gwich'in depend on subsistence hunting of the Porcupine caribou herd which has its calving grounds in the Refuge and fear that the herd would be adversely impacted by such development. President Clinton has pledged to veto any legislation that would allow development on the Arctic National Wildlife Refuge.

In a similar case, the Kluti Kaah Native Village challenged the federal agencies' exclu-

sion of certain waters and lands from the definition of public lands to which the subsistence priority applies. It also concerns issues regarding the extent of federal authority over species which are located in non-public lands but which migrate across public lands. In April, 1996, the federal agencies published a notice of proposed rule-making stating an intent to include such lands in the public lands definition.

In 1995, NARF filed *Native Village of Eyak v. Trawler Diane Marie, Inc.* which asserts aboriginal title on behalf of Alaska Native tribes to the Outer Continental Shelf in Prince William Sound and the Gulf of Alaska. It challenges the Department of Commerce's Individual Fishing Quota (IFQ) regulations for halibut and sable fish on the ground that such regulations authorize non-tribal members possessing IFQ's to fish within exclusive tribal fishing grounds without tribal consent, while at the same time prohibiting tribal members without IFQ's from fishing within their own aboriginal territory. The issue presented is whether the Alaska Native Claims Settlement Act of 1971 extinguished aboriginal title outside the three mile limit.



Major Activities 1996 NARF Case Map



Nez Perce Tribe
Water Rights (Idaho)



Klamath Tribe - Water Rights
& Self-Sufficiency (Oregon)



Fallon Paiute-Shoshone Tribes
Jurisdiction (Nevada)



Tule River Tribe
Water Rights (California)



San Juan Southern Paiute Tribe
Land Claim (Arizona)



Fort McDowell Indian Community
Water Rights (Arizona)



NARF HEADQUARTERS
BOULDER, COLORADO



Cheyenne-Arapaho Tribes
Taxation & Oil & Gas (Oklahoma)



Ysleta del Sur Pueblo
Land Claim (Texas)



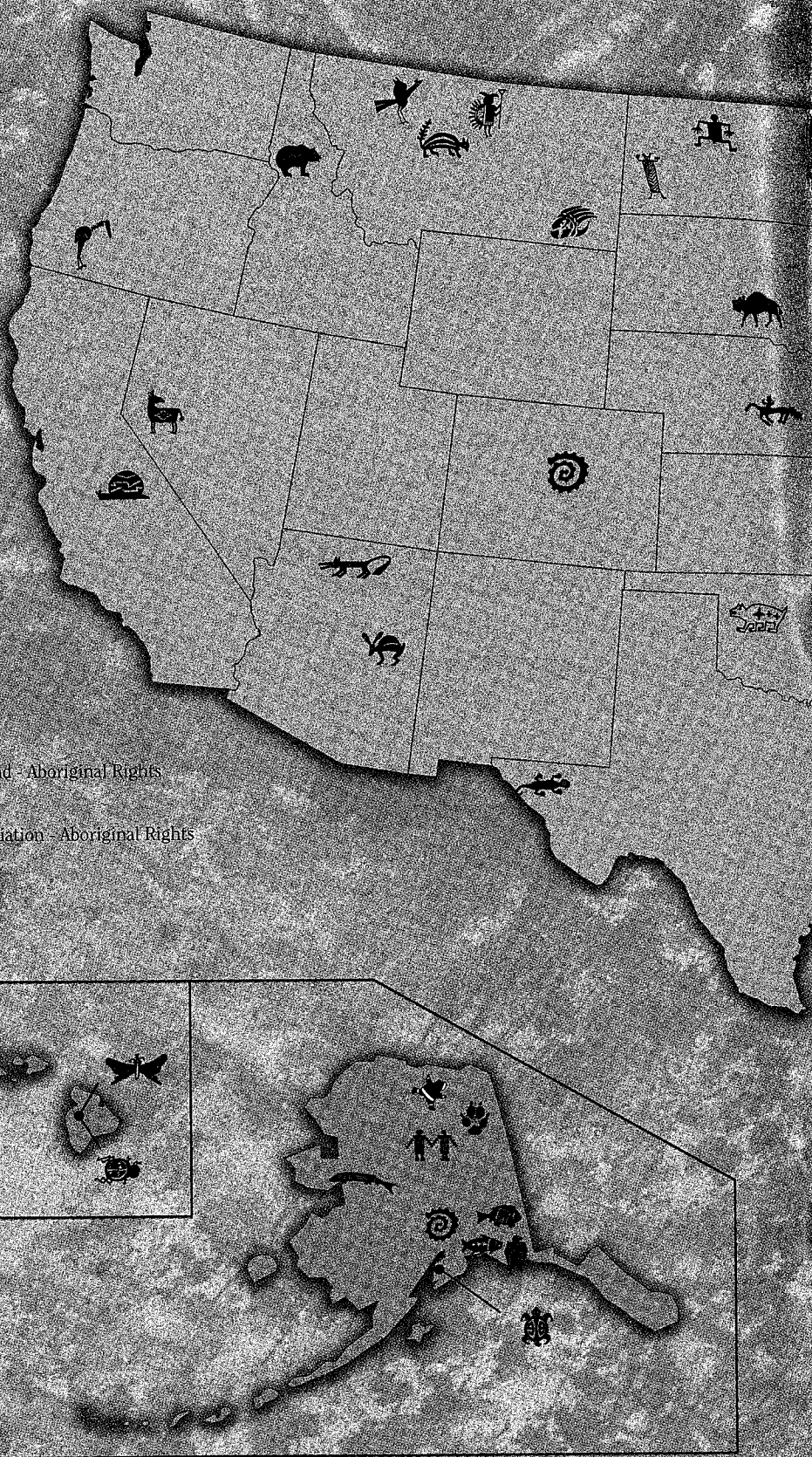
Pele Defense Fund - Aboriginal Rights
(Hawaii)



Pai 'Ohana Association - Aboriginal Rights
(Hawaii)

HAWAII

ALASKA





Northern Cheyenne Tribe
Education (Montana)



Chippewa-Cree Tribe - Water Rights
& Judgement Claim (Montana)



Fort Berthold Reservation
Jurisdiction & Education (North Dakota)



Fort Peck Tribes
Education (Montana)



Little Shell Tribe - Recognition
& Judgement Claim (Montana)



Turtle Mountain Reservation
Judgement Claim (North Dakota)



Pottawatomie Nation - Land
Claim (CANADA)



Mashpee Wampanoag Tribe -
Recognition (Massachusetts)



Shinnecock Tribe -
Recognition (New York)



NARF WASHINGTON
D.C. OFFICE



Pamunkey Tribe - Recognition
(Virginia)



Stockbridge-Munsee Tribe
Land Claim (Wisconsin)



Miami Nation - Recognition
(Indiana)



Rosebud Sioux Tribe - Education
(South Dakota)



Pawnee Tribe - Repatriation
(Nebraska & Oklahoma)



Houma Tribe - Recognition
(Louisiana)



Alabama-Coushatta Tribe -
Land Claim (Texas)

UNITED STATES OF AMERICA



Native Village of Barrow
Jurisdiction (Alaska)



NARF
ANCHORAGE OFFICE



Gwich'in Nation -
Subsistence (Alaska)



Mentasta & Dot Lake (Batzulmetas)
Subsistence (Alaska)



Native Village of Elim
Subsistence (Alaska)



Native Village of Kluti-Kaah -
Subsistence & Taxation



Kenaitze Tribe -
Subsistence (Alaska)



Native Village of Eyak
Subsistence & Aboriginal
Title (Alaska)



Native Village of Venetie
Taxation (Alaska)



The Promotion of Human Rights

In 1996, NARF provided assistance in several matters involving religious freedom and education. NARF, on behalf of its clients, seeks to enforce and strengthen laws which are designed for the unique needs and problems of Native Americans in this area.

Religious Freedom

Because religion is the foundation that holds Native communities and cultures together,

religious freedom is a NARF priority issue. As a result, NARF has utilized its resources to protect First Amendment rights of Native American religious leaders, prisoners, and members of the Native American Church, and to assert tribal rights to repatriate burial remains. Since Native American religious freedom affects basic cultural survival of

Indian tribes, NARF believes that American law and social policy must provide adequate legal protection.

