

NATIVE AMERICAN RIGHTS FUND

Annual Report 2022





**The Native American Rights Fund Statement on
Environmental Sustainability**

“It is clear that our natural world is undergoing severe, unsustainable, and catastrophic climate change that adversely impacts the lives of people and ecosystems worldwide. Native Americans are especially vulnerable and are experiencing disproportionate negative impacts on their cultures, health, and food systems. In response, the Native American Rights Fund (NARF) is committed to environmental sustainability through its mission, work, and organizational values. Native Americans and other Indigenous Peoples have a long tradition of living sustainably with the natural world by understanding the importance of preserving natural resources and respecting the interdependence of all living things. NARF embraces this tradition through its work and by instituting sustainable office practices that reduce our negative impact on our climate and environment. NARF is engaged in environmental work and has established a Green Office Committee whose responsibility is to lead and coordinate staff participation in establishing and implementing policies and procedures to minimize waste, reduce energy consumption and pollution, and create a healthful work environment.”

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. NARF was founded in 1970 and incorporated in 1971 in Washington, D.C.

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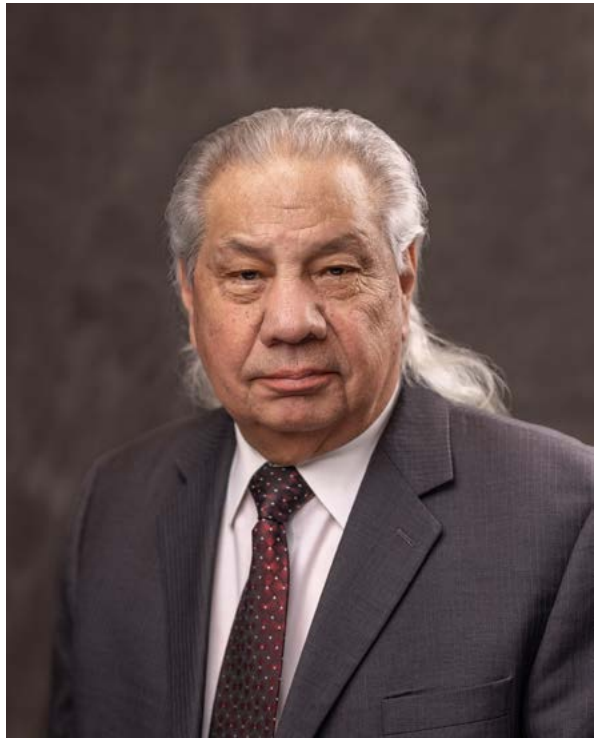


Cover and Photography: Michaela Sheiteen Goade is an enrolled member of the Tlingit Nation (Central Council of the Tlingit and Haida Indian Tribes of Alaska) and grew up on her ancestral homelands along the southeast coast of Alaska, where she lives today. She belongs to the Kiks.ádi (Raven/Frog) clan and Steel Door House from Sheet’ká, or what is now called Sitka, Alaska. Michaela Goade is a Caldecott Medalist and #1 New York Times bestselling author-illustrator of books for children.

Michaela is the artist of award-winning and bestselling books including *We Are Water Protectors* written by Carole Lindstrom (Ojibwe), for which Michaela won the prestigious Caldecott Medal in 2021. Other titles include the New York Times bestselling *I Sang You Down from the Stars* by Tasha Spillett-Sumner (Inniniwak), and her latest title, *Berry Song*, which she also wrote. Her next book *Remember*, written by Joy Harjo (Mvskoke), releases March 2023.

Michaela’s work focuses on Indigenous children’s literature. She is honored to collaborate with Indigenous authors and tribal organizations in the creation of powerful and much-needed picture books that aim to reflect the diverse, vibrant, and thriving Indigenous cultures of this land. She always hopes that the books she creates help Indigenous children feel seen and cherished, and that these books contribute to greater cross-cultural understanding across audiences.

EXECUTIVE DIRECTOR'S REPORT



John E. Echohawk
Executive Director

Twenty twenty-two was the 52nd year that the Native American Rights Fund has served as the national Indian legal defense fund, providing legal advice and assistance to tribes, Native organizations, and individual Indians in cases of major importance. We were proud to help our Native American clients achieve several significant legal victories and accomplishments during the year.

In *Big Horn Electrical Cooperative v. Alden Big Man*, the Ninth Circuit Court of Appeals upheld Crow tribal court jurisdiction over a non-member utility company for failure to follow tribal law limiting service disconnections during winter months for elderly and disabled residents. The court held that the Crow Tribe, represented by NARF, has legislative jurisdiction over the cooperative on the tribal trust land where Mr. Big Man, an elderly tribal member, resides.

NARF represented the Hualapai Tribe of Arizona in applying for the transfer into trust status of eight parcels of land. Three parcels were taken into trust since 2018. The Hualapai Tribe Water Rights Settlement Act of 2022 added the other five parcels to the Hualapai Reservation.

The Akiachak Native Community, the Chilkoot Indian Association, the Chalkyitsik Village Council, and the Tuluksak Native Community, represented by NARF, successfully litigated that land could be taken into trust for Alaska tribes. However, the Trump Administration withdrew support for land-into-trust for Alaska tribes. The Biden Administration issued a 2022 Solicitor's Opinion confirming Interior Department's authority to take land into trust for Alaska tribes.

In *United States v. State of Alaska, the Association of Village Council Presidents* and two subsistence users, represented by NARF, intervened on the side of the United States to stop Alaska from interfering with federal law's preference for subsistence users along the Kuskokwim River. The court enjoined Alaska from opening the river to fishing by all Alaska resident because it would harm the subsistence users given the ongoing salmon crash.

NARF serves as co-counsel for a Native student, in *Walm v. Dysart School District*, who sued her Arizona school district for violating her religious freedom rights to wear an eagle feather at graduation. The U.S. District Court ruled against the student, but the Ninth Circuit Court of Appeals overturned that ruling and remanded the case back to the district court.

In the Ninth Circuit Court of Appeals, NARF represented the National Indian Education Association, Tribal Education Departments National Assembly, American Indian Higher Education Association, and National Congress of American Indians as *amici curiae* in support of the students at Havasupai Elementary School, a K-8 school in Arizona operated by the Bureau of Indian Education. The students allege that the Bureau failed its duty to provide basic special and general education. Special education claims were settled, but the court dismissed the general education claims. The Ninth Circuit reversed that dismissal and returned the case to the district court.

In *Western Native Voice v. Jacobsen*, NARF represented the Blackfeet Nation, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Fort Belknap Indian Community, and the Northern Cheyenne Tribe. It challenged two discriminatory Montana voting laws. One ended same-day voter registration, the other blocked organized ballot collection, both of which are used heavily by reservation voters. The court ruled in favor of the Tribes, finding evidence of racial discrimination.

The Lower Brule Sioux Tribe and three tribal members, represented by NARF, filed a lawsuit to prevent Lyman County, South Dakota, from postponing compliance with the Voting Rights Act. The parties negotiated a settlement. The Tribe gained one county commission seat immediately, with a second gained in 2024. The court will retain jurisdiction until 2034.

NARF represented the Klamath Tribes of Oregon in the repeal of the Distribution of Judgment Fund Act, which was adopted as part of the 1954 legislation that terminated the Tribes' government-to-government relationship with the U.S. The relationship was restored but the legislation

was not repealed. Congress finally repealed the act, and the fund will be disbursed back to the Tribes.

These legal victories and accomplishments are only possible with the contributions and grants from the many supporters of our nonprofit organization. We thank you and hope that your support will continue in 2023 and beyond, as we continue to pursue justice for Native Americans.

John E. Echohawk
Executive Director

BOARD CHAIR'S MESSAGE

Osiyo,
It was a pleasure to see many of you in April at the long-overdue celebration of the Native American Rights Fund's first fifty years. The anniversary was a wonderful way to transition back to in-person events—seeing so many champions for Indian Country in the same room!

Events like this remind us how much of what we do today depends on those who came before—the generations of strong women and men who fought to ensure that our peoples, our cultures, and our rights would stay intact. It also highlights how what we do today directly serves tomorrow's Indian Country. We defend civil rights today to arm us for tomorrow's fights. We continue to assert tribal sovereignty, to keep our communities our own. We preserve traditional knowledge, religion, and culture so that we will be here—strong and intact—for generations to come.

Likewise, we feel the effects of what came before. Right now, the United States is having to do some reckoning around historic and ongoing systemic attempts to make Native American peoples and cultures disappear. The government is being forced to acknowledge and address repeated hateful attempts to wipe out Native American cultures and communities through cultural genocide. True to form, NARF serves an essential role in this national dialog and undertaking.

NARF's related work prioritizes Native American families and children, which are essential to our cultural continuity. Keeping families and communities intact is required for traditional knowledge, language, and understanding to flow from one generation to the next. To this end, NARF has grown its Boarding School Healing Project, to

address the long scars left by the devastating U.S. policy of ripping Native American children from their families, often to never return. NARF also addresses that policy's direct legacy in its Indian Child Welfare Act work, including *Brackeen v. Haaland* (currently at the U.S. Supreme Court).



Lacey A. Horn
Chair, NARF Board of Directors

It seems especially right that this year's annual report features illustrator Michaela Goede (Tlingit and Haida). Michaela's work is beautiful, but it also is a vessel for sharing cultural knowledge with future generations. The art in this annual report provides a beautiful complement to NARF's ongoing work to protect Native cultures. It vividly illustrates why the work that NARF does is so necessary—and why your support of that work is so important.

Wishing the best for you, your family, and your community in the upcoming year.

Lacey A. Horn
Chair, NARF Board of Directors

BOARD OF DIRECTORS



The Native American Rights Fund has a governing board composed of Native American leaders from across the country. Board members are chosen based on their involvement and knowledge of Indian issues and affairs, as well as tribal affiliation, to ensure comprehensive geographical representation. The vision of the Board members is essential to NARF’s effectiveness in representing its Native American clients.

NARF’s Board of Directors: Chair **Lacey Horn**, (Cherokee Nation); Vice Chair **Kenneth Kahn**, (Santa Ynez Band of Chumash Indians); Treasurer **Rebecca Crooks-Stratton** (Sisseton-Wahpeton Oyate); **Rhonda Pitka** (Beaver Village Council); **Rebecca Miles** (Nez Perce Tribe); **Jamie Azure** (Turtle Mountain Band of Chippewa); **Michael Petoskey** (Grand Traverse Band of Ottawa and Chippewa Indians); **Geoffrey Cravatt Blackwell**, (Muscogee (Creek) Nation); **Louie Ungaro** (Muckleshoot Indian Tribe) *Not pictured:* **Gayla Hoseth** (Curyung Tribal Council); **Robert Miguel** (Ak-Chin Indian Community); **Stephanie Bryan** (Poarch Band of Creek Indians)

NATIONAL SUPPORT COUNCIL

The National Support Council assists NARF with fundraising and public relations. Some members are prominent in business, entertainment, and the arts. Others are advocates for the rights of the underserved. All are committed to upholding Native American rights.

Randy Bardwell, Pechanga Band of Luiseño Mission Indians
Deborah Bardwell
Jaime Barrientoz, Grande Traverse Band of Ottawa and Chippewa Indians
Wallace Coffey, Comanche
Ada Deer, Menominee
Harvey A. Dennenberg
Lucille A. Echohawk, Pawnee
Jane Fonda
Eric Ginsburg
Jeff Ginsburg
Rodney Grant, Omaha
Dr. Marion McCollom Hampton

Chris E. McNeil, Jr., Tlingit-Nisga’a
Billy Mills, Oglala Lakota
Pahponee, Kickapoo Tribe in Kansas/Citizen Band Potawatomi
Amado Peña, Jr., Yaqui/Chicano
Steven Pevar
Wayne Ross
Nancy Starling-Ross
Mark Rudick
Pam Rudick
Michael G. Sawaya
Ernie Stevens, Jr., Wisconsin Oneida

Andrew Teller, Isleta Pueblo
Verna Teller, Isleta Pueblo
Richard Trudell, Santee Sioux
Rebecca Tsosie, Pascua Yaqui
Tzo-Nah, Shoshone Bannock
Aine Ungar
Rt. Rev. William C. Wantland, Seminole
W. Richard West, Southern Cheyenne
Randy Willis, Oglala Lakota
Teresa Willis, Umatilla
Mary Wynne, Rosebud Sioux

INTRODUCTION

The Native American Rights Fund holds governments accountable.

We fight to protect Native American rights, resources, and lifeways through litigation, legal advocacy, and expertise. NARF’s first Board of Directors developed five priorities that still lead us today. In this annual report, you will find NARF’s recent work within each of these priority areas.

- 1. **Preserve tribal existence**
- 2. **Protect tribal natural resources**
- 3. **Promote Native American human rights**
- 4. **Hold governments accountable to Native Americans**
- 5. **Develop Indian law and educate the public about Indian rights, laws, and issues**



PRESERVE TRIBAL EXISTENCE

Under the priority to preserve tribal existence, NARF supports tribes’ rights to live according to traditions, enforce treaty rights, ensure independence on reservations, and protect their right to self-govern (sovereignty).

TRIBAL SOVEREIGNTY AND JURISDICTION

Tribal Sovereignty Protection Initiative

NARF partners with the National Congress of American Indians (NCAI) on the Tribal Sovereignty Protection Initiative to monitor legislation, judicial appointments, and cases related to tribal interests.

~ Tribal Supreme Court Project (sct.narf.org)

The Tribal Supreme Court Project is based on the idea that a strong, coordinated approach at the U.S. Supreme Court can reduce, and even reverse, the erosion of tribal sovereignty by Justices who are unfamiliar with federal Indian law and the practical challenges tribal governments face. The Project monitors cases at or headed to the U.S. Supreme Court.

On June 13, 2022, the Court issued its opinion in *Denezpi v. United States* (20-7622) and allowed successive criminal prosecutions of a tribal citizen arising from a single act that violates both tribal law and federal law.

On June 15, 2022, the Court issued its opinion in *Ysleta del Sur Pueblo v. Texas* (20-493) and sided with the Tribe’s interpretation of their Restoration Act and limited the statute’s prohibition against gaming.

On June 29, 2022, the Court issued its opinion in *Oklahoma v. Castro-Huerta* (21-429) and held that the federal government and states have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian Country.

For October Term 2022, the Project is closely watching *Brackeen v. Haaland* (21-380), and related petitions, which raise issues about the Indian Child Welfare Act. As of this writing, the Court also has granted review in *Oklahoma v. Sims* (21-1102), *Arizona v. Navajo Nation* (21-1484), and *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin* (22-227).

~ Judicial Selection Project

The Judicial Selection Project’s focus is research and education: to educate the federal judiciary about tribal issues, to educate tribal leaders about the federal judiciary,

and to raise awareness about the need for federal judges who understand the unique legal status of Indian tribes.

In May 2022, the Senate confirmed Sunshine Sykes, a citizen of the Navajo Nation, for a seat on the United States District Court for the Central District of California. She is the first Native American federal judge in California, and only the fifth Native American to serve as an Article III judge.

Big Horn Electric Cooperative v. Alden Big Man

In 2012, Alden Big Man, an elderly member of the Apsaalooke (Crow) Tribe sued the Big Horn Electric Cooperative in the Crow Civil Court pursuant to an Apsaalooke tribal statute limiting heat and electricity service disconnections during winter months for homes where elderly and disabled individuals reside. In 2013, the tribal court dismissed the case, holding that it lacked jurisdiction over a non-member utility company. Mr. Big Man appealed the ruling to the Apsaalooke Appeals Court. In 2017, the Apsaalooke Appeals Court held that the trial court did have jurisdiction. Big Horn Electric then filed a complaint in federal district court, asking the court to find that tribal court remedies had been exhausted and that the tribal court lacked jurisdiction.

NARF represented the Apsaalooke Appeals Court judges and Crow Tribal Health Board members. In 2020, the Magistrate concluded that the Crow Tribe has legislative jurisdiction over Big Horn on the tribal trust land where Big Man resided and the Crow Tribal Court has jurisdiction. In 2021, the court adopted the magistrate’s recommendations in their entirety. Big Horn appealed to the U.S. Court of Appeals for the Ninth Circuit. In March 2022, a three-judge panel unanimously affirmed the district court’s judgment that the Tribe has regulatory and adjudicatory jurisdiction over Big Horn’s activities and conduct at Big Man’s residence. Big Horn filed a petition for a writ of certiorari to the U.S. Supreme Court. In December 2022, the Court denied the petition.

Cheyenne & Arapaho Tribes Tax Dispute

In 2021, Continental Resources, Inc., contested severance taxes levied by the Cheyenne & Arapaho Tribes of Oklahoma Tax Commission on the production of oil and gas from trust allotments dating back several years.



Continental disputes, among other things, the authority of the commission to tax a non-Indian entity. (In 1996, the U.S. Circuit Court of Appeals for the Tenth Circuit affirmed the commission’s authority to levy a tax on oil and gas produced by non-Indians in *Mustang Production Co. v. Harrison*, a case argued by NARF) In December 2021, the commission produced an updated assessment and administrative record. In June 2022, Continental filed an amended objection. Based on that, the commission produced a revised assessment. Briefing continued throughout the fall.

Yvonne Ito v. Copper River Native Association

NARF represents Arctic Village Council, the Alaska Native Tribal Health Consortium, the Council of Athabaskan Tribal Governments, Manilaq Association, the Southeast Alaska Regional Health Consortium, and the United Tribes of Bristol Bay as *amici curiae*, in *Ito v. Copper River Native Association*, a tribal sovereign immunity case currently pending before the Alaska Supreme Court. This case centers on whether tribal consortia—organizations comprised of and directed by sovereign tribes to carry out essential governmental functions—may assert the sovereign immunity of their member tribes. This is a particularly important question in Alaska, where Alaska Native tribes often work collaboratively to take advantage of economies of scale while providing

essential government services to their citizens, including social, educational, advocacy, and health services. The Alaska Superior Court concluded that Copper River Native Association (CRNA) is a tribal consortium and could assert the sovereign immunity of its member tribes. CRNA had not waived its sovereign immunity or consented to be sued, and therefore the Superior Court dismissed Ito’s lawsuit.

The Superior Court also concluded that CRNA was shielded by sovereign immunity under existing Alaska law as laid out in *Runyon v. Association of Village Council Presidents*, which established a single-factor test for determining whether a consortium could assert sovereign immunity. Runyon is out of step with the federal courts of appeal, which have adopted a multi-factor test for determining if a consortium can assert tribal sovereign immunity. Tribal amici’s brief to the Alaska Supreme Court urges them to bring state law into alignment with federal law and adopt the multi-factor test. The Alaska Supreme Court heard oral arguments in the case during the summer of 2022.



PROTECT TRIBAL NATURAL RESOURCES

During colonization, tribes' lands diminished to a mere 2.3 percent of their original size. An adequate land base and control over natural resources are necessary for economic self-sufficiency and self-determination. They are vital to tribal existence. Thus, much of NARF's work is to protect tribal natural resources.

INDIAN LANDS

Hualapai Tribe Fee to Trust Applications

NARF represents the Hualapai Indian Tribe of Arizona in applying for the transfer into trust status of eight parcels of land. Applications were submitted to the BIA, and two new parcels were taken into trust in September 2018. After a long delay, the Cholla Canyon Ranch parcel was approved to be taken into trust in October 2021. On January 5, 2023, the Hualapai Tribe Water Rights Settlement Act of 2022 was signed into law. It contained provisions which added Hunt Parcels 1-5 to the Hualapai Reservation. It also authorized and directed the Secretary of the Interior to take the Cholla Canyon Ranch Parcels into trust. BIA is in the process of updating their files to reflect that these applications are complete.

Akiachak Native Community v. Department of Interior

In 2006, the Akiachak Native Community, the Chilkoot Indian Association, the Chalkyitsik Village Council, and the Tuluksak Native Community IRA, represented by NARF, sought judicial review of 25 CFR Part 151. This federal regulation governs the procedures used by tribes and individuals requesting to acquire title to land in trust on their behalf. At the time, the regulation barred putting Alaskan land in trust other than for the Metlakatla Indian Community, the "Alaska Exception."

In March 2013, the court granted plaintiffs complete relief on all of their claims—a major victory for Alaska tribes. In 2014, the Department of the Interior (DOI) rescinded the "Alaska Exception." However, in 2018, the Trump Administration withdrew support for land-into-trust for Alaska tribes and announced it would review whether to reinstate the "Alaska Exception." In January 2021, the DOI decided lands cannot be taken in trust for Alaska tribes, which was withdrawn in April 2021. The Biden Administration issued a new Solicitors Opinion in November 2022 confirming the authority to take land into trust for Alaska Tribes under the IRA. Alaska tribes continue to weigh options on putting tribal fee land into trust.

WATER RIGHTS

Under federal law, Indian tribes are entitled to sufficient water for present and future needs. These rights are superior to all those created after the tribes' priority dates, at least as early as the establishment of their reservations. Unfortunately, many tribes have not used their reserved water rights and the rights are unquantified. The current need is to define and quantify the amount of water to which each tribe is entitled.

Agua Caliente v. Coachella Valley Water District

NARF, with co-counsel, represents the Agua Caliente Band of Cahuilla Indians in a 2013 lawsuit in the U.S. District Court for the Central District of California. The Agua Caliente asked the court to declare their water rights senior in the Coachella Valley, quantify those rights, and prevent Coachella Valley Water District and Desert Water Agency from further impairing the quantity and quality of aquifer water. In March 2015, the court ruled largely in the Tribe's favor, holding that the Tribe has a reserved right to water and that groundwater is a water source available to fulfill that right. Upon appeal, the decision was upheld.

With "phase one" done, the parties addressed "phase two", identifying a method for quantifying the Tribe's water share, the right to water of a certain quality, and whether the Tribe owns the groundwater storage space under its reservation. In April 2019, the court dismissed the claims holding that, since the Tribe could not show that it presently had a shortage of water, it was not sufficiently injured to prove standing. This decision was made despite unrefuted evidence that the aquifer depth underlying the reservation had lowered substantially and the water had been degraded by the water districts' activities.

In July 2020, the Tribe filed an amended complaint, adding allegations relating to the Tribe's injuries and the Tribe's pumping of groundwater, and to more accurately frame the issue of the ownership of the pore space under the reservation. In the meantime, the parties entered into mediation and the case has been stayed until March 2023.

PROTECT TRIBAL NATURAL RESOURCES

Palouse River Basin Adjudication – Nez Perce Tribe Water Rights

NARF represents the Nez Perce Tribe in its water rights claims in the Palouse River Basin Adjudication. The Tribe is working with the United States to examine the nature and scope of the Tribe’s water rights claims. An initial hearing was held in 2017. In 2019, the U.S. and the Tribe filed claims for instream flows in 24 reaches of the Palouse River and its tributaries, for nearly 200 springs claims on private and federal lands, and for water for consumptive uses on two allotments in the Palouse watershed. In July 2021, the Idaho Department of Water Resources released its report on all federal/tribal and private Palouse Basin water claims.

In January 2022, the Tribe and United States filed objections to the private land claims filed by landowners, and filed a motion to file late springs claims on an additional ten springs located on private land that was unknown until the private landowners filed their claims. The court granted the motion to file late springs claims.

Klamath Basin Water Rights

Represented by NARF, the Klamath Tribes’ water rights were recognized in 1983 in *United States v. Adair*, but the courts left quantification of the water rights to Oregon’s Klamath Basin Adjudication (KBA). After finishing the KBA’s 38-year administrative phase, the Tribes were able to enforce their water rights for the first time in 2013. The Klamath County Circuit Court is now reviewing the Oregon Water Resources Department’s (OWRD’s) Findings of Fact and Order of Determination (FFOD) issued in the KBA.

In 2017 and 2018, the Klamath County Circuit Court resolved jurisdictional and other legal issues as well as general procedural issues. Importantly, the court issued rulings limiting discovery and the introduction of new evidence, preventing a complete do-over of the administrative proceedings.

However, the court ruled that a de novo standard of review would apply, in which the court will “look anew” at the determinations of OWRD in the FFOD and may give deference to OWRD’s determinations.

Now the KBA is in Phase 3, which addresses the substantive exceptions filed to the individual water right claim determinations in the FFOD. Part 1 of Phase 3 addresses crosscutting legal issues applicable to three claim groups: Group A – pre-1909 and non-tribal federal reserved water right claims; Group B – Walton right and Klamath Termination Act claims; and Group C – tribal claims. Phase 3, Part 1, has been completed for all three groups. KBA Phase 3, Part 2, began in December 2020 to determine exceptions to legal issues or disputed factual issues. The KBA judge retired in April 2021 and a new judge was appointed later that year. The court completed Phase 3, Part 2, for Groups A and B in 2022. Briefing on the Group C tribal claims started in late 2022 and will continue in 2023.

Tule River Tribe

Since 1971 the Tule River Tribe has sought to secure its federally reserved water rights on the South Fork of the Tule River in California through a storage project on its reservation. Eighty-five percent of the South Fork watershed is contained within the Tribe’s 48,000-acre Tule River Reservation. In 2007, after almost 30 years of advocacy, the Tule River Indian Tribe, represented by NARF, successfully settled its water rights claims with the affected state-based parties.

To fully settle the agreement, Congress must ratify it and make its terms federal law. Since reaching the 2007 agreement, the Tribe has sought federal legislation to ratify the agreement and authorize appropriations to create water storage and delivery infrastructure on the reservation. The effort involved renegotiating the terms of the 2007 Agreement with the Federal government and performing multiple studies, culminating with a 2018 Bureau of Reclamation Technical Evaluation Report and Reservoir Yield Analysis.

In 2021-2022 the Tribe negotiated support for legislation. In September 2022, Senators Padilla and Feinstein took the notable step of introducing legislation to ratify the settlement. The Senate Committee on Indian Affairs held a hearing in November, but the legislation did not pass before the end of the session.

Kickapoo Tribe in Kansas

At times in recent decades, the water supply for the

Kickapoo Reservation has violated the Safe Drinking Water Act of 1974. Consequently, the Kickapoo people fear to drink, bathe, or cook with tap water. There also is not enough water to provide basic municipal services—the Tribe is not able to provide local schools with reliable, safe running water, and the fire department cannot provide adequate protection. In June 2006, the Kickapoo Tribe in Kansas, represented by NARF, filed a lawsuit to enforce express promises made to build a reservoir project (the most cost-effective way to improve the water supply). Despite promises made to the Tribe, Nemaha Brown Watershed Joint Board #7, the Natural Resources Conservation Service of the U.S. Department of Agriculture, and the State of Kansas continued to develop the region’s water resources. The result was the near depletion of the Tribe’s senior water rights. The federal government, the state, and the local watershed district all concede the existence of the Tribe’s senior Indian reserved water rights; the real issue is the amount and source of water needed.

In September 2016, the Tribe and state executed a settlement that included water right for the Tribe and details for the administration of the Tribe’s right in the Delaware River watershed. The Tribe developed legislation in consultation with the Kansas congressional delegation to approve the negotiated water right. Over the years, several bills were introduced, but not enacted into law. Finally, late in 2020, the Kickapoo Tribe water project study was passed as part of the final omnibus appropriations act. The legislation kicked off a study of the Plum Creek Project that the Tribe has been pursuing for years. The Tribe’s team, led by NARF, has retained water engineering and agricultural economic consultants.

They are working closely with the federal government, and the draft feasibility report was completed in December 2022. The next phase will be a multi-year formal project planning stage leading to the design and construction stages.

Pauma Band of Luiseno Indians

The Pauma Band of Luiseno Indians is one of the five tribes party to the San Luis Rey Water Rights Settlement of 1988. However, the settlement was unenforceable and did not meet the Tribe’s needs. In 2016, Congress passed a bill amending the settlement act, and the

updated San Luis Rey Water Rights Settlement is now in its implementation stage. NARF represents the Pauma Band in the implementation, which includes allocating water and funding as well as examining groundwater management strategies.

HUNTING AND FISHING RIGHTS

Tribal hunting and fishing rights are grounded in sovereignty and affirmed in treaties and agreements. Because of their remoteness, no other group of people in the United States continues to be as intimately connected to the land and water and as dependent upon its vast natural resources as Alaska’s Indigenous Peoples.

Alaska Department of Fish and Game v. Federal Subsistence Board

In 2020, the State of Alaska filed a complaint challenging three decisions made by the Federal Subsistence Board related to subsistence hunting. (The board is the body responsible for setting all rules and regulations related to the taking of wild fish and game by qualified subsistence users within Alaska’s federal lands.) Alaska alleged that, in taking action on two emergency hunts and the closure of certain federal lands to non-subsistence hunting, the board acted outside of its authority. NARF filed a motion to intervene on behalf of the Organized Village of Kake to defend the board’s authority to authorize emergency hunts.

In September 2020, the court heard oral argument. The court denied the state’s effort to stop the closure of federal lands and concluded that the state’s arguments of harm were overstated. In December 2021, the court upheld the board’s authority in all respects of the case—marking a significant victory for the Organized Village of Kake and subsistence hunters. The state appealed the decision to the appeals court. Oral argument was held in December 2022; we await a decision.

United States v. State of Alaska

Western Alaska, including the Kuskokwim River, is experiencing a severe, multi-year, multi-species salmon crash. This crisis has been devastating for communities in the region who rely on salmon for nutritional, spiritual, and cultural wellbeing.

In 2021, the United States closed the Kuskokwim River fishery within the Yukon Delta National Wildlife Refuge in response to the ongoing salmon crash, but allowed limited openings only for local, federally qualified users to fish for salmon. This action was taken in an effort to conserve the salmon population for continued subsistence uses, and it fulfilled the federal government’s responsibility to provide a rural preference for subsistence users under the Alaska National Interest Lands Conservation Act (ANILCA). However, at the same time, the State of Alaska issued orders that purported to open the same stretch of the river to fishing by all Alaskans. This caused confusion among residents of the region and interfered with attempts to provide the subsistence priority that is essential to Alaska Natives.

The very same pattern was cued up to repeat for 2022: the United States planned to limit openings to qualified users but the state intended to open its fisheries to all Alaskans during the same times.

In response, the United States sued Alaska for interfering with ANILCA’s rural subsistence preference along the Kuskokwim River. On behalf of the Association of

Village Council Presidents and two subsistence users, NARF intervened in the case on the side of the United States. After June 2022 oral arguments, the court issued a preliminary injunction preventing the state from authorizing fishing on the Kuskokwim River within the refuge. The court concluded that federally qualified subsistence users would be “irreparably harmed” if the state’s openers were allowed to take place.

Bering Sea Elders Group

The Bering Sea Elders Group (BSEG) is an alliance of 39 Yup’ik and Inupiaq villages that seek to protect the sensitive ecosystem of the Bering Sea, as well as the communities that depend on it. NARF has represented BSEG since 2010.

In December 2016, BSEG’s work resulted in President Obama creating the Northern Bering Sea Climate Resilience Area. However, in April 2017, President Trump signed the “Implementing an America-First Offshore Energy Strategy.” While the order was aimed at re-opening Arctic and Atlantic areas for offshore drilling, it also entirely revoked the Bering Sea protections. BSEG responded immediately, determined to restore

the important conservation, economic, and cultural provisions. President Biden signed an Executive Order that reinstated the Northern Bering Sea Climate Resilience Area, and BSEG is working on implementing the reinstated order, including work on an intergovernmental advisory council and integration of traditional knowledge into decision making. The Tribal Advisory Council met for the first time in-person in June 2022.

NARF assists BSEG with other work, including salmon bycatch issues, the reauthorization of the Magnuson Stevens Act, engaging with federal funding agencies about the need to restructure grant processes to include tribes, tribal consultations, and other subsistence advocacy efforts.

Pebble Mine

Alaska’s Bristol Bay region is home to the largest wild salmon runs in the world. It is also home to the Yup’ik, Dena’ina, and Alutiiq peoples who depend on sustainable salmon runs. In 2013, NARF helped create the United Tribes of Bristol Bay (UTBB), a consortium formed to address mining proposals threatening salmon-rearing streams.

The proposed Pebble Limited Partnership (Pebble) mine would have sat on the headwaters of the largest salmon-producing river in Bristol Bay. In February 2014, Environmental Protection Agency (EPA) initiated a Clean Water Act 404(c) process for the proposed mine, which could restrict the discharge of material in waters when such disposal would have adverse impacts.

In 2014, Pebble filed a complaint against EPA and successfully asked the court to put the 404(c) process on hold. During the case, the judge issued a broad order quashing Pebble’s subpoenas, finding that they pushed the limits of federal rules. Pebble withdrew its remaining subpoenas, but began serving narrower subpoenas, which also were quashed. In late 2016, the parties requested a stay to negotiate. In 2017, the parties reached a settlement that included: (1) dismissing Pebble lawsuits against the EPA; (2) EPA withdrawing the proposed Section 404(c) determination; (3) EPA agreeing to not finalize any action for four years or until the U.S. Army Corps of Engineers issued its final environmental impact statement.

Pebble filed its federal permit application in December 2017. In June 2019, Gov. Dunleavy briefly met with President Trump on Air Force One; subsequently, he told reporters that he was convinced that the president was “doing everything he can to work with us on our mining concerns.” In July 2019, the Trump Administration announced it would formally withdraw the proposed 404(c) determination from the Bristol Bay watershed. The action was undertaken with no public input, no tribal consultation, and no prior notice to Bristol Bay’s tribes.

In response, local interests formed the Bristol Bay Defense Alliance, consisting of UTBB, Bristol Bay Native Association, Bristol Bay Regional Seafood Development Association, Bristol Bay Reserve Association and Bristol Bay Economic Development Corporation. Throughout 2020, the Alliance took legal action on behalf of the people who rely on the Bristol Bay fishery and all it sustains.

The Army Corps ultimately denied Pebble’s permit application for its deficient compensatory mitigation plan—marking the first permit denial for an Alaska hard rock mine in modern memory. A milestone came in May 2022, when the EPA announced the initiation of a new Clean Water Act Section 404(c) process in Bristol Bay and published a 2022 proposed 404(c) action for the Pebble Deposit. EPA will make a final 404(c) decision by January 2023.

Arctic National Wildlife Refuge

The Arctic National Wildlife Refuge’s Coastal Plain is home to the calving grounds of the Porcupine Caribou Herd—one of the largest wild herds in the world—and of great cultural importance to the Gwich’in Tribes of Alaska, who refer to the area as Iizhik Gwats’an Gwandaii Goodlit (the sacred place where life begins).

Since 1980, when the Coastal Plain was first considered for development, the Gwich’in Tribes have worked tirelessly to protect the Refuge and the caribou. NARF represents the Native Village of Venetie Tribal Government, Venetie Village Council, and Arctic Village Council, three federally recognized Gwich’in tribes, and advises them on their rights and strategic options surrounding proposed development of the Coastal Plain.



PROTECT TRIBAL NATURAL RESOURCES

In 2017, Congress enacted tax reform legislation that contained a provision opening the Arctic National Wildlife Refuge’s Coastal Plain to oil and gas development. The Bureau of Land Management (BLM) began the environmental review process to open the Coastal Plain to oil and gas leasing.

In December 2018, the BLM published its draft environmental impact statement (EIS). Despite months of government-to-government meetings, the draft EIS was based on pre-existing data and research from other regions in Alaska that brushed aside the effects on subsistence and cultural resources. The final EIS, released in September 2019, identified the most development-intensive alternative as the preferred option.

In August 2020, the BLM’s authorized oil development in the entirety of the Coastal Plain, with few restrictions. In September 2020, NARF filed a lawsuit challenging the final EIS as well as the decision. Unfortunately, the Trump Administration held a leasing sale on January 6, 2021, after the court denied NARF’s motion for preliminary injunction. Fortunately, the lease sale was a failure: less than half of the land even received a bid. On his first day in office, President Biden placed a full moratorium on all further oil and gas activities in the refuge. With the immediate threat removed, the Tribes continue to work towards protective measures for the refuge.

Bering Sea-Interior Tribal Commission

The Bering Sea-Interior Tribal Commission is a tribal consortium of 27 tribes working to protect traditional ways of life by advocating for land-use planning processes and sustainable natural resource management decisions that meaningfully reflect member tribes’ values. Currently, the commission is participating in the resource management planning processes for the Bering Sea-Western Interior and Central Yukon planning areas. These vast areas of land encompass Tribal Commission member-tribes’ traditional lands and contain vital resources, which sustain traditional ways of life. NARF is providing legal and technical support to the commission.

In December 2020, the BLM released the Bering Sea-Western Interior Proposed Resource Management Plan and Final Environmental Impact Statement. The commission submitted a protest letter, raising the BLM’s

exclusion of tribes from the planning process and failure to adopt adequate protections for cultural and subsistence resources. Inexplicably, the BLM concluded that the commission did not have standing and dismissed the protest without addressing any of the issues raised. A few days later, on the day before the 2021 inauguration, the BLM released its record of decision approving the proposed plan. On his first day in office, President Biden specifically identified the Bering Sea-Western Interior Resource Management Plan as an action to be reviewed. The commission has engaged with BLM to identify how to remedy the deficiencies in the Bering Sea-Western Interior Plan.

Bay Mills Indian Community Challenge to Enbridge Line 5

NARF and Earthjustice have teamed up with the Bay Mills Indian Community to fight a proposed oil pipeline tunnel that threatens the Community’s treaty rights, tribal fisheries, and the environment. In 2020, Bay Mills Indian Community intervened in an ongoing process pending before the Michigan Public Service Commission. The commission is evaluating Enbridge’s permit application to build a tunnel beneath the Straits of Mackinac and relocate a segment of its Line 5 pipeline. In July 2022, the commission requested additional information. Currently, the parties are presenting evidence on the tunnel project’s safety risks.

Wyoming v. Herrera

Clayvin Herrera, a member of the Crow Tribe of Indians, is charged with taking elk out of season, and Wyoming state courts have barred him from asserting his treaty rights in defense. In 2019, the U.S. Supreme Court affirmed the continued existence of the Crow Tribe’s right to hunt on unoccupied lands and remanded the case to the Wyoming courts; NARF represented the Crow Tribe as *amicus curiae* in that case. Now, Wyoming argues that Mr. Herrera is precluded from asserting his treaty rights because the U.S. Court of Appeals for the Tenth Circuit, in *Crow Tribe of Indians v. Repsis*, held that state prosecution of Crow Tribe treaty hunters is warranted by conservation necessity, and the Bighorn National Forest is no longer “unoccupied” land. The trial court sided with Wyoming. However, the Wyoming District Court, 4th Judicial District, reversed the lower court in December 2021, holding that issue preclusion did not apply.

The state petitioned for review, but in January 2022, the Wyoming Supreme Court refused to hear the case. The state is instead continuing with its prosecution and will attempt to prove that Herrera’s prosecution was necessary for the conservation of elk in the Bighorn National Forest. NARF is assisted in this matter by the Tribal Justice Clinic at the University of Arizona James E. Rogers College of Law and Lazzari Legal.

Crow Tribe of Indians v. Repsis

This matter is related to Herrera, above, in which the State of Wyoming argues that the judgment in *Crow Tribe of Indians v. Repsis*, a declaratory judgment action filed by the Tribe and decided in Wyoming’s favor in the 1990s, precludes the Tribe from making certain arguments today. As a result of the U.S. Supreme Court’s decision in *Herrera v. Wyoming*, the Tribe seeks relief from the Repsis judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. If the court grants relief, then the Repsis judgment would have no further force or effect, and the State could no longer argue preclusion in the remanded Herrera case. In July 2021, the district court denied the motion—not on the merits, but instead concluding that the district court lacked authority to disturb holdings reached by the U.S. Court of Appeals for the Tenth Circuit. The Tribe appealed to the Tenth Circuit. Briefing is complete, and the court held oral argument in March 2022. We now await a decision. As in Herrera, NARF is assisted in this matter by the Tribal Justice Clinic at the University of Arizona James E. Rogers College of Law and Lazzari Legal.

ENVIRONMENTAL PROTECTION

NCAI Climate Change Matters

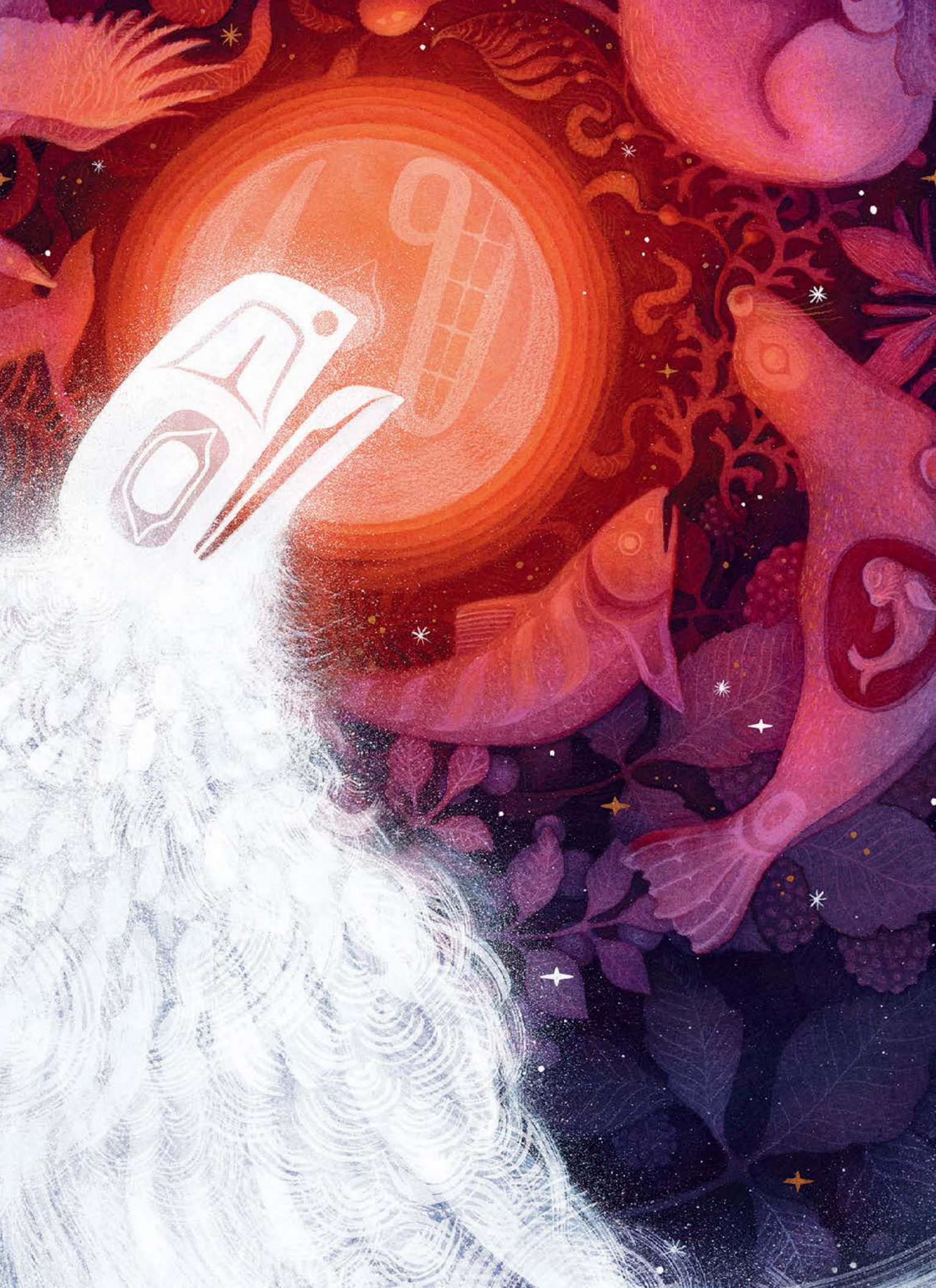
The effects of climate change on Indigenous peoples throughout the world are acute and will only get worse. NARF represents the National Congress of American Indians (NCAI) at the international level through the United Nations Framework Convention on Climate Change (UNFCCC). The goal is ensuring Indigenous rights are protected in any international agreement governing greenhouse gas emissions reductions. In December 2015, the Paris Agreement was adopted. It states that, when taking climate change action, Indigenous peoples’ rights must be acknowledged. Also, traditional

knowledge shall help guide climate change science. It also recognizes the need to strengthen that knowledge and establishes a platform for sharing information. The International Indigenous Peoples Forum on Climate Change (Indigenous caucus), in which NARF participates, did not achieve all that it sought, but it achieved significant references that can be built on.

Since the Paris Agreement, the Indigenous caucus has worked to make the traditional knowledge platform a reality. In 2018, a working group was established. It met in 2019 with seven country representatives and seven Indigenous representatives. For the first time, Indigenous representatives (chosen by Indigenous peoples) participated on an equal basis with states within a United Nations body. In 2019, the group prepared a two-year plan that was approved at Conference of the Parties 25 (COP 25) in December 2019.

Because of COVID, COP 26 did not convene until 2021, when it was preceded by the fifth meeting of the working group. Despite shortcomings in negotiations, there was an historic gathering of traditional knowledge holders from around the world, per the working group’s plan. The meeting represents growing recognition of the importance of traditional knowledge to addressing climate change.

The UNFCCC resumed in-person intersessional meetings in June 2022 which NARF attended, as well as meetings of the Facilitative Workgroup (FWG) of the Local Communities and Indigenous Peoples Platform the week before. COP 27 and the eighth meeting of FWG took place late in 2022, with NCAI representatives attending.



PROMOTE HUMAN RIGHTS

To promote Native American human rights, NARF focuses on equal protection and freedom from discrimination in areas such as voting, education, incarceration, and religion. NARF also helps develop laws that provide unique protections for Native collective rights, traditions, culture, and property such as sacred places, peyote, eagle feathers, burial remains, and funerary objects.

RELIGIOUS FREEDOM AND SACRED PLACES

Bears Ears

For years, the Bears Ears Inter Tribal Coalition, a consortium of five sovereign tribal nations (Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni) worked to protect the Bears Ears region, America's most significant unprotected cultural landscape. Located in Utah, the Bears Ears region contains at least 100,000 archaeological sites, some dated back to 12,000 BCE, and remains critical to many tribes today for spiritual as well as hunting and gathering purposes. In response to tribal efforts, in 2016, President Obama designated the Bears Ears National Monument and established the Bears Ears Commission "to provide guidance and recommendations on the development and implementation of management plans and on management of the monument." The Commission included one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and Pueblo of Zuni.

In 2017, President Trump issued an Executive Order revoking and replacing the national monument. Representing the Hopi, Zuni, and Ute Mountain Ute Tribes, NARF sued the Administration for violations of the Antiquities Act, the Separation of Powers, the Property Clause and the Administrative Procedures Act. Briefing was completed in 2020; however, the incoming Biden administration requested a stay pending a 60-day monuments review. Secretary of Interior Deb Haaland completed the review and submitted recommendations to the president. In October 2021, President Biden restored the Bears Ears National Monument. Tribal leaders from the Bears Ears Coalition hailed the decision and were in attendance at the White House for the signing.

In August 2022, the State of Utah filed suit against President Biden. The state is arguing that President Biden abused his authority in creating Bears Ears and Grand Staircase Escalante and the monuments are too large. The Tribes intervened in the lawsuit in late 2022.

Standing Rock Sioux Tribe v. Army Corp of Engineers - Amicus Brief Strategy

NARF and the National Congress of American Indians (NCAI) are assisting the Standing Rock Sioux Tribe and their attorneys to develop and coordinate an effective *amicus* brief strategy in their lawsuit against the U.S. Army Corps of Engineers in relation to the Dakota Access Pipeline (DAPL). In 2016, the Army Corps determined that further environmental review was warranted before issuing an easement to the Dakota Access Pipeline to cross under Lake Oahe. However, in 2017, the Army Corps reversed course and announced its intention to grant an easement. Both Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe filed amended complaints. NARF and NCAI are coordinating *amicus* brief strategies to support the Tribes. When the Tribes filed motions for summary judgment, NARF filed an *amicus* brief on behalf of 22 tribes and Native organizations. In March 2020, the court remanded the matter to the Corps for preparation of an Environmental Impact Statement (EIS). The court ordered an additional briefing on whether it should vacate the easement pending completion of the EIS. NARF filed an *amicus* brief supporting vacatur.

In July 2020, the district court judge ordered that the pipeline be emptied of oil. Dakota Access filed a notice of appeal and the DC Circuit Court of Appeals. NARF submitted an *amicus* brief on the emergency motion to stay on behalf of several tribal organizations and tribes. In 2021, the appellate court agreed that the Army Corps needed to perform further environmental review, but reversed the district court's order to shut down the pipeline. The Army Corps of Engineers is currently developing an environmental impact statement for the pipeline.

Indigenous Peyote Conservation Initiative

NARF has represented the National Council of Native American Churches and the Native American Church of North America for four decades. Most recently, NARF has been working to develop and support access to and the use of peyote for religious and ceremonial purposes.

In 2017, NARF closed on the purchase of 605 acres of Texas land, made possible by a grant from the RiverStyx Foundation of California. A nonprofit organization—the Indigenous Peyote Conservation Initiative (IPCI)—was created to hold the land’s title and put a peyote conservation project on the land. An adobe duplex, two bathhouses, and a peyote nursery were built on the land. Most recently, IPCI received its final 501c3 non-profit status determination from the Internal Revenue Service. NARF is transferring all funds and title to the Texas land.

Graduation Eagle Feather and Regalia Project

Every spring, NARF is contacted by Native American students from across the country who are being prohibited from wearing eagle feathers at graduation ceremonies. By and large, once schools come to understand the religious and cultural significance of eagle feathers, they make accommodations and exceptions for Native American students. Unfortunately, there are a handful of school districts that persist in restricting Native American religious liberty and speech. This insistence on uniformity puts Native American students in the position of having to choose between celebrating with their classmates or following their religious and cultural traditions. When appropriate and as resources permit, NARF may send a letter to the school explaining the religious significance of eagle feathers, and how both federal and state law protects their use. Additionally, we are exploring the viability of targeted legislative campaigns that could lead to a “fix” on a state-by-state basis.

On occasion, NARF pursues litigation on behalf of affected students. For example, NARF co-counseled with Rothstein Donatelli LLC, on *Waln v. Dysart School District* to bring suit against an Arizona district for a violation of a Native student’s religious freedom rights to wear an eagle feather at her graduation in 2019. In 2021, the U.S. District Court ruled against the Walns and dismissed the case. The Walns appealed to the U.S. Court of Appeals for the Ninth Circuit. In December 2022, the court overturned the lower ruling, and, in favor of the Walns, remanded the matter back to the district court for further proceedings.

INDIAN EDUCATION

Tribal Education Departments National Assembly

NARF founded the Tribal Education Departments

National Assembly (TEDNA) in 2003 with funding from the U.S. Department of Education to start a national membership organization for Tribal Education Departments (or Agencies). NARF represents TEDNA on national legislative and administrative matters and provides training and technical assistance regarding TEDs to TEDNA and its partner organizations. For example, in the 2015 Every Student Succeeds Act (ESSA), Congress added a new tribal consultation requirement. States must consult with tribes located with their states when states submit plans required for ESSA grants. Thirty-four states have tribes located within their states and all submitted ESSA plans, but it is unclear whether they complied with the tribal consultation requirement. NARF and TEDNA are conferring to determine options and next steps.

Stephen C. v. Bureau of Indian Education

In the appeal of this case to the U.S. Court of Appeals for the Ninth Circuit, NARF represents the National Indian Education Association, the Tribal Education Departments National Assembly, the American Indian Higher Education Association, and the National Congress of American Indians as *amici curiae* in support of the students (and guardians) at Havasupai Elementary School, a K-8 school operated by the Bureau of Indian Education (BIE). Students allege that the BIE has failed its statutory duties to provide basic special and general education at the school. In the district court, the parties settled the special education claims. The district court dismissed the general education claims, finding that they rose to the level of a “systemic challenge” not reviewable by courts under the Administrative Procedures Act. Students appealed and NARF coordinated the filing of five *amicus* briefs in support of the students. In March 2022, the court reversed the district court. The parties have returned to the lower court.

Yellow Kidney v. Montana Office of Public Instruction

In July 2021, NARF, along with the American Civil Liberties Union, the American Civil Liberties Union-Montana, and the Robins Kaplan law firm, filed an action in Montana district court alleging that state agencies and officials have failed to implement the Montana provisions known as “Indian Education for All,” which state that all Montana public school students will be instructed in American Indian cultural heritage in cooperation with Montana tribes. Despite years of funding for the provisions, the state is not implementing the provisions.

The plaintiffs are Montana students and their guardians, both Indian and non-Indian, and six tribes: the Fort Belknap Indian Community, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Northern Cheyenne Tribe, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Little Shell Tribe of Chippewa Indians of Montana, and Crow Tribe. In October 2021, the defendants moved to dismiss this action. Plaintiffs filed an amended complaint in December 2021. In March 2022, the parties requested oral argument on the motion. However, the presiding judge recused himself. In January 2023, a new judge was assigned.

Rosebud Sioux Tribal Education Code Revision Project

NARF assisted the Rosebud Sioux Tribe in developing their precedent-setting tribal education code in 1991. In 2015, the Rosebud Sioux Tribe received a federal grant to revise its 25-year-old Education Code. In October 2020, the Tribal Education Committee approved a final draft of the proposed revised Code. The approval of the proposed revised Code continues under the Tribe’s process.

Leech Lake Band of Ojibwe Education Code

NARF represents the Leech Lake Band of Ojibwe in drafting a comprehensive education code. Development continues with community meetings upcoming.

INDIAN CHILD WELFARE ACT DEFENSE

The Indian Child Welfare Act (ICWA) was passed by the U.S. Congress in 1978 in response to the disproportionate numbers of American Indian and Alaska Native children being removed from their families by state agencies and courts and placed in non-Native homes or residential institutions. Congress found that many of these removals and placements were due to state officials’ inability or unwillingness to understand tribal cultures and societies. The removals were extremely detrimental to the children, their families, and tribes. The past decade has seen a number of legal challenges brought by opponents of ICWA, all with the goal of undermining ICWA and tribal sovereignty.

The most high-profile and potentially consequential case is *Haaland v. Brackeen* (formerly *Brackeen v. Zinke* and *Brackeen v. Bernardt*).

In October 2018, the U.S. District Court for the Northern District of Texas ruled that both ICWA and 2016 ICWA regulations are unconstitutional. The arguments the court relied on are contrary to the Constitution, congressional intent, and decades of well-established federal Indian law. Tribal defendants appealed, and NARF worked closely with partners to coordinate *amicus* briefs, including one signed by 325 Tribes and 57 Native organizations. The Fifth Circuit overturned the district court’s opinion and affirmed the constitutionality of ICWA. Plaintiffs successfully petitioned the Fifth Circuit to rehear the case en banc. NARF coordinated the *amicus* briefing strategy for the rehearing, and had 486 tribes and 59 tribal organizations sign on. The Fifth Circuit reheard oral argument in January 2020.

The appeals court decision was issued April 2021. Although the court generally upheld the authority of Congress to enact ICWA and held that ICWA’s definition of “Indian child” did not operate on the basis of race, it also found certain sections of ICWA to be unconstitutional.

In late 2021, the Department of Justice, intervening tribal nations, as well as Texas and individual plaintiffs all asked the U.S. Supreme Court to review the decision. NARF again filed a tribal *amicus* brief, which was signed by 180 tribal nations and 35 tribal organizations. In February 2022, the Supreme Court granted all four petitions and



consolidated the case under *Haaland v. Brackeen*. At all phases of this case, NARF, along with our co-counsel at Dentons, filed an *amicus* brief on behalf of federally recognized tribes and Native organizations. The tribal *amicus* brief filed in August 2022 was signed by 497 Tribes and 62 Native organizations—to our knowledge, the largest show of Indian Country support for any brief before the U.S. Supreme Court. Oral argument was heard in November and a decision is expected June 2023.

VOTING AND CIVIL RIGHTS

Rosebud Sioux Tribe v. Barnett

In September 2020, NARF filed suit on behalf of Rosebud Sioux and Oglala Sioux in federal district court in South Dakota alleging violations of the National Voter Registration Act (NVRA), also known as the Motor-Voter law, which allows voters to register at motor vehicle departments and public assistance offices. NARF is co-counseling with Demos, which initiated an investigation after it discovered an 84% decrease in the number of voter registration applications from public assistance offices despite an 80% increase in the number of those receiving benefits. The investigation unearthed violations of the NVRA in past and current practices, programs, and trainings. The parties are attempting to settle the state’s NVRA compliance issues.

Western Native Voice v. Jacobsen

In May 2021, NARF filed this case on behalf of the Blackfeet Nation, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Fort Belknap Indian Community, and the Northern Cheyenne Tribe. It challenges two discriminatory voting laws: HB 176 and HB 530. HB 176 ends same-day registration, which reservation voters have relied upon to cast votes in Montana since 2005. HB 530 attempts to block organized ballot collection on rural reservations, in spite of a similar law being ruled unconstitutional in NARF’s 2020 case *Western Native Voice v. Stapleton*. In September 2022, the court issued an order in plaintiff’s favor on all counts. The court also found evidence of racial discrimination given this pattern of denying access to Native Americans.

Turtle Mountain Band of Chippewa Indians v. Jaeger

The Turtle Mountain Band of Chippewa Indians, the Spirit Lake Nation, and Native voters brought this suit to challenge North Dakota’s legislative redistricting plan

on the basis that it dilutes the Native American vote in violation of the Voting Rights Act. We successfully defeated the state’s motion to dismiss, and the court held that the Tribes have standing to sue the state and that the Voting Rights Act challenge can continue. The trial has been scheduled for June 2023.

Walen v. Burgum

In March 2022, the Mandan, Hidatsa and Arikara Nation (MHA) and individual Native American voters filed a motion with the United States District Court for the District of North Dakota to intervene in *Walen v. Burgum*. This lawsuit was brought by two individuals seeking to eliminate the majority-Native state legislative subdistrict encompassing the Fort Berthold reservation in North Dakota. The tribal government and Native voters seek to defend the subdistrict, which ensures MHA tribal members have an opportunity to elect a candidate that represents their interests to the North Dakota State House. The 2022 election, resulted in the MHA Nation’s district being represented by an MHA tribal member for a first time. The case is set for trial in October 2023.

Lower Brule v. Lyman County

In May 2022, the Lower Brule Sioux Tribe and three enrolled members filed a lawsuit to prevent Lyman County from postponing compliance with the Voting Rights Act. After the Tribe won a preliminary injunction to a limited extent and the county lost two motions to dismiss, the parties negotiated a settlement. The settlement immediately provided the Tribe with one appointed seat on the commission and a second elected seat in 2024. The parties also agreed that the court would retain jurisdiction until 2034.

Spirit Lake Tribe v. Benson County

The Spirit Lake Nation and two tribal members sued Benson County, North Dakota, to challenge the redistricting plan for the county’s Board of Commissioners. The county adopted a discriminatory at-large commissioner map, even though it was prohibited from enacting at-large elections in a 2000 consent decree in a prior Voting Rights Act case. The county’s answer to the complaint is due in February 2023.

Winnebago and Omaha v. Thurston County

This case challenges the Thurston County Board of Supervisors’ redistricting plan. Despite Native voters

comprising a majority of the County, the Board disregarded tribal testimony when adopting a supervisor map that only provided effective Native voter majorities for three of the seven supervisor districts. The plaintiffs brought a challenge under the Voting Rights Act and U.S. Constitution, including a claim of intentional discrimination.

Arctic Village Council v. Thompson

During the June 2022 special primary election, the Alaska Division of Elections rejected more than 7,500 ballots, constituting more than 4.5% of votes statewide. Of the ballots rejected, about 3% were rejected because of ballot defects that could have been corrected if voters had been notified of the defects, such as a missing witness signature, voter identifier, or voter signature. Though Alaska is a no-excuse absentee state, permitting anyone to request and vote absentee, the Division of Elections has no procedure in place to timely notify voters of defects in their absentee ballots and provide a meaningful opportunity to fix curable defects. Instead, the state does not notify voters that their absentee ballot has been rejected until after election day and does not allow voters to correct any deficiencies. The ballot rejection rate was significantly higher in rural Alaska, with an outsized impact on Alaska Native voters. The four majority-Alaska-Native house districts experienced rejection rates in the double digits. In the Bethel and Lower Kuskokwim region, the rejection rate was a staggering 16.5%. In the Bering Straits/Nome/Yukon Delta region, the rejection rate was more than 14%. For the Arctic/Utqiagvik/Kotzebue region, it was more than 12%, and in the Bristol Bay/Aleutians/Dillingham/Unalaska region it was just less than 11%.

In July 2022, NARF, ACLU of Alaska, and Lawyers’ Committee for Civil Rights sent a letter to the Division of Elections requesting an opportunity to cure absentee ballot defects in future elections. After the state refused to address the ballot curing issues, NARF, ACLU of Alaska, Lawyers’ Committee for Civil Rights, and Perkins Coie filed suit on behalf of Arctic Village Council, League of Women Voters, and two individual voters.

Toyukak v. Dahlstrom

In 2013, Arctic Village Council, Native Village of Hooper Bay, Traditional Village of Togiak, Venetie Village Council, and two individual Alaska Native voters, represented by NARF and co-counsel, sued the Alaska Division of Elections and Alaska Lieutenant Governor to enforce the statutory guarantee of language assistance

under Section 203 of the Voting Rights Act (VRA) and the voting guarantees of the Fourteenth and Fifteenth Amendments of the United States Constitution. For decades, the state failed to provide language assistance to Alaska Native voters as required by the VRA. Plaintiffs were unable to meaningfully participate in the electoral process because of it.

In a 2014 trial, the court held that Alaska had violated the VRA. Alaska had improperly relied on what it called “outreach workers” in Alaska Native communities to translate the election pamphlet, even though the workers had never been asked to do so. The end result was an absence of preelection information such as candidate statements and ballot measures available to English speaking voters. The court ordered translation of all pre-election materials distributed in English and posting of bilingual translators at all polling places. In 2015, the court approved a settlement agreement with the Alaska Division of Elections and Alaska Lieutenant Governor that provided a comprehensive language assistance program. Unfortunately the state has never meaningfully complied with the order, and the case is still under court supervision. NARF is reviewing reports from the 2022 elections.

NATIVE AMERICAN VOTING RIGHTS PROJECT
(vote.narf.org)

The goal of the Voting Rights Project is Native political power. What would that look like? (1) Every tribe has polling places where they need them and at least one or more on each reservation. (2) Those polling places are open the same times as polling places in non-Native communities. (3) Every tribe’s members can easily register to vote and are actually able to vote. (4) Voter turnout is high because tribal members have confidence that their vote will count and that it will make a difference in the result. (5) Because turnout is good and tribal members are in districts that favor them, tribal members are able to elect representatives that advocate for them and their interests, including an understanding of and dedication to preserving tribal sovereignty. (6) Those representatives pass laws that improve the lives of tribal members. That is the vision.

The Project consists of:

- 1. **Litigation:** Voting cases challenging a law or practice are highlighted above.

PROMOTE HUMAN RIGHTS

- 2. Coalition:** In 2015, NARF created the Native American Voting Rights Coalition to organize everyone working on voting in Indian Country so we could share information, resources and strategize on a nationwide basis. The Coalition has also developed a detailed strategic plan that it uses to determine what projects it will pursue next.
- 3. Legislation:** The Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021 (NAVRA) was introduced in August 2021. The legislation is intended to address the unique challenges Native Americans face when exercising their right to vote.
- 4. Advocacy and Projects:**
- **Polling Places and Addressing:** NARF is working toward securing polling places for reservations and tribal communities. The vast majority of Native voters have to leave their reservations to vote and voter services can be as much as 98 miles one way. This is one of the most common ways to suppress the vote. We are analyzing where reservations-in-need are and reaching out to affected communities. Additionally, we work on addressing issues in Indian Country. Post office boxes and other non-traditional addresses make it very difficult for reservation residents to register to vote if their state requires a street address. The same problems carry over when voters need absentee ballots, such as during the pandemic.
 - **Redistricting:** NARF has created a comprehensive Indian Country redistricting project. Census undercounts and gerrymandered voting districts lead to diluted voting power. Once a tribe has been gerrymandered into an unfavorable district in which they are a minority, they cannot elect candidates to represent their interests. This is often paired with or followed by restrictions in voting itself. When the barriers are removed and participation increases, Native communities can elect representatives that are responsive to their concerns. The project is helping tribes overcome these structural barriers.
 - **Election Protection:** NARF has created the first ever Election Protection Project to cover Indian Country at-large. Project goals include: Preparing voters to navigate election barriers. Removing as many election barriers as possible by securing voting and registration opportunities. Planning for election-day monitoring and data collection.
 - **203 Language Assistance;** As a result of the new determinations made by the Director of the Census in 2022, American Indian language assistance must now be provided in 94 political subdivisions in 12 states. Our

newly developed 203 Project consists of five primary components: (1) notice letters to covered jurisdictions; (2) outreach to Native communities in covered jurisdictions to educate them about 203 requirements; (3) outreach to covered jurisdictions and their election officials; (4) garnering resources to assist with translations; and (5) litigation.

Smith v. State

For decades, Alaska courts excluded the residents of over 150 rural villages from being called for jury service. The courts claim that it is too expensive to include rural residents; but, not including those communities in the jury pool results in thirty percent of Alaska Natives being excluded from participating in the justice system. It affects perceptions of the justice system, and can result in unrepresentative juries and disproportionate sentences.

In 2017, NARF filed an *amicus* brief in *Smith v. State* in support of Smith’s arguments that costs savings alone are not a sufficient government interest to exclude thirty percent of the Alaska Native community from serving on juries. After technical findings from the Alaska appeals court, Smith petitioned to the Alaska Supreme Court to take his case in 2021. NARF filed an *amicus* brief on behalf of a coalition of tribal organizations that support Smith’s petition. The Alaska Supreme Court declined to hear the case in January 2022. noting in its denial that “[t]he denial of the petition should not be read as a comment on the merit of the constitutional argument about certain communities’ exclusion from jury service.”

INTERNATIONAL RECOGNITION OF INDIGENOUS PEOPLES

United Nations Declaration on the Rights of Indigenous Peoples

Since 1999, NARF has represented the National Congress of American Indians (NCAI) in the international arena to protect Indigenous rights. In September 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples (Declaration). The Declaration sets minimum standards for the treatment of Indigenous Peoples and can serve as the basis for the development of customary international law. NARF’s most recent actions on behalf of the NCAI have focused on the participation of Indigenous institutions at the United Nations (UN). Until now, Indigenous Peoples have had to appear in most UN bodies as non-governmental organizations,

which is precisely what they are not. Indigenous Peoples’ representatives from around the world, including one from NCAI, met in November 2016 to discuss areas of consensus. In 2018, the Human Rights Council began to establish an appropriate status for Indigenous Peoples representatives and institutions to participate. After a couple of years of being on the back burner, there was a meeting in December 2022 to restart the discussion on the status of Indigenous Peoples at the UN. There were four areas of discussion: where and how would enhanced participation be allowed and what are the criteria to qualify and the process for determining eligibility for the enhanced status. NARF submitted a concept paper prior to the event, which went very well.

The Implementation Project (un-declaration.narf.org)

NARF and the University of Colorado Law School (CU Law) have initiated the Implementation Project to guide the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (Declaration) in the United States. Guided by traditional values, contemporary challenges in Indian Country, and the needs of future generations, the goal of the project is to realize the promises of the Declaration in the U.S.

The project held a conference in 2019, which generated valuable discussion. A Project website was launched in 2020. In 2021, working with UCLA’s Native Nations Law and Policy Center’s Tribal Legal Development Clinic, the project developed a UN Declaration Implementation Toolkit. In 2021, the Project collaborated on a resolution adopted at NCAI’s Annual Convention calling on President Biden to take specific actions related to implementation of the Declaration. Currently, the Project is developing an “Indigenous Peoples Guide to the United Nations” as well as UN Declaration booklets. With the support of generous funding from the Henry Luce Foundation, in 2021-2023, the Project will offer a series of workshops in different regions of the United States. In 2022, events included a side event to the UN Permanent Forum on Indigenous Issues, an Indigenous Peoples Day event, and a panel at the National Congress of American Indian’s annual convention.

Organization of American States Draft Declaration on the Rights of Indigenous Peoples

The Organization of American States (OAS) approved the American Declaration on the Rights of Indigenous Peoples in 2016. The United States commented it had

been a persistent objector to the text and could not be bound by it. NARF, representing NCAI, joined a coalition of Indigenous representatives calling for the OAS to fully carry out its plan to implement the American Declaration. NARF and NCAI continue to be part of the Indigenous Nations and Organizations Coalition and made a statement at the 52nd session held in September 2022.

World Intellectual Property Organization

NARF represents NCAI in the ongoing negotiations for an international instrument to protect intellectual property, including Traditional Knowledge, Genetic Resources and Associated Traditional Knowledge (GRAATK), and Traditional Cultural Expressions (TCE).

In May 2017, NARF and CU Law hosted a drafting session on the TCE instrument. Some of that text was introduced into the WIPO draft. In October 2017, the new WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) mandate and work plan were approved by the WIPO General Assembly. NARF and CU Law hosted another drafting session in May 2018 focusing on the GRAATK instrument. In June 2018, NARF spoke on the IGC Indigenous Panel on “Practical Measures Relating to Intellectual Property and Genetic Resources: Databases and Contracts – Indigenous Peoples’ and Local Communities’ Perspectives.” A NARF article summarizing the 2018 WIPO IGC negotiations was published in The Indigenous World 2019.

IGC 40 took place in June 2019. The text focus was the TK and TCE texts. NARF published an article about the 2019 WIPO negotiations in The Indigenous World 2020. In February 2020, federal agencies participating in WIPO negotiations, attended a listening session that NARF organized. NARF wrote about 2020 negotiations in The Indigenous World 2021.

IGC 41 took place in August 2021 in a hybrid format, and they approved the work program for 2022-2023. Subsequently, four sessions were held in 2022. The first two focused on the GRAATK text and the second two focused on the TK and TCEs texts. The Indigenous Caucus selected NARF to present at an ad-hoc expert group the day before the final session of 2022.

HOLD GOVERNMENTS ACCOUNTABLE

Within the unique trust relationship between the United States and Native nations is the inherent duty for all levels of government to recognize and enforce the laws and regulations applicable to Native peoples. NARF commits to hold governments accountable to Native Americans.

TRUST FUND MATTERS

Pembina Chippewa v. United States

NARF represents the Turtle Mountain Chippewa, Chippewa Cree, White Earth Band of Minnesota Chippewa, and Little Shell Chippewa Tribe in this case against the federal government for misaccounting and mismanagement of their tribal trust fund, the Pembina Judgment Fund. Starting in August 2007, the parties engaged in alternative dispute resolution proceedings in the Court of Federal Claims. In July 2015, the parties reached agreement on a monetary amount for a potential settlement of the Plaintiffs' claims in this case. In March 2018, the parties reached agreement on the non-monetary components of a potential settlement. In December 2020, the parties began the process of seeking court approval of the settlement. In June 2021, the U.S. District Court for the District of Columbia granted final approval of the \$59 million settlement. The Summer 2021 issue of the NARF Legal Review featured the Pembina settlement. November 2022, the United States completed payments into a qualified settlement fund. The parties are now focused on settlement proceeds distribution.

Intertribal Council of Arizona v. United States

In April 2015, NARF filed on behalf of the Intertribal Council of Arizona (ITCA) a breach of trust case against the United States seeking damages for mismanagement of the Arizona Intertribal Trust Fund (AITF). The AITF was established by Congress in 1988 to compensate Arizona tribes for the closure of the Phoenix Indian School, which allowed the Department of the Interior to exchange the school's land for privately owned lands of the Barron Collier Company in Florida. The Phoenix lands were more valuable, and Congress approved the exchange only if the difference in value of the properties went to the AITF and a trust fund for the Navajo Nation. Collier

partially paid the property value, but then gave notice that they would no longer make payments. The lawsuit seeks to hold the United States liable for the remaining payments into the AITF. ITCA filed an amended complaint in April 2018, which the United States moved to dismiss. The court dismissed all but a portion of one of ITCA's claims. In 2019, ITCA appealed to the U.S. Court of Appeals for the Federal Circuit, and the court heard oral argument. In April 2020, they decided that two ITCA claims were properly dismissed, but a third claim, that the United States failed to hold sufficient security for the trust fund payments, should go forward. In December 2022, the case was reassigned to a new judge after the death of the presiding judge. The parties have submitted a briefing schedule on simultaneous motions for summary judgment.

Klamath Tribes Judgment Fund Repeal Act

The Klamath Tribes retained NARF to seek repeal of the Judgment Fund Distribution Act, which was adopted as part of the legislation that terminated the Tribes' government-to-government relationship in 1954. The relationship was restored in 1986, but the remnant legislation was not repealed. In February 2021, Senator Merkley introduced S.314, which passed in May 2021. The bill was referred to the House Natural Resources Committee and thereafter to the Subcommittee for Indigenous Peoples of the United States. Chairman Gentry testified before the subcommittee in April 2022. In December, the bill was brought to the floor of the House of Representatives and passed. President Biden signed the bill, which became Public Law No: 117-261. NARF is working to ensure that the remaining money in the judgment fund is disbursed back to the Tribes in a timely fashion.



DEVELOP INDIAN LAW

NARF is firmly committed to sharing its legal expertise in support of Indian rights. NARF maintains several projects to *develop Indian law and educate the public about Indian rights, laws, and issues*. NARF staff also participates in numerous conferences and events to share their knowledge and expertise in Indian law.

INDIGENOUS PEACEMAKING INITIATIVE (peacemaking.narf.org)

Indigenous peacemaking is a community-directed conflict resolution process that addresses the concerns of all interested parties and uses traditional rituals to involve the parties to a conflict, their supporters, elders and interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the conflict, and together identify the steps necessary to assist in healing all affected parties and to prevent future occurrences and conflicts. The mission of NARF’s Indigenous Peacemaking Initiative (IPI) is to promote and support Native peoples in restoring sustainable traditional dispute resolution practices. Based on surveys of tribal justice system professionals, our priorities are: (1) distributing peacemaking materials; (2) providing technical assistance to tribes; (3) training on tribal peacemaking; and (4) advocating for tribal peacemaking. The project is guided by an advisory committee of traditional peacemaking experts and practitioners. In 2022, trainings were held with multiple tribes in California, technical assistance was provided to a tribe in Minnesota, and IPI presented to the California Tribal-State Judicial Collaborative.

THE NATIONAL INDIAN LAW LIBRARY (nill.narf.org)

The National Indian Law Library (NILL) is the only publicly available law library in the United States devoted to Indian law. In addition to the service that it provides to NARF’s attorneys, the library is an invaluable resource supporting Indian Law and educating the public on Indian Law issues. The library’s website recorded 230,000 users and 305,000 sessions in 2022. Each week, NILL provides free updates through the Indian Law Bulletins, which more than 8,000 subscribers receive. Recently, NILL has worked with the University of Wisconsin, the Open Law Library to develop a platform for publishing tribal laws. The platform allows libraries to curate collections of tribal laws, based on interest, region, or other factors, while allowing tribes to maintain control over their laws. At this time, two tribes are publishing their laws on the NILL website through the new library platform: Stockbridge Munsee Community, Wisconsin and Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin.



FY 2022 FINANCIAL REPORT

Based on our audited financial statements for the fiscal year ending September 30, 2022, NARF reports total revenue and net assets of \$5,861,978 and \$62,780,364, respectively. Due to presentation requirements of the audited financial statements in terms of recognizing the timing of certain revenues and expenses, they do not reflect the fact that based on NARF’s internal reporting, expenses and other cash outlays exceeded revenues resulting in a decrease of \$9,330,581 to NARF’s reserve fund.

When compared to fiscal year 2021: The decrease in public contributions is attributed to a downturn in corporate giving. The decrease in foundation grants is due to the additional new grants we received in FY21 restricted to

our important projects and cases (many of these grants are multi-year and support our work beyond fiscal year 2021). The decrease in tribal contributions is mostly due to a generous \$1 million donation from a tribe in FY21 that covers a two-year period. The decrease in legal fees is mostly related to a large settlement awarded last fiscal year. Along with the overall market, NARF’s investments experienced a significant decline in performance.

Note: This summary of financial information has been extracted from NARF’s audited financial statements which received an unmodified opinion by the accounting firm of FORVIS, LLP. Complete audited financials are available, upon request, through our Boulder office, or at www.narf.org.

SUPPORT AND REVENUE COMPARISON

	2022		2021	
	\$	%	\$	%
Public Contributions	\$6,867,998	117.2%	\$7,485,926	20.9%
Foundation Grants	6,812,031	116.2%	8,087,601	22.6%
Tribal Contributions	1,162,350	19.8%	1,740,800	4.8%
Legal Fees	960,813	16.4%	6,901,657	19.2%
Return on Investments	(9,942,415)	-169.6%	7,543,952	21.0%
Gain on Sale of Property	-	0.0%	3,791,063	10.6%
Other	1,201	0.9%	309,018	0.9%
TOTALS	\$5,861,978	100.0%	\$35,860,017	100.0%

EXPENSE COMPARISON

	2022		2021	
	\$	%	\$	%
Litigation and Client Services	\$9,174,910	63.9%	\$9,369,090	67.7%
National Indian Law Library	385,186	2.7%	254,924	1.8%
TOTAL PROGRAM SERVICES	9,560,096	66.6%	9,624,014	69.5%
Management and General	1,307,582	9.1%	1,255,864	9.1%
Fundraising	3,487,069	24.3%	2,957,912	21.4%
TOTAL SUPPORT SERVICES	4,794,651	33.4%	4,213,776	30.5%
TOTALS	\$14,354,747	100.0%	\$13,837,790	100.0%

NARF ACKNOWLEDGEMENT OF CONTRIBUTIONS:

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NARF’s success relies on the generosity of our donors throughout the nation. We invite you to learn more about the benefits associated with each program listed below, please contact our Development Department at 303-447-8760. **We gratefully acknowledge these donors for fiscal year 2022 (October 1, 2021 through September 30, 2022).**

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