

The

NARF LEGAL REVIEW

Native American Rights Fund

Fall 1985

Indian Gaming: Law and Legislation

In 1981 the United States Court of Appeals for the Fifth Circuit decided a case which has had a profound impact on the ways that Indian tribes finance their tribal governments. That case was *Butterworth v. Seminole Indian Tribe* and involved the issue of who controlled high stakes bingo on an Indian reservation.

Robert Butterworth was the local sheriff of Broward County who was convinced that the Seminole Tribe was conducting an illegal bingo operation on their tribal land in Hollywood, Florida.

The sheriff knew that Florida state law allowed bingo games to be run with a number of significant restrictions. The restrictions included a maximum nightly pot of \$100, the game could be played for charitable purposes only, and could only be conducted twice a week. The Seminole Tribe bingo games met none of these conditions.

Instead, the Seminole Tribe operated its bingo games six days per week, offered a maximum prize that was often ten times higher than the state limit and used the profits for "tribal government purposes." Based on these facts, Butterworth announced the intention to shut the Tribe's bingo game down. But, before he could act, the Seminole Tribe instituted a suit to stop him.

Prior to the establishment of the bingo operation, the Seminole Tribe had always been a poor one. Although surrounded by wealth, they had no particular resources to develop. They were, however, located in an area that was central to a large retirement community which had the money to spend on bingo. The Seminoles also knew that they were generally exempt from state civil regulatory control. With the help of a local management company, the Tribe obtained over \$900,000 of private financing and erected a 1,400-seat bingo hall. In order to more effectively compete with other Florida state gambling operations (including jai alai and horse and dog racing) the Tribe's game was widely advertised and a real effort was made to make non-Indians welcome on their Reservation. The operation was an immediate success.

The success of the bingo operation generated intense opposition from competing gambling interests. The fact that the Seminole Tribe was able to exercise its sovereign authority over the Reservation in such an open and successful way irritated many Florida officials, thus prompting them to call for state action against the Tribe.

In most states there would be no question that the state could *not* control gaming on an Indian reservation because it is well established that tribes generally retain their own internal tribal sovereignty (and immunity from state control) *unless* the tribe's sovereignty is specifically limited by an Act of Congress. In 1953, Congress passed Public Law 280 which basically allows states to exercise *limited* civil and *total* criminal jurisdiction on Indian reservations. Florida is one of twenty-one states that utilized Public Law 280.

Sheriff Butterworth and the State of Florida took the position that the state's bingo laws were criminal in nature and that his office had authority to close down the Tribe's bingo games.

The United States Court of Appeals for the Fifth Circuit disagreed. The Court held that the state permitted bingo and merely regulated the conduct of such games. Since the state did not forbid bingo activity the nature of the state involvement was seen as "civil/regulatory" as opposed to "criminal/prohibitory." Having decided what bingo constituted under state law the court next held that the type of civil activity the state was trying to exercise over the Seminole Tribe was *not* one of the limited civil areas that was granted to Florida under Public Law 280.

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As a result of the Fifth Circuit's opinion the State of Florida was not able to enjoin the Seminole bingo operation. The gaming operation has had a tremendously positive impact on the Tribe's future. The bingo games (a second game was subsequently started on tribal land located near Tampa) generate millions of dollars of revenue for the Tribe.

The games also provide jobs, but more than that, they provide quality jobs. Tribal members with little or no employment background are provided with entry-level positions that require the development of sound work habits and the employees are able to advance to more responsible positions. The work skills acquired are easily sellable in the tribal as well as the non-Indian job market.

After the United States Supreme Court refused to hear Florida's appeal from the Fifth Circuit's decision, other tribes began to seriously consider bingo as a method of raising badly needed tribal funding. Starting about 1983, the number of tribes which permitted gaming on their reservation quickly increased.

Although there are no totally accurate figures, the most frequently cited estimate is that about 80 of the nation's 309 tribes have set up bingo halls in some 20 states. As might be expected, given the tribes' diversity, there is no single dominant approach. Some games are wholly tribally owned and managed, while others are run by outside management groups who operate under contract with the tribe. On a few reservations a license is issued to a tribal member who actually runs the games. The operation is then taxed by the tribe and the income used for various tribal projects.

"The Court held the state permitted bingo and merely regulated the conduct of such games."

The outside management contract approach is probably the most common method of operation — especially among tribes that have little operational expertise. Typically, a management contract provides that the management company will supply the financing to construct the necessary bingo facility. The manager, in some cases, would also provide the day-to-day management of the operation. In return the manager would receive anywhere from 25% to 45% of the total profits. In some instances the manager might also guarantee a specific monthly profit, in others not.

States where bingo operations have been started generally came to oppose tribally run high stakes bingo. Many, notably California, instituted challenges in their federal court systems to halt bingo operations. Like the Seminole case, however, all have thus far been unsuccessful. And the courts have so far accepted the *Butterworth* reason-

ing. However, it still has not completely stopped state authorities who persist on assuming jurisdiction over tribal bingo operations.

In July, the Oklahoma Supreme Court in *State of Oklahoma v. Seneca-Cayuga and State of Oklahoma v. Quapaw Tribe*, ruled that the state could regulate bingo games if the state can show the games affect persons and entities other than the tribes involved. The state Supreme Court remanded the case to the lower district court for a hearing on the impact of the bingo games on non-Indians. In reaching its decision, the court determined that the doctrine of sovereign immunity did not bar suit against the Tribes because the doctrine had been replaced by other Indian law principles. Because the court's decision misapprehended the issues and has broad implications in the field of Indian law, the Tribes requested the court to reexamine the important and fundamental principles of Indian law at issue. NARF filed an *amicus curiae* (friend of the court) brief on behalf of the Cheyenne-Arapaho Tribes of Oklahoma in support of the Seneca-Cayuga Tribe and Quapaw Tribe's petition for rehearing.

Following the Oklahoma state Supreme Court decision, the state attorney attempted to close the Muscogee Creek Nation bingo facility which is located on tribal land surrounded by the city of Tulsa. However, before the state instituted their suit, the Creek Nation filed suit in federal court against the state in *Indian Country Inc., and Muscogee Creek Nation v. State of Oklahoma*. The Tribe contends the state lacks the authority to control the tribal bingo operation and to tax the revenue produced by the games. NARF will be filing an *amicus curiae* brief in this case on behalf of the Cheyenne-Arapaho Tribes to protect the Tribe's gaming operations which NARF helped to establish.

The most recent federal decision involving a non-Public Law 280 state, *Langley v. Ryder*, upheld an Indian gaming operation by relying on fundamental principles of Indian sovereignty. In *Langley*, the State of Louisiana sought to prosecute members of the Coushatta Tribe who were conducting a gaming operation on tribal land. The Coushatta Tribe, represented by NARF, intervened into the suit to protect the interest of the Tribe and its members. The state is not a Public Law 280 state, thus the court ruled the *Butterworth* analysis did not apply, and the Tribe had the sole authority to regulate bingo on its lands.

It must be noted that the states which are opposed to high stakes bingo are not necessarily against gambling. Only four of the fifty states do not allow gambling of any kind. Nineteen states are directly involved in lotteries and 32 states get significant revenues from horse racing, 14 have dog racing, and 43 permit bingo. One might reasonably suspect, and tribes frequently charge, that what states are objecting to is not the gaming that occurs

on reservations but that the tribal governments are the sole beneficiaries.

Recently, tribal governments have begun to expand into gaming other than high stakes bingo. The Santa Ana Pueblo, for example, intends to operate a dog racing track on its reservation lands. The State of New Mexico, where the Pueblo is located, permits pari-mutual betting although they do not permit dog racing as such. The Tribe has taken the position that since the state permits pari-mutual betting (a form of betting where the bettors proportionately share the amount bet after deduction of management expenses) then *any* form of pari-mutual betting (whether on horses or dogs or anything else) is permitted.

The Reagan Administration, however, has not seemed supportive of the effort to expand Indian gaming into new areas. The Secretary of the Interior has recently decided *not* to approve a proposed management contract between Santa Ana Pueblo and an outside management firm, and a lease of Santa Ana's land for its dog racing facility on the theory that federal law (primarily the Assimilative Crimes

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Act, 18 U.S.C. 13, and the Organized Crime Control Act of 1970, 18 U.S.C. 1955) prohibits the proposed activity. In rejecting the Santa Ana Pueblo proposal, Secretary Hodel stated the enterprise would provide "badly needed funds for services to its people and economic development on the reservation so as to enable employment opportunities and improved lifestyle" yet, the Secretary said he could not approve any gaming operation that would be in conflict with federal law. Secretary Hodel has referred the matter to the U.S. Justice Department.

The Gila River Indian Community in Arizona has also announced its intention to construct a jai alai arena on reservation land located just outside Phoenix. They rely upon the same theory as Santa Ana Pueblo. The Bureau of Indian Affairs Area Office in Phoenix approved the Gila River Tribe's 35-year lease and management contract before Interior Secretary Hodel came into office. Secretary Hodel recently announced he is reviewing and may rescind the jai alai contract approval. The developers of the jai alai have sued Secretary Interior Hodel asking the courts to affirm the contracts as valid.

Federal prosecution by the United States against Indian tribes in the area of gambling has been rare. However, the United States recently sued two members of the Keweenaw Bay Chippewa Indian Community in Michigan, *United States v. Dakota*, for operating a gambling establishment which conducts casino-style gaming including blackjack

and dice games. The suit also sought to bar the Keweenaw Bay Chippewa Indian Tribe from issuing gambling licenses on the reservation. The federal district court in Michigan found the tribal members were operating a commercial gambling operation in violation of the Assimilative Crimes Act and the Organized Crime Control Act. The court's opinion did not address whether tribally-run gambling operations are commercial within the meaning of the Michigan statute. NARF filed an *amicus curiae* brief on behalf of Bay Mills Chippewa Indian Community which has an entirely tribally-controlled operation.

Despite the growth and success of many tribal gaming enterprises, numerous tribes have not been as fortunate. Some tribes barely earn a profit or have closed their bingo establishments. Many reasons account for the failure of these operations: 1) mismanagement by contractors, 2) intratribal disputes, and 3) intense competition among neighboring reservations for local business. Overall, however, the tribal gaming operations provide an important source of internally generated tribal revenue.

Even though the *Butterworth* decision has been generally followed it did not get reviewed by the United States Supreme Court. Any one of the several challenges by states could eventually be heard by the Supreme Court. If such a review were to occur there is no guarantee that the Fifth Circuit's reasoning would be accepted. Many attorneys who monitor Indian law decisions of the Supreme Court believe that a review of an Indian gaming case could be very close indeed. Some tribes believe that legislation is the only assurance that tribes have that they will be able to continue the tribal gaming that they have come to depend on.

Two versions of a legislative solution to the bingo issue have been offered in Congress. The first, sponsored by Congressman Udall (H.R. 1920, introduced April 2, 1985) and Senator DeConcini (S. 702, introduced April 4, 1985) provides for the following points:

- 1.) Only gaming approved and governed by tribal ordinance is permitted.
- 2.) Where the game is 100% tribally owned the net revenues must be used to fund tribal government, tribal economic development or to provide for general tribal welfare. There are also reporting requirements concerning operation of tribal gaming income and expenses. As long as the game itself is owned 100% by the tribe there may be a management company hired to run the day-to-day operation of the gaming.
- 3.) When the game is *not* owned 100% by the tribe, numerous additional requirements are triggered. Primarily, the licensing requirements must be at least as restrictive as those imposed by the state. This is a significant limitation as, if a state did not permit high

stake bingo but did permit low stake "charitable bingo" then that is all a tribe could do if they owned less than 100% of the game. This single provision leaves 100% tribal ownership as the only viable alternative.

4.) Whether the tribe is the sole owner or not, the Secretary of the Interior must approve all tribal ordinances which permit operation by management contract. Guidelines are established in the bills to assist the Secretary in determining the criteria upon which to base his approval. Among these guidelines are requirements, regarding ownership identification, experience levels of management, background check of all participating managers and backers, financial disclosure including personal finances of all participating individuals, deal structure (including percentage of profit distribution, deal duration, renegotiation provisions, etc.), and accounting disclosure.

There is one significant difference between the house and Senate version of the bill. The DeConcini bill provides that a National Indian Gaming Commission would be established that would undertake the Secretarial approval conditions. Thus, tribal representatives would ultimately control tribal gaming. The Udall bill contains no such provision.

In contrast to the Udall/DeConcini bill, Congressman Shumway (D-CA) introduced H.R. 2404. This bill is much more restrictive than the Udall/DeConcini bill. Its most serious limitation is that it would prohibit Indian gaming where it is against state "public policy." So, for example, in a state which permitted high stake lotteries run by the state but only permitted low stake charity bingo, a tribe would be prohibited from running a high stake bingo game. What is perhaps most indicative of Congressman Shumway's real intent is that the bill provides for *state* regulation of all tribal on-reservation gaming operations.

Hearings were conducted in the House (June 24, 1985) and the Senate (June 25, 1985) to consider the alternative Udall/DeConcini versus Shumway approaches. Tribal condemnation of the Shumway approach was universal. The bill was seen not only as unfair to tribes in that a state's amorphous "public policy" could be used to end tribal gaming but also because it potentially opened the door for state regulation on reservations in other areas. In short, it could portend the death of tribal sovereignty on the reservation. It is generally believed that, for these reasons and others, the Shumway approach has little chance of passage and, consequently, most tribal comments were directed toward the Udall/DeConcini bill.

About the only thing that can be said about the tribal position regarding the Udall/DeConcini bill is that there is no generally accepted tribal position. The testimony ranged from flat-out opposition to any congressional

interference with on-reservation tribal sovereignty to those who saw the Udall/DeConcini approach as a reasonable price to pay for congressional affirmation of the tribes' right to conduct on-reservation gaming free of state control.

Representatives from the California and Arizona state Attorney General offices appeared and argued heatedly for state control of reservation gaming. They continually raised the specter that organized crime would infiltrate Indian gaming (though they could cite no evidence). They complained that there was no adequate means to do background checks for non-tribal investors or managers, that the non-published state of most tribal accounting offices encouraged money laundering, and that since non-Indians were doing most of the gambling that what the tribes was doing was, in effect, marketing a tribal exemption from state law to non-Indians.

The House and Senate committees both seemed to listen with concern and sympathy to the opponents of the bill. There seems to be significant Congressional support on the House and Senate committees for limiting Indian gaming to just bingo. Jai alai, dog and horse racing on reservations seem to have a clouded future.

"However, it still has not completely stopped state authorities who persist on assuming jurisdiction over tribal bingo operations."

The need for state versus federal control of tribal gaming operations also seems unsettled. There is a definite reluctance on the committees to provide for state oversight, but there does not seem to be a great deal of confidence in the Secretary's ability to effectively control Indian gaming.

The DeConcini proposal to establish a National Tribal Gambling Commission seems a likely mechanism but tribal support for this proposal hinges upon the resolution of many controversial issues (who pays for it, how it will be structured, what review powers, what enforcement ability, etc.). Until these issues are settled the tribal position on this issue will remain unclear.

Additional field hearings are being scheduled for this fall by both the House Interior Committee and the Senate Select Committee on Indian Affairs. There will also be one more set of hearings in Washington, D.C. in late October.

The Administration has not yet stated a position on either approach but they will be testifying in the Washington, D.C. hearings. There is apparently a split between the Interior Department (which supports federal supervision of, at least, tribal bingo) and the Justice Department (which supports total state oversight and no high stakes bingo).

The general consensus seems to be that no bingo legislation will be enacted this year although it is probable that the House will enact the Udall bill this session. Enactment of some modified version of the Udall/De-Concini bill seems likely before the end of this Congress in December of 1986.

The Reagan Administration has stated that Indian tribes must no longer look to the BIA for financial support to fund tribal government. Tribal economic development funded by private sources must be the wave of the future. As stated by the President:

"It is important to the concept of self government that tribes reduce their dependence on Federal funds by providing a greater percentage of the cost of their self-government . . . Without sound reservation economies, the concept of self-government has little meaning . . ."

This administration intends to remove the impediments to economic development and to encourage cooperative efforts among the tribes, the Federal Government, and the private sector in developing reservation economies".

Many tribes, by necessity, have taken this policy to heart. Gaming is one way that resource poor tribes can generate income and improve their lot through their own initiative. For many tribes, gaming is one component of a larger economic development plan for their reservations, the larger goal being a self-sustaining reservation economy. What remains to be seen is whether Congress and the Reagan Administration will permit tribes to freely compete with states for the entertainment dollars that gaming attracts. If so, then the future of many tribes, for the first time, is indeed bright.

NARF Legal Developments

RESERVATION GAMBLING CASINO IN VIOLATION OF FEDERAL LAW

The U.S. District Court in Michigan held in June that members of the Keweenaw Bay Chippewa Indian Community who were engaged in commercial gambling operations on their reservation were in violation of federal law. The court ordered the operators to discontinue the gambling operation and also ordered the Bay Mills Chippewa Indian Community to stop issuing any further commercial gambling licenses. NARF filed an *amicus* brief in the case on behalf of Bay Mills Indian Community.

The court found that the tribal members' operation violated the Federal Assimilative Crimes Act (ACA) and the Organized Crimes Control Act (OCCA). The ACA makes actions which are punishable by state law a federal crime if committed within federal areas. The Organized Crime Control Act makes it a federal crime to run a gambling operation which is in violation of state law.

In Michigan, state law prohibits commercial gambling with the exception of non-profit organizations who are allowed to carry on limited gambling activities for fund-raising purposes. The Court found that the tribal members' gambling operation was prohibited under state law and thus violated the ACA and OCCA. However, the court did leave room for the possibility that tribal operations, the profits of which go into tribal services, may not be considered commercial gambling.

COURT HALTS FOREST SERVICE CONSTRUCTION AND HARVESTING

The Ninth Circuit Court of Appeals in June ruled that the U.S. Forest Service could not harvest timber and construct a road in an area used by Indians for religious purposes and considered sacred for that reason. The Court found that the federal government's proposed actions would seriously interfere with or impair Indian religious practices. NARF filed an *amicus* brief in the case on behalf of several organizations and tribes.

In the case, *Northwest Indian Cemetery Protective Association v. Peterson*, the Indians alleged that the proposed activities would violate their rights under the First Amendment and the American Indian Religious Freedom Act of 1978. The government argued that protection of the area would create a government-managed "religious shrine" which is prohibited by the U.S. Constitution's Establishing Clause. But, the court disagreed saying that the management of the national forest in a manner which does not burden Indian religion evidences a policy of neutrality rather than an endorsement of the religion. The court also found the Forest Service's plans violated certain environmental laws.



COURT DENIES PETITION IN ST. REGIS CETA CASE

A petition to review the Department of Labor's decision regarding the St. Regis Mohawk Tribe's disallowed CETA (Comprehensive Employment and Training Act) costs was denied by the Second Circuit Court of Appeals. In July, the Court upheld the Department of Labor's authority to collect \$39,045 in disallowed costs. The expenditures were questioned in 1978 but were not disallowed until 1981, almost 3½ years later. The Tribe argued that DOL could not recover the money because of the Secretary of Labor's failure to issue a "Final Determination" regarding the expenditures within 120 days following the initial audit in 1978 as required by law. The Tribe also argued that the Secretary did not have the authority to order repayment. However, the court found that the Secretary's failure to meet the 120-day requirement did not affect his jurisdiction to collect disallowed costs and that the Secretary had the authority to institute whatever procedures necessary to recover the funds.

SUPREME COURT TO HEAR CATAWBA LAND CLAIM

The U.S. Supreme Court will review the Fourth Circuit Court of Appeals' decision in *Catawba Indian Tribe v. South Carolina*, which upheld the right of the Catawba Tribe to pursue its claim to 144,000 acres of land in South Carolina. The Fourth Circuit had held that the land claim was not extinguished by the Catawba Termination Act which ended the government-to-government relationship between the Tribe and the federal government, and was not barred by the state's statute of limitations. South Carolina requested the Supreme Court to review the Fourth Circuit's decision, and the court agreed to do so on June 3, 1985. In the case, the Catawba Tribe is suing the State of South Carolina to recover its ancestral homelands and is asking for a monetary compensation for the past denial of those lands. The parties submitted briefs to the higher court this past summer and are presently awaiting a date to be set for oral arguments.

CERTIORARI PETITION FILED IN KARMUN TAX CASE

NARF has asked the Supreme Court to review a decision of the Ninth Circuit Court of Appeals holding that income derived from the sale of reindeer and reindeer products is subject to federal taxation. NARF, on behalf of two Eskimo reindeer herders, challenged the decision based on the grounds that federal Indian law impliedly exempts from federal taxes income derived from trust

property such as reindeer. In the case, *Karmun v. Commissioner of Internal Revenue*, the Internal Revenue Service ruled that the Reindeer Industry Act of 1937 does not specifically provide the Native reindeer herders tax-exempt status from the sale of their reindeer. NARF argued that courts in the past have implied such an exemption where Indian trust property is involved. The petition for certiorari requesting Supreme Court review was filed in August and it is expected that the Court will act on the request in the fall.