NARF represents the Native American Church of North America in negotiations with the Department of Defense (DOD), which has initiated a process to promulgate regulations governing the religious use of peyote in the military. Public Law 103-344 prohibits the state and federal governments from outlawing the religious use of peyote in traditional ceremonies by members of federally-recognized tribes. It also allows the DOD to promulgate

regulations "establishing reasonable limitations on the use, possession, transportation, or distribution of peyote to promote military readiness, safety, or compliance with international law or the laws of other countries." The law requires DOD to consult with representatives of traditional Indian religions, such as the Native American Church which use the sacramental peyote, prior to promulgating any such regulation. NARF, leaders of the Native American Church, and representatives of DOD have met and it is anticipated that a final rule will be forthcoming that will protect the religious use of peyote by Indians in the military.

NARF, along with a national coalition of Native prisoner advocates, has established a Prison Project. This project consists of initiatives seeking a directive from the Attorney General of the United States protecting the free exercise of religion rights of Native prisoners confined in federal prisons, and developing and implementing a national litigation strategy for implementing the 1993 Religious Freedom Restoration Act to increase protection for the free exercise of religion by Native American prisoners. In 1996, NARF secured broad agreements from the Justice Department's Federal Bureau of Prisons and the U.S. Parole Commission to take measures to increase protection for the free exercise of religion, and other negotiations with other components of the Department are pending.

In addressing the second initiative, NARF is providing legal assistance in *Redwoman v. Cook*, an Indian prisoner religious freedom lawsuit. The case involves a claim by Indian inmates that the Oregon prison's new rule that

"You look at that mountain, that mountain has a spirit, that mountain has holiness. There's a quiet there and yet there's a fervor there. And if you've ever seen clouds there you see that mountain like a hand grasping those clouds."

(Navajo man)

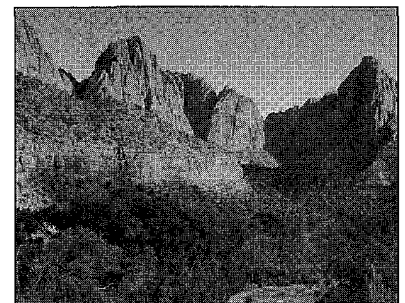
prohibits inmates from leading religious services places a heavy burden and infringement upon Indian inmates, who have no paid chaplain, resulting in cancellations of traditional Native American worship ceremonies. Also, in representing the National Congress of American Indians and several Indian groups located in the State of Missouri, NARF filed *amicus curiae* briefs before the Eighth Circuit Court of Appeals and the United States Supreme Court in the case of *Hamilton v. Schriro*. The Eighth Circuit had previously upheld a decision that denied access to a sweat lodge in a Missouri prison. Both petitions were denied.

NARF represents the Pawnee Tribe of Oklahoma in repatriation claims against the Smithsonian Institution under the repatriation provisions of the National Museum of the American Indian Act. In 1995, the Pawnee Tribe, together with related Arikara and Wichita tribal representatives, reburied the remains of 300 ancestors and associated funerary objects in their aboriginal lands in Nebraska. Many of the remains were from the Smithsonian. However, the Smithsonian refused to repatriate some 50 remains and the Tribe appealed to the Smithsonian Review Committee. In the first appeal under the Act, the claim of the Tribe was upheld. In 1996, as agreed upon by the Tribe, the Smithsonian issued notices to other tribes who might have interest in the holdings in question. Several tribes have responded and a memorandum of understanding is in the process so that proper burial can take place.

Devil's Tower ("Mato Tipi"), located in the Devil's Tower National Monument in Wyoming,

is a sacred site for several Indian tribes. The National Park Service (NPS) issued a management plan that asked climbers to voluntarily refrain from climbing Devil's Tower in June so that Native ceremonies would not be intruded upon and also stated that licenses for commercial climbers would not be issued in June. In *Bear Lodge Multiple Use Association v. Babbitt*, NPS was sued in the District Court of Wyoming in response to this plan, and the court ruled that NPS's plan was unconstitutional. NARF is working with the Department of Justice and the Medicine Wheel Coalition on filing an *amicus curiae* brief to reverse the court's ruling. NARF believes that the current ruling will have adverse implications on the ability to protect Native American sacred sites.

A NARF representative serves as a member of the Carter Center's International Human Rights Council, which is composed of about 25 prominent human rights advocates from nations across the world. The purpose of the Council is to render advice to President Carter and engage in various human rights initiatives. A major Council project was to prepare a paper offering recommendations to the United Nations on ways to improve access to United Nations human rights forums by Non-Governmental





Organizations. In December, 1996, NARF co-authored a section of this paper regarding indigenous peoples of the United States, along with the National Congress of American Indians and the Indian Law Resource Center.

