

# NARF

# Legal Review

Native American Rights Fund

## ROSEBUD SIOUX TRIBE PUTS THE INDIAN BACK IN EDUCATION

BY MELODY L. McCOY

In the 1860s, the Rosebud Sioux Tribe was at war with the United States. They fought to stop the United States government from taking more of their land, located in what is now the Dakotas. But the Tribe was losing the war. Outnumbered by United States troops, lacking guns and ammunition, and starving from the loss of game and hunting ground, tribal leaders succumbed to a treaty of peace with the United States in 1868. In that Treaty, among other things, the Rosebud admitted "the necessity of education," and promised to send their children to schools provided by the United States government.

For the Rosebud, this chapter in their history is no less important than events in American history such as the Civil War, World Wars I and II, and the Vietnam War. There are other chapters, such as how Chief Spotted Tail's murder by another tribesman -- redressed under the cultural mