

# NARF

# Review

Native American Rights Fund

## Church Leaders Issue Apology to Indians

On November 21, 1987 at the site of an ancient burial ground in downtown Seattle, Washington, a formal Declaration of Apology was presented by ten major Christian denominational leaders of the region to the tribal councils and traditional spiritual leaders of the Indian and Eskimo peoples of the Pacific Northwest.

The Declaration was for their church's participation in the destruction of Native American religions. In the statement, the leaders formally recognized customs and beliefs, the protection of sacred sites for religious purposes, and the use of objects such as feathers and tobacco for religious purposes. The churches also pledged support in upholding the American Indian Religious Freedom Act of 1978. (A copy of the Declaration is on page 3).

Along with the document a gift of \$1,000 was given to the Native American Rights Fund for use in its religious freedom efforts on behalf of Native Americans. For the past 17 years, NARF has worked to protect the right of Native Americans to practice their traditional religions. This year the U.S. Supreme Court will review two Indian religious freedom cases in which NARF has filed *amicus curiae* (friend of the court) briefs.

In the first case, Lyng v. Northwest Indian Cemetery, the Court will determine whether the construction of a forest service road in an area of religious significance to the Yurok, Karok and Talowa Tribes violates those Indians' First Amendment right to free exercise of their religion. In the second case, Employment Division, Department of Human Services of the State of Oregon v. Smith, the Court will decide if members of the Native American Church who were discharged from their jobs for peyote use during religious ceremonies are entitled to unemployment compensation benefits from Oregon's un-

employment fund by virtue of the First Amendment free exercise rights.

NARF is also representing Native Hawaiians in their effort to prevent geothermal development on the island of Hawaii. The case, Dedman v. Hawaii Board of Land and Natural Resources, is on appeal to the U.S. Supreme Court. The Natives assert that their goddess Pele lives in the volcanoes and that the proposed development would illegally desecrate their religious beliefs and practices. NARF serves as co-counsel with the Native Hawaiian Legal Corporation and private attorneys.

Protecting Indian burial sites from excavation and desecration has been the objective of NARF's advocacy for a new federal Indian burial policy. The policy would provide for the reinterment of over 300,000 Indian bodies stored in federal and state institutions, and would also establish a new federal policy properly recognizing the cultural

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*We would like to extend a special note of acknowledgement to the Philip Morris Company for its major funding of this issue of the NARF Legal Review.*



and religious rites of Native Americans relating to burial sites on public lands. On a state level, NARF is assisting the State of Kansas draft legislation to stop the desecration of Indian burial grounds there.

NARF's past experiences on behalf of tribes and individuals in the area of religious freedom concern the access to and protection of religious sites, use and possession of sacred objects and freedom to practice traditional religious ceremonies. Following are brief descriptions of NARF's victories that have occurred in the last several years.

NARF was successful in assisting the Kootenai Indians of Montana, Idaho and British Columbia in stopping the construction of a dam and hydroelectric project at a sacred religious site. The Federal Energy Regulatory Commission (FERC) denied a construction license to Northern Lights, Inc., a rural electric cooperative, to build the dam and utility project at Kootenai Falls, Montana. The Falls serves as a sacred center of the Kootenai religion. The FERC decision ended a nine-year battle for the Kootenai.

NARF and the Idaho Legal Services successfully assisted prisoners to protect their rights to possess sacred religious objects and to practice their Native American religion in the Idaho corrections system. The Indian plaintiffs had initially filed suit claiming that the correctional institution was violating their freedom of religion under the First and Fourteenth Amendments to the Constitution.

NARF was successful on behalf of the Tunica-Biloxi Tribe in returning artifacts illegally dug from ancestral burial grounds back to the Tribe. A Louisiana state court ruled that the Tunica-Biloxi Tribe is the lawful owner of numerous artifacts discovered by an amateur archaeologist. The Court found that the Tunica-Biloxi Indians are descendants of the inhabitants who buried the artifacts, and that the artifacts were not abandoned by the Tunicas.