Education

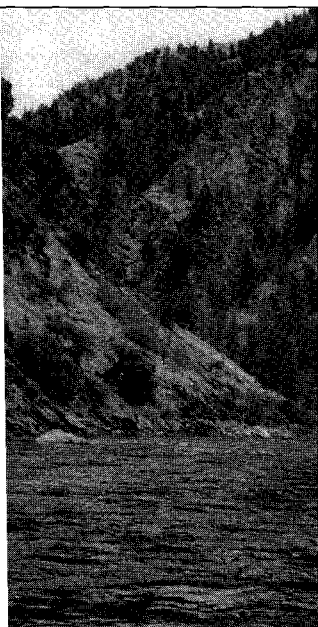
NARF has implemented an Indian Education Legal Support Project with its central theme of "tribalizing education." The goal is to give tribes more control over their most precious resource, their children, and help them to improve Indian education and tribal societies. Rather than focusing on traditional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

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

In its continued work with the Rosebud Sioux Tribe, NARF represented the Tribe in negotiating working agreements with the State of

South Dakota on teacher certification and school accreditation. Great progress has been made with the State in the agreement on teacher certification. With oversight of the Tribal Education Department, the tribal college, Sinte Gleska University, developed four courses which the State Department of Education agreed will satisfy state requirements for teacher recertification. The courses are Indian studies, Rosebud Lakota History and Culture, Teaching Methodology for Lakota Students, and Teaching the Exceptional Child in the Regular Classroom. Teachers on the Rosebud Sioux Reservation will be required by tribal law to have completed these requirements. NARF is working with the Tribe to secure funding to implement these courses.

NARF also represents the Assiniboine-Sioux Tribes of the Fort Peck Reservation in Montana in preparing a tribal education code. In elementary and secondary education, the Fort Peck Tribes are served by four state public school districts on their Reservation. The Tribes operate a tribal community college and several other Indian education programs. Once NARF agreed to represent them, the Tribes immediately established a Reservation-wide Task Force on Education. The Task Force recommended that attention be given to the following issues and needs: (1) establishment of alternative classes for students with academic or disciplinary problems; (2) improvement of parental involvement in student education; (3) promotion of a positive Indian cultural identity; and (4) promotion of student self-esteem. Furthermore, participants identified the need to increase the number of tribal members who were employed by the school districts. The Fort Peck Tribes approved



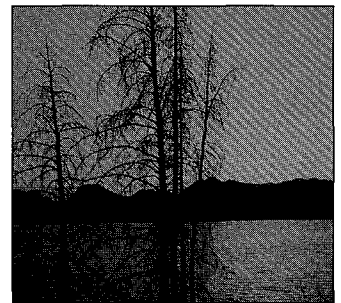
the education code developed by NARF and the tribal committees. NARF is currently assisting with the creation of a central tribal student records system necessary to implement the code and assess its impact.

The Northern Cheyenne Tribe of Montana has also begun the process of developing a tribal education code with NARF's assistance. The Tribe has recognized the need for its educational systems to provide a relevant and quality education for tribal members who attend tribal, private, and public schools, and the tribal community college, Dull Knife Memorial College. Currently, over 50% of the enrolled members of the Tribe are under the age of 18 and the school drop out rate is at 52%. The Tribe has also gained approval from the State of Montana to establish a new high school district which would be centrally located on the Northern Cheyenne Reservation. The Tribe has an Education Commission and an Education Department, but they have a need for assistance with long-range planning in and comprehensive regulation of education. Meetings have been underway with Tribal Council members, parents, school officials and Bureau of Indian Affairs representatives to develop a set of priorities and goals. Issues identified have included drop-out and truancy rates, relevant curriculum, databases and intergovernmental coordination.

NARF is also assisting the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota to establish a tribal education code. In elementary and secondary education, the Fort Berthold Tribes are served by five school districts, two of which are state public school districts. The other three districts operate under

BIA grants and, by Tribal Council resolution, function according to state law and standards. The Tribes also operate a community college, a Head Start program, and several other education programs. While the Fort Berthold Tribes have an Education Committee and have had an Education Department since 1991, NARF is assisting them in expanding the Department's responsibilities and in developing a comprehensive education code. The drop out rate of tribal secondary students is well above 50%. Thus, the Tribes would like to focus on improving student attendance and achievement by making curriculum more relevant to tribal students and involving parents and communities in the schools. Priorities and timelines for code development and implementation are being developed.

NARF represents the National Congress of American Indians (NCAI) in their leadership efforts to draft a comprehensive federal policy statement on Indian education to be presented to the Clinton administration for adoption. The policy statement addresses broad issues such as the government-to-government relationship between Indian tribes and the federal government and the primacy of tribal governments in Indian education. The Policy Statement was formally adopted by NCAI and the National Indian Education Association (NIEA) at their conventions in October 1996. NARF has begun the task of assisting NCAI and NIEA in planning the presentation of the policy statement to the Clinton Administration for its adoption and implementation.





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.

NARF, along with other attorneys, filed a class action lawsuit in June 1996, against the

federal government. The lawsuit was filed on behalf of 300,000 Indians, to seek redress for government mismanagement of trust funds through which billions of dollars in Indian money has flowed over the years. The suit charges the federal government with illegal conduct in what is viewed as the largest and most shameful financial scandal ever involving the United States government. The lawsuit has three basic objectives: (1) to require the federal government to

complete an accurate and reliable calculation, or accounting, of the moneys due IIM account holders; (2) to require the federal government to repay IIM account holders the money the federal government has lost through mismanagement or neglect; and, (3) to compel the federal government to create an adequate trust accounting and management system. All the

parties to this lawsuit are working cooperatively in an attempt to resolve this massive, complex litigation outside the traditional adversarial court process.

In a Court of Federal Claims action, NARF represents the Turtle Mountain Band of Chippewas in North Dakota, the Chippewa-Cree of the Rocky Boys Reservation in Montana and the Little Shell Tribe of Chippewas in Montana against the Bureau of Indian Affairs for mismanagement of the Pembina Judgment Fund. It was established in 1980 to distribute Indian Claims Commission awards to these tribes for lands and other rights taken by the United States. After a partial distribution to the tribes in 1988, the undistributed portion was held in trust by the Bureau of Indian Affairs. The litigation is stayed while the Bureau of Indian Affairs tries to reconcile all of its trust fund accounts.

NARF is involved in Native Hawaiian legal issues primarily in support of the Native Hawaiian Legal Corporation, which NARF helped to organize in the early 1970s to address these issues. The Native Hawaiian cases are somewhat different than other NARF cases as there are no federally recognized tribes in Hawaii. The United States overthrew the sovereign Hawaiian government in 1893, pandering to business and military interests who sought control of the islands for strategic purposes. But prior to European contact in 1778, the Islands had a very complex and elaborate Polynesian civilization. Over the years, Native Hawaiians have been making substantial progress in asserting Native Hawaiian rights.

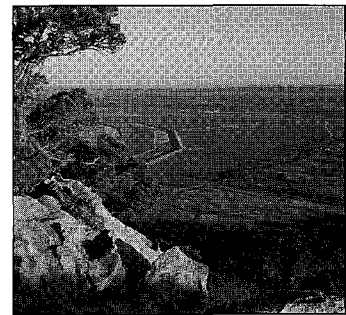
“Our tribal government is responsible to this land and to its people. We have lived on this land from days beyond history’s records, far past any living memory, deep into the time of legend. The story of my people and the story of this place are one single story. No man can think of us without also thinking of this place. We are always joined together.”

(Taos Pueblo, 1968)

In *Pele Defense Fund v. Campbell*, NARF and co-counsel Native Hawaiian Legal Corporation prepared for a favorable ruling from the Hawaii state court that would allow for traditional Native Hawaiian access rights to rainforest lands traditionally exercised by Native Hawaiians on those lands before they were exchanged in 1983 by the State of Hawaii for other lands in order to accommodate a geothermal developer. The decision is expected to be appealed to the Hawaii Supreme Court. The case was previously before the Hawaii Supreme Court in 1992 when it upheld the land exchange but remanded the case for trial on the traditional access rights issue. That ruling was precedent for a landmark 1995 ruling by the Court in *Public Access Shoreline Hawaii v. Hawaii County Planning Commission* which alerted government agencies of their responsibility under the Hawaii State Constitution to consider Native Hawaiian rights in all permitting rather than forcing traditional access practitioners to resort to litigation in order to continue such customary usage.

NARF represents Mahealani Pai, a Native Hawaiian, and the Pai 'Ohana Association ('Ohana means family) in an effort to resolve their claim to use and occupy their ancestral homelands within the boundaries of a national historic park on the Island of Hawaii. For generations, indeed going back before contact, the Pai'Ohana have been the traditional caretakers of the land area now encompassed within the Kaloko-Honokohau National Historic Park, established in 1988. Their traditional responsibilities include protecting

and maintaining the religious sites (which include burials), heiaus (shrines or temples), fishtraps, and the medicinal and subsistence plants of the area. The enabling legislation creating the park declared that it was established to preserve and perpetuate traditional native Hawaiian activities and culture. The National Park Service also has the authority to grant residential leases to the Pai'Ohana, but to date has refused to do so, granting instead a series of short-term permits to remain in the Park. The National Park Service's latest display of arrogance has been an effort to evict the Pai'Ohana from the Park, for failure to sign the latest permit. At the insistence of Senator Daniel Inouye (D-Hawaii), the Park Service and the Department of the Interior are negotiating a new agreement with the Pai'Ohana, which may ultimately require them to move off Park Service lands to adjacent state owned lands but allow them to stay involved with Park lands.





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.

The National Indian Law Library

The National Indian Law Library (NILL) is the only law library specializing in legal practice materials which are essential for practitioners of Indian law. Thousands of legal pleadings and opinions from virtually every major Indian law case since the 1950's exists within the NILL collection. These pleadings, the crux of NILL, are deeply appreciated by those familiar with traditional law library resources.

"We stand poised now to force the government to honor its legal obligation to manage our critical trust fund prudently. Century-old excuses and stonewalling have been rejected by the judge and will simply no longer work."

John Echohawk speaking on the court's ruling on the IIM case.

NILL houses the only comprehensive lending collection of past and present Tribal government documents. The Tribal Government Collection consisting of constitutions, codes, ordinances, resolutions, by-laws and charters has surpassed 750 documents. It provides an invaluable partnership network for those involved in the drafting, correcting and revising of Tribal government documents.

NILL actively collects Indian law related documents. These documents cover a spectrum

which includes books, pamphlets, federal government and agencies documents, state government and agencies documents, law review articles, scholarly reports, journal articles, newspaper articles, student reports, and conference and seminar papers.

Access to the contents of the NILL collection is provided through a computerized database. Numerous access points are assigned each record entered in the database. In addition to the basic author, title and subject headings, other access points include the Tribe involved, the jurisdiction, the parties to the lawsuit, the judges, the attorneys, the citation, the docket number and the NILL subject headings.

The NILL collection has proven to be a unique resource for those working in the arena of federal Indian law. In addition it is invaluable for attorneys and legal advocates working in geographically isolated areas throughout Indian country. These NILL clients make ready use of the telephone, telefax and postal service to acquire legal reference assistance since many of them are without access to even the most basic law library materials.

Indian Law Support Center

Since 1972 the Indian Law Support Center (ILSC) of the Native American Rights Fund has received funding from the Legal Services Corporation to serve as a national support center on Indian law and policy for the national Indian legal services community and other basic field programs serving Native American clients on Indian law related matters. Literally hundreds of requests for assistance in all areas

of Indian law have been answered annually. Because of the unique and complex nature of Indian law and the geographic remoteness of Indian legal services programs, complicated by the difficulty of attracting and maintaining experienced staff, ILSC performs a vital and cost-effective support function to Indian programs and other legal services providers across the country.

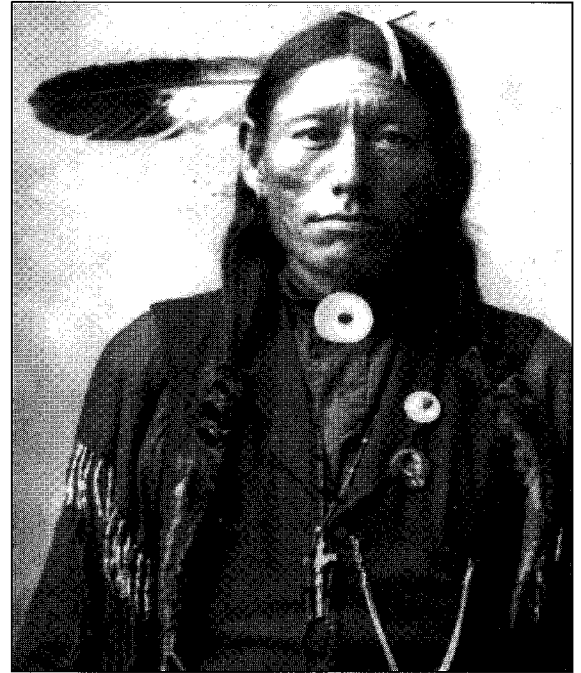
NARF was impacted by the federal budget-cutting in Washington as Congress has eliminated NARF's ILSC annual funding from the Legal Services Corporation. ILSC, which has been assisting Indian legal services field programs as a project of NARF, now functions at a greatly reduced level on NARF general support funds. Due to the loss of Legal Services Corporation funding, ILSC has been unable to carry on at traditional levels its program of working with Indian legal services lawyers nationwide through advice, research, recent Indian legal information, litigation and training. ILSC has been able to continue furnishing periodic newsletters or mailings with Indian legal information and provide telephone advice and counsel. ILSC has been unable to assist with litigation and training nor cover the cost of research materials from the National Indian Law Library.

Other Activities

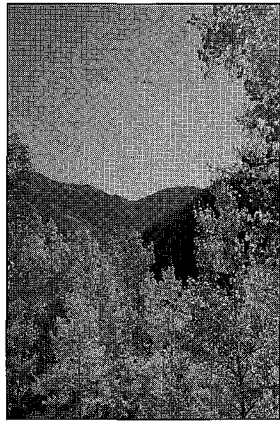
In addition to its major projects, NARF continued its participation in numerous conferences and meetings of Indian and non-Indian organizations in order to share its knowledge and expertise in Indian law. During the past fiscal year, NARF attorneys and staff served in for-

mal or informal speaking and leadership capacities at numerous Indian and Indian-related conferences and meetings such as the American Indian Resources Institute's Tribal Leaders Forums, 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.



NARF Acknowledgement of Contributions:



21st CENTURY ENDOWMENT

Bay Foundation
Ford Foundation
Mosca-Ragona Memorial
New Land Foundation
Walter S. Rosenberry, III

We would also like to thank all NARF staff members who contributed to the endowment.

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Microsoft Matching Gifts Program
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Public Interest Communications Inc.
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TRIBES and NATIVE ORGANIZATIONS

Confederated Tribes of Grand Ronde
Cow Creek Band of Umpqua Indians
Mashantucket Pequot Tribe
Winnebago Tribe of Nebraska
Tanana Chiefs Conference
Yakutat Tlingit

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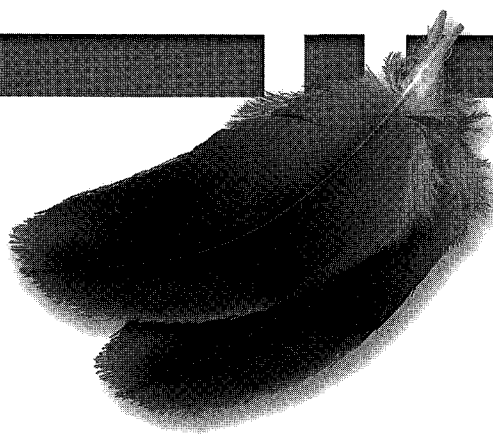
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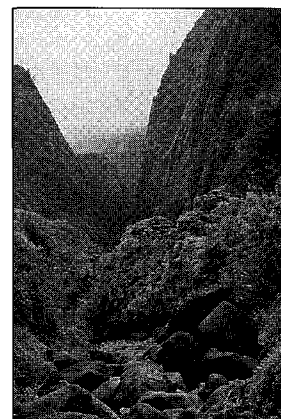
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FEDERATED WORKPLACE CAMPAIGNS

Thank you to the thousands of federal, state, municipal and private sector employees throughout the country who through their payroll deduction plans contributed more than \$144,699 to NARF in 1996.