SEMINOLE TRIBE WINS FLORIDA TAX CASE

The Florida Fourth District Court of Appeals recently upheld a decision of the lower state court that the Florida State Department of Revenue could not sue the Seminole Tribe of Florida in order to collect state sales taxes from tribally owned businesses on the reservation. The lower court had ruled that it had no jurisdiction to hear the case against the Seminole Tribe because of the Tribe's sovereign immunity, and that the state had no authority to impose such taxes. The State Appeals Court concurred and in its opinion issued in late August, 1985 in *Department of Revenue of the State of Florida v. The Seminole Tribe of Florida*, cited the principle that "Indian tribes have long been recognized as possessing the common-law immunity from suit traditionally enjoyed by sovereign powers. This aspect of tribal sovereignty like all others is subject to the superior and plenary control of Congress. But 'without congressional authorization,' the Indian nations are exempt from suit."

The appeals court did not comment on the issue of the state's jurisdiction to tax because of its findings that the state lacked any jurisdiction over the Seminole Tribe.

SCHOOL DISTRICT ORDERED TO PUT INDIAN ON BALLOT

In May, NARF filed suit on behalf of Emery Williams, a member of the Seneca Tribe, against the Gowanda Central School District, because the School District refused to put Williams' name on the election ballot for school board elections. The District's refusal was based on a state law which required school board members to be residents of the District. Because Indian reservations are not part of the school districts, Williams, a resident of the Seneca Reservation, was considered ineligible even though Indian children from the reservation attend school in the Gowanda District.

Preliminary relief was granted by the court which ordered Williams' name to be placed on the ballot. The election was held in May. Unfortunately, Williams was unsuccessful in his attempts to win a seat on the school board. Shortly afterward, the New York legislature amen-

ded its residency requirement for school board elections to include reservations as a part of the districts. Because the Gowanda school board elections were held before the amendment was enacted, the suit on behalf of Williams became necessary in order to insure his name on the ballot for the May elections.

SUPREME COURT DECLARES ROYALTIES TAX-EXEMPT

On June 3, the U.S. Supreme Court ruled that the State of Montana does not have the authority to tax the Blackfoot Tribe's oil and gas royalties from leases made under the 1938 Indian Mineral Leasing Act. The court held that a 1924 Act which authorizes state taxation on mineral royalties does not apply to leases made under the later 1938 Act. Most tribal mineral leases are made under the 1938 Act. The case represents a significant step toward making tribal oil and gas leasing more competitive. Montana still maintains that it is not actually taxing the Tribe (it says the tax is measured by the Tribe's royalty but it is paid by the producer), and that issue will be addressed by the federal district court on remand.

COURT DISMISSES ALLOTMENT CASES

In May, the federal district court in South Dakota dismissed three consolidated cases which raise forced patent claims, that is, claims in which Indian allottees were issued fee patents without their application or consent. The allotments were subsequently lost through foreclosure or other means. The plaintiffs in *Nichols v. Rysavy*, *Potter v. State of South Dakota* and *Ecoffey v. Washabaugh County* seek return of the allotments, recognition of the trust status of the land and trespass damages. The plaintiffs allege that the Secretary of Interior acted outside his authority in issuing the fee patents, that the allotments are still held in trust, and that any land title transfers that occurred are void.

In dismissing the cases, the court held: 1) the claims against the U.S. are barred by sovereign immunity; 2) the fee patents issued are voidable and therefore the claims are barred by the statute of limitations; 3) the U.S. is an indispensable party and cannot be sued without its consent; and 4) the claims are impermissible attacks on a patent by a third party. The case is on appeal to the Eighth Circuit Court of Appeals. NARF is doing the briefing on behalf of the clients.

Native American Rights Fund

The Native American Rights Fund is a nonprofit organization specializing in the protection of Indian rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law.

Our work on behalf of thousands of America's Indians throughout the country is supported in large part by your generous contributions. Your participation makes a big difference in our ability to continue to meet the ever-increasing needs of impoverished Indian tribes, groups, and individuals. The support needed to sustain our nationwide program requires your continued assistance.

Requests for legal assistance, contributions, or other inquiries regarding NARF's services may be addressed to NARF's main office: 1506 Broadway, Boulder, Colorado 80302. Telephone: 303-447-8760.

Steering Committee

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Benefit Art Show Set for November

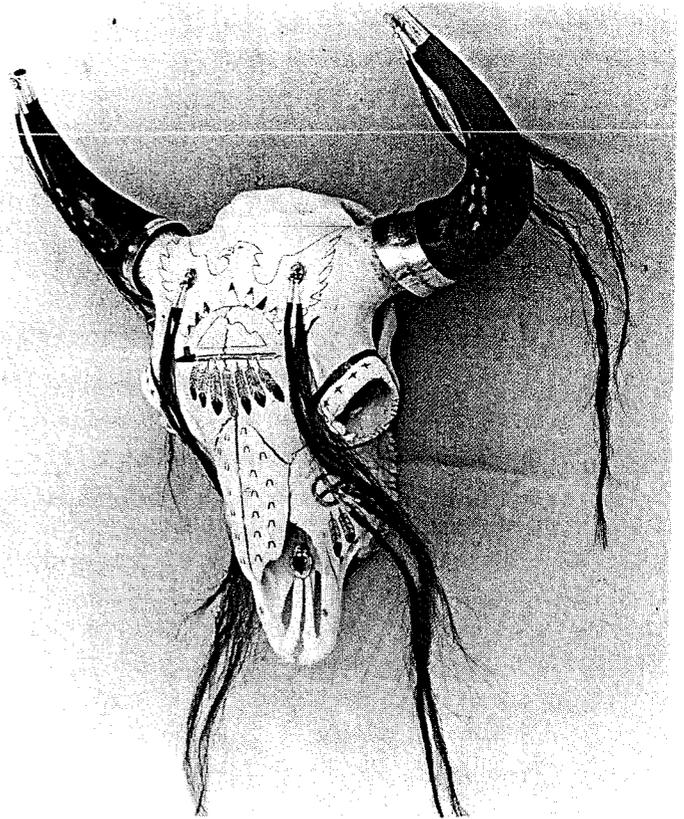
The 1985 "Visions of the Earth" Indian art show will be held November 15, 16 and 17, 1985 at the Native American Rights Fund (NARF), 1506 Broadway, Boulder, Colorado. The week-end art show is a benefit for NARF. On Thursday, November 14 a \$15-per-person preshow reception will be held with all ticket proceeds going toward NARF's legal efforts on behalf of Native Americans.

The art show will feature the Lakota Artists' Guild of Rapid City, SD.

The week-end show is open to the public. Times are scheduled at 6-9 p.m. Friday, and 10 a.m. - 5 pm Saturday and Sunday. Thursday's preshow celebration is to ticket holders only.

Items for sale will include paintings, prints, sculptures, pottery, clothing items, and all types of crafts. A fashion show is scheduled Saturday, November 16. There is no charge for admission.

For more information, contact The Native American Rights Fund, 1506 Broadway, Boulder, CO 80302, (303/447-8760).



OF GIFTS AND GIVING

Recently NARF received a sizeable bequest from the estate of Sarah R. Shaw of San Diego, California. Ms. Shaw, who made her first (and only) gift to us in the amount of \$35 in 1975, left NARF almost \$63,000 through her bequest.

According to Richard Maloney, executor of the estate, Ms. Shaw felt there were people in this country who hadn't gotten a "fair shake" justice-wise. She followed through her concern for the underserved by leaving the bulk of her estate to various charities, especially those serving minority groups.

We are extremely grateful to individuals like Ms. Shaw who chose to support the work of the Native American

Rights Fund through a bequest. More and more of these kinds of gifts are making a substantial difference in our ability to help American Indians and Alaska Natives.

A bequest in a will is a well-known and simple way to give to your favorite cause. Like Sarah Shaw, many individuals who otherwise do not make sizeable lifetime gifts, choose to leave a legacy of some size. They use their estates — after it is no longer of value to them — to maximize positive leverage for the good of others. Other types of planned gifts include (but are not limited to) gifts of stocks and bonds, IRA's, and life insurance policies. If you would like more information on wills or any other giving plans, contact Marilyn Pourier, c/o NARF, 303/447-8760.

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