In Idaho v. Yazzie, NARF served as co-council to protect the rights of a Navajo Native American Church practitioner. Eagle feathers and other religious items were confiscated from the individual's sweat lodge and home. NARF asserted that these matters were governed and protected by federal law and the state's charge against the individual was dropped. NARF also assisted four Indian churches in monitoring a case involving restrictions in the use of peyote by non-Indians in Peyote Way Church of God v. Smith.

The \$1,000 contribution from the Churches is a boost to NARF's legal work in the area of religious freedom. The Declaration is a positive step in recognizing the right of Native Americans to practice their traditional religions. NARF will continue its advocacy of religious freedom until Native American religions are recognized and protected under the 1st Amendment to the Constitution, and, given the same accord as other religions in the United States.



*Western History Collections, University of Oklahoma Library*

## A PUBLIC DECLARATION

### TO THE TRIBAL COUNCILS AND TRADITIONAL SPIRITUAL LEADERS OF THE INDIAN AND ESKIMO PEOPLES OF THE PACIFIC NORTHWEST

Dear Brothers and Sisters,

This is a formal apology on behalf of our churches for their long-standing participation in the destruction of traditional Native American spiritual practices. We call upon our people for recognition of and respect for your traditional ways of life and for protection of your sacred places and ceremonial objects. We have frequently been unconscious and insensitive and have not come to your aid when you have been victimized by unjust Federal policies and practices. In many other circumstances we reflected the rampant racism and prejudice of the dominant culture with which we too willingly identified. During the 200th Anniversary year of the United States Constitution we, as leaders of our churches in the Pacific Northwest, extend our apology. We ask for your forgiveness and blessing.

As the Creator continues to renew the earth, the plants, the animals and all living things, we call upon the people of our denominations and fellowship to a commitment of mutual support in your efforts to reclaim and protect the legacy of your own traditional spiritual teachings. To that end we pledge our support and assistance in upholding the American Religious Freedom Act (P.L. 95-134, 1978) and within that legal precedent affirm the following:

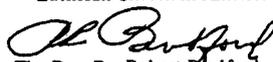
- 1) The rights of the Native Peoples to practice and participate in traditional ceremonies and rituals with the same protection offered all religions under the Constitution.
- 2) Access to and protection of sacred sites and public lands for ceremonial purposes.
- 3) The use of religious symbols (feathers, tobacco, sweet grass, bones, etc.) for use in traditional ceremonies and rituals.

The spiritual power of the land and the ancient wisdom of your indigenous religions can be, we believe, great gifts to the Christian churches. We offer our commitment to support you in the righting of previous wrongs: To protect your peoples' efforts to enhance Native spiritual teachings; to encourage the members of our churches to stand in solidarity with you on these important religious issues; to provide advocacy and mediation, when appropriate, for ongoing negotiations with State agencies and Federal officials regarding these matters.

May the promises of this day go on public record with all the congregations of our communions and be communicated to the Native American Peoples of the Pacific Northwest. May the God of Abraham and Sarah, and the Spirit who lives in both the cedar and Salmon People be honored and celebrated.

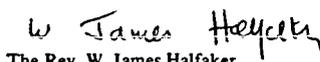
Sincerely,

  
The Rev. Thomas L. Blevins, Bishop  
Pacific Northwest Synod -  
Lutheran Church in America

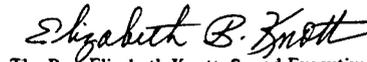
  
The Rev. Dr. Robert Bradford,  
Executive Minister  
American Baptist Churches of the Northwest

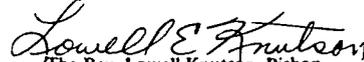
  
The Rev. Robert Brock  
N.W. Regional Christian Church

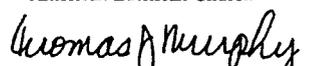
  
The Right Rev. Robert H. Cochran,  
Bishop, Episcopal Diocese of Olympia

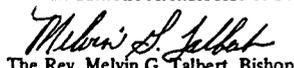
  
The Rev. W. James Halfaker  
Conference Minister  
Washington North Idaho Conference  
United Church of Christ

  
The Most Rev. Raymond G. Hunthausen  
Archbishop of Seattle  
Roman Catholic Archdiocese of Seattle

  
The Rev. Elizabeth Knott, Synod Executive  
Presbyterian Church  
Synod Alaska-Northwest

  
The Rev. Lowell Knutson, Bishop  
North Pacific District  
American Lutheran Church

  
The Most Rev. Thomas Murphy  
Coadjutor Archbishop  
Roman Catholic Archdiocese of Seattle

  
The Rev. Melvin G. Talbert, Bishop  
United Methodist Church -  
Pacific Northwest Conference

# Momaday and Dysart Named to National Support Committee

N. Scott Momaday (Kiowa) and Richard Dysart recently agreed to become members of NARF's National Support Committee.

Momaday (Kiowa) is the son of artist Alfred Morris Momaday and writer Natachee Scott. The highly-acclaimed contemporary author, educator, lecturer and painter grew up on Indian reservations throughout the Southwest. Today he lives with his family in Tucson, Arizona, where he is a Professor of English at the University of Arizona and a Visiting Professor of American Studies at the University of Regensburg, West Germany.

Some of Momaday's most well-known literature include House Made of Dawn for which he received a Pulitzer Prize in fiction in 1969, The Complete Poems of Frederick Goddard Tuckerman, The Way To Rainy Mountain, The Gourd Dancer, and The Names. Currently Momaday has four major works of poems and novels in progress, and dozens of articles and reviews recently completed.

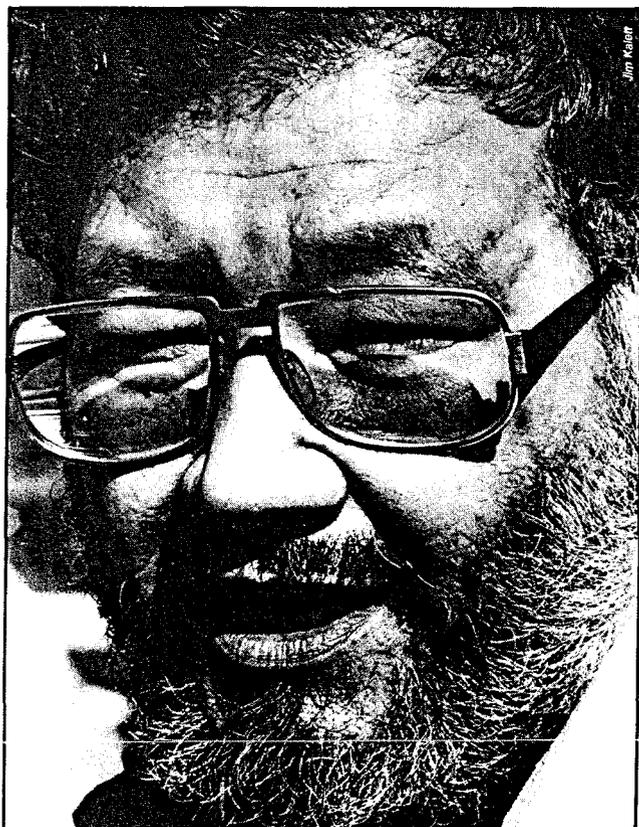
Momaday has received the "Outstanding Indian of the Year Award - 1969", the Western

Heritage "Wrangler" Award - 1974, and the Distinguished Service Award by the Association of Western Literature - 1983. In 1987 he was named to the Oklahoma Hall of Fame. Momaday is a member of numerous committees including several Pulitzer Prize juries; he served as chairman to the jury in 1986. He is also a member of the board of trustees for the Museum of the American Indian, Heye Foundation, New York, and was a member to the Distinguished Colloquium "The Humanities and the American People".

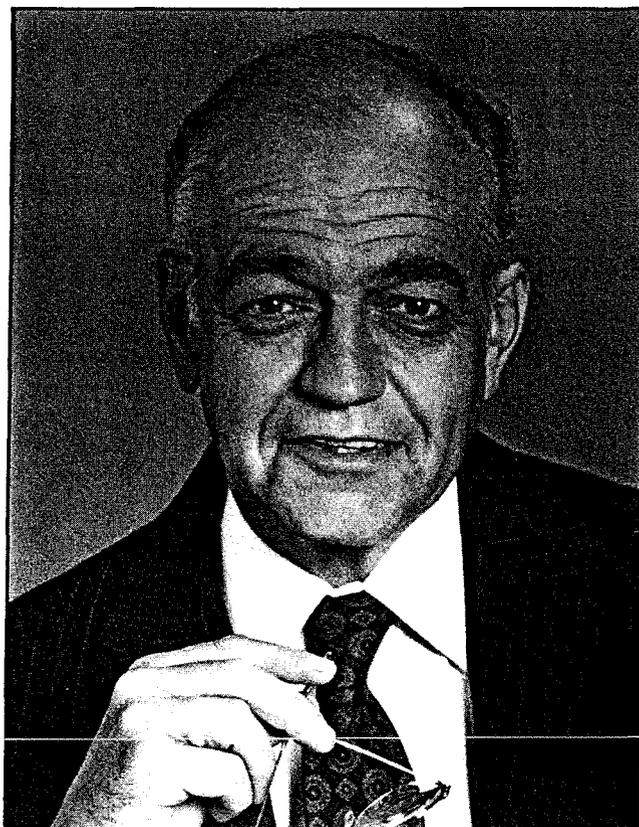
Momaday is also an artist and book illustrator. His work has been exhibited in Europe as well as throughout the United States, including the Heard Museum in Phoenix, Arizona. Momaday illustrated The Gourd Dancer and Flight of the Seventh Moon.

Richard Dysart, veteran stage and film actor, made his debut as a prime time series star in the popular NBC production of "L.A. Law". Dysart plays Leland McKenzie, the surviving member of the prestigious law firm's original partnership.

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*N. Scott Momaday*



*Richard Dysart*

Dysart himself lives in Santa Monica and is married to artist, Kathy Jacobi.

Born in Boston and raised in Maine's Kennebec Valley, Dysart's first major role in theatre was Jose Quintero's revival of Wilder's "Our Town". His Broadway debut was in the British comedy "All in Good Time". Dysart's numerous other Broadway credits include the 1967 revival of Hellman's "Little Foxes" and the 1973 Pulitzer-winning "That Championship Season", in which he originated the role of "The Coach". He was a founding member of San Francisco's American Conservatory Theatre.

In the 1970's his primary interest shifted to

acting in feature films. His favorite is Being There; also at the top of his list are Hospital, The Day of the Locust, The Thing, The Hindenberg, as well as Mask and Pale Rider. He starred in Oliver Stone's recently-released Wall Street. His favorite television roles were in Jane Pittman, Blood and Orchids, and Bitter Harvest. In The Last Days of General Patton, he portrays Eisenhower, a role he also played in BBC's highly-acclaimed Churchill And The Generals.

NARF is extremely pleased to have these two distinguished individuals serve on our National Support Committee.

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## New Board Members Selected

Four new members were recently elected to NARF's Board of Directors. Isleta Pueblo Governor Verna Williamson, Isleta Pueblo; Tony Strong, Tlingit; Calvin J. Peters, Squaxin Island; and Mahealani Ing, Native Hawaiian, will serve two-year terms as new board members. NARF's Board of Directors are comprised of 13 individuals from throughout the United States who are committed to the promotion of Indian legal rights on a national basis.

Governor Verna Williamson was the first woman elected Governor of her Pueblo. Previous to her elected position she was a substance abuse prevention specialist for a local Indian school in her area. Governor Williamson has also been active as the tribal court advocate for the Pueblo of Isleta, focusing on juvenile justice issues. She has just completed serving on the Board of Directors for the Indian Pueblo Legal Services, Inc.

Tony Strong is a Tlingit Indian from Klukwan, Alaska and is an attorney in private practice. Strong has been involved with Alaska Native issues for over 13 years. He has taught Alaska Native Politics, Federal Indian Law and Alaska Native Self-Government at the University of Southeast Alaska. Strong was a Legal Assistant to the American Indian Policy Review Commission as well as to Senator Abourezk. He has served as Assistant Corporate Secretary to Sealaska Corporation and was Director of Community Development at Tlingit and Haida Central Council. In 1984, he ran as a candidate to the Alaska State House of Representatives. He was principal consultant to the University of Alaska's study on the Effectiveness of Community Participation in Rural Education. Strong is a graduate of Antioch Law School, Washington, D.C.

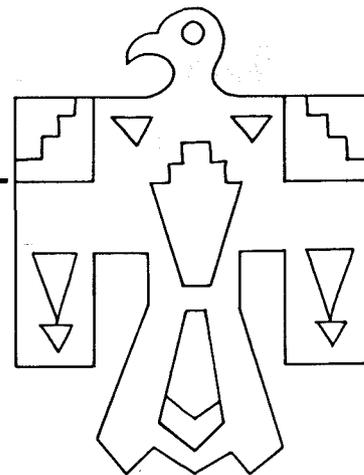
Calvin J. Peters is a member of the Squaxin

Island Tribe in Washington. Peters lives in Tacoma where he is a self-employed tribal fisherman and has been involved in Indian issues for over 20 years. Peters served his Tribe in the capacity of land use plan coordinator, business manager, lobbyist, executive director and consultant. In the 1960's, he was involved in soliciting the support of other tribes on fishing issues in U.S. v. Washington. Subsequently, he was elected by Medicine Creek Treaty Tribes as their representative on the first Northwest Indian Fish Commission. Some of the committees and boards on which Peters has been active include the Northwest Indian Court System, the Small Tribes Organization of Western Washington, the Evergreen Legal Services Advisory Board, the Governor's Indian Affiliated Tribes of Northwest Indians and the National Congress of American Indians.

Mahealani Ing is a Native Hawaiian. Ing lives in Honolulu where she is currently the Executive Director for the Native Hawaiian Legal Corporation. She has been involved with Native Hawaiian rights issues for twenty years. Ing is a present member of the boards of directors for the Coalition of Hawaiian Organizations, the Honolulu Hawaiian Civic Club, and the Political Action Committee for the Association of Hawaiian Civic Clubs. She previously served on numerous boards including Alu Like, Inc., Legal Aid Society of Hawaii, the Aha Hui O Hawaii, and the Queen Liliuokalani Children's Center.

The new board members replace Chris McNeil, Tlingit; Wade Teeple, Chippewa; Harvey Paymella, Hopi-Tewa; and Leonard Norris, Jr., Klamath, whose terms had expired. NARF extends a warm thank you to these former board members for their dedication and service.

# NARF Resources & Publications



## **The National Indian Law Library**

The National Indian Law Library (NILL) has developed a rich and unique collection of legal materials relating to Federal Indian law and the Native American. Since its founding in 1972, NILL continues to meet the needs of NARF attorneys and other practitioners of Indian law. The NILL collection consists of standard law library materials, such as law review materials, court opinions, legal treatises, that are available in well-stocked law libraries. The uniqueness and irreplaceable core of the NILL collection is comprised of trial holdings and appellate materials of important cases relating to the development of Indian law. Those materials in the public domain, that is non-copyrighted, are available from NILL on a per-page-copy cost plus postage. Through NILL's dissemination of information to its patrons, NARF continues to meet its commitment to the development of Indian law.

## **AVAILABLE FROM NILL**

### **The NILL Catalogue**

One of NILL's major contributions to the field of Indian law is the creation of the National Indian Law Library Catalogue: An Index to Indian Legal Materials and Resources. The NILL Catalog lists all of NILL's holdings and includes a subject index, an author-title table, a plaintiff-defendant table, and a numerical listing. This reference tool is probably the best current reference tool in this subject area. It is supplemented periodically and is designed for those who want to know what is available in any particular area of Indian law. (1,000 + pgs. Price \$75).