FEDERAL PROGRAMS

Administration for Native Americans
Bureau of Indian Affairs
Legal Services Corporation

OTU'HAN PROGRAM

In honor or memory of:

Charles Adams by Friends at T.C.W.
Nick Angelillo by Ruth Wender
The Birth of a Great-Granddaughter by Dorothy S. Hitchcock
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Naomi Goldstein & John Bushman
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Naomi Goldstein & John Bushman by Alice Thorner
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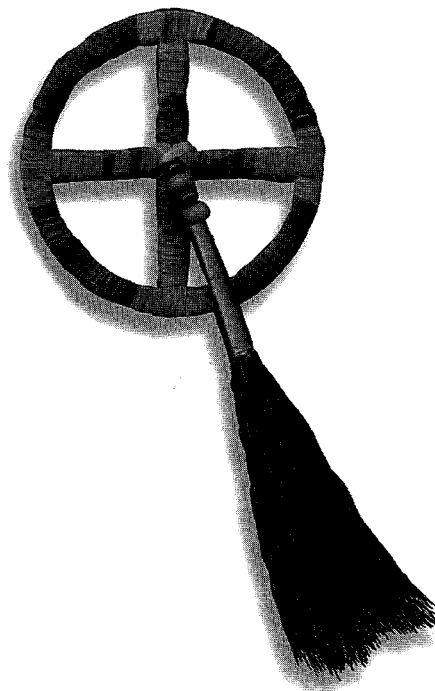
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Treasurer's Report 1996

The audited financial statements of the Native American Rights Fund, for the fiscal year ended September 30, 1996, show that we received an unqualified auditor's opinion from the independent auditing firm, Dollinger, Smith & Co. The format of our financial statements is substantially different from previous years, as NARF has adopted new accounting standards applicable to non-profit organizations.

As shown by the Financial Statement, the Native American Rights Fund's financial position continues to improve. Total revenues, at year end, were \$7,804,329. Total expenditures

were \$6,529,752. 21.6% of revenues were used to pay for management and fundraising costs. A comparison of revenue sources for FY96 and FY95 is shown below. Of particular note is the continued decline in revenue from government sources. The significant increase in contributions can be largely attributed to the continued generosity of the Mashantucket Pequot Tribe of Connecticut, while the increase in revenue from legal fees is attributed to case settlements.

SUPPORT AND REVENUE COMPARISON

	1996		1995	
	<i>dollars</i>	<i>percents</i>	<i>dollars</i>	<i>percents</i>
Government Grants	\$ 2,458,022	31.5%	\$ 3,056,154	42.4%
Foundation Grants	\$ 981,602	12.6%	\$ 1,101,913	15.3%
Contributions	\$ 2,757,063	35.3%	\$ 1,854,403	25.7%
Legal Fees	\$ 1,256,375	16.1%	\$ 878,521	12.2%
Other	\$ 351,267	4.5%	\$ 319,327	4.4%
Total	\$ 7,804,329	100.0%	\$ 7,210,318	100.0%



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Pastor C. Mario *Legal Administrative Assistant*



National Support Committee

The National Support Committee was established in 1978 to assist NARF with its fundraising and public relations efforts nationwide. Some of the individuals on the Committee are prominent in the field of business, entertainment and the arts. Others

are known advocates for the rights of the underserved. All of the 42 volunteers on the Committee are committed to upholding the rights of Native Americans.

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“There’s an attitude about us. It’s not simply a fair and square disagreement over a legal argument. It’s clear that it goes way beyond that. If the Natives before this year have not felt like second-class citizens in this state, the fearmongering, the things that we’re hearing said about us, are confirming it.”

**Will Mayo - Tanana Chiefs conference, Alaska, speaking on the Venetie
“Indian country” decision.**

Photo Descriptions:

Page 1. Johnny Frank and Ambrose Williams of Venetie Village, Alaska.

Page 5. Tule River Reservation, California.

Page 11. Snake River, Nez Perce Reservation, Idaho.

Page 12. South Fork, Tule River Reservation, California.

Page 15. Tule River Reservation, California.

Page 20. Snake River, Nez Perce Reservation, Idaho.

Page 25. Tule River Reservation, California.

Page 31. Venetie Village Council Meeting, Alaska - circa 1939.

Page 32. The late Sarah and Johnny Frank (husband and wife).

Mr. Frank was one of the original organizers in Venetie, Alaska.