### **Bibliography on Indian Economic Development**

Designed to provide aid on the development of essential legal tools for the protection and regulation of commercial activities on Indian reservations. This bibliography provides a listing of articles, books, memoranda, tribal codes, and other materials on Indian economic development. 2nd Edition (60 pgs. Price: \$30.00). (NILL No. 005166)

### **Indian Claims Commission Decisions**

This 43-volume set reports all of the Indian

Claims Commission decisions. An index through volume 38 is also available, with an update through volume 43 in progress. The index contains subject, tribal, and docket number listing. (43 volumes. Price \$820). (Index price: \$25.00). (Available from the Indian Law Support Center).

*Prices subject to change*

### **Indian Rights Manual**

*(Available from the Indian Law Support center)*

**A Manual For Protecting Indian Natural Resources.** Designed for lawyers who represent Indian tribes or tribal members in natural resource protection matters, the focus of this manual is on the protection of fish, game, water, timber, minerals, grazing lands, and archaeological and religious sites. Part I discusses the application of federal and common law to protect Indian natural resources. Part II consists of practice pointers: questions to ask when analyzing resource protection issues; strategy considerations; and the effective use of law advocates in resource protection. (151 pgs. Price \$25).

**A Manual On Tribal Regulatory Systems.** Focusing on the unique problems faced by Indian tribes in designing civil regulatory ordinances which comport with federal and tribal law, this manual provides an introduction to the law of civil regulation and a checklist of general considerations in developing and implementing tribal regulatory schemes. It highlights those laws, legal principles, and unsettled issues which should be considered by tribes and their attorneys in developing civil ordinances, irrespective of the particular subject matter to be regulated. (110 pgs. Price \$25).

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# NARF Resources & Publications

## continued . . .

**A Self-Help Manual for Indian Economic Development.** This manual is designed to help Indian tribes and organizations on approaches to economic development which can ensure participation, control, ownership, and benefits to Indians. Emphasizing the difference between tribal economic development and private business development, the manual discusses the task of developing reservation economies from the Indian perspective. It focuses on some of the major issues that need to be resolved in economic development and identifies options available to tribes. The manual begins with a general economic development perspective for Indian reservations: how to identify opportunities, and how to organize the internal tribal structure to best plan and pursue economic development of the reservation. Other chapters deal with more specific issues that relate to the development of businesses undertaken by tribal government, tribal members, and by these groups with outsiders. (Approx. 300 pgs. Price \$35).

**Handbook Of Federal Indian Education Laws.** This handbook discusses provisions of major federal Indian education programs in terms of the legislative history, historic problems in implementation, and current issues in this radically changing field. (130 pgs. Price:\$20).

**1986 Update To Federal Indian Education Laws Manual.** (\$30.00) Price for manual and update (\$45.00).

**A Manual On The Indian Child Welfare Act And Law Affecting Indian Juveniles.** This fifth Indian Law Support Center Manual is now available. This manual focuses on a section-by-section legal analysis of the Act, its applicability, policies, findings, interpretations and definitions. With additional sections on post-trial matters and the legislative history, this manual comprises the most comprehensive examination of the Indian Child Welfare Act to date. (373 pgs. Price \$35).

## Publications

**ANNUAL REPORT.** This is NARF's major report on its programs and activities. The Annual Report is distributed to foundations, major contributors, certain federal and state agencies, tribal clients, Native American organizations, and to others upon request.

**THE NARF LEGAL REVIEW** is published by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. Susan Arkeketa, Editor. There is no charge for subscriptions.

**TAX STATUS.** The Native American Rights Fund 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, and 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.

**MAIN OFFICE:** Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302 (303-447-8760).

**D.C. OFFICE:** Native American Rights Fund, 1712 N Street, N.W., Washington, D.C. 20036 (202-785-4166).

**ALASKA OFFICE:** Native American Rights Fund, 310 K Street, Suite 708, Anchorage, Alaska 99501 (907-276-0680).

## 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 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.

### Board of Directors

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Calvin Peters ..... Squaxin Island  
Caleb Pungowiyi ..... Siberian Yupik  
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(Turtle Mountain Chippewa)



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**NARF** *Legal Review*  
Native American Rights Fund

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Boulder, Colorado 80302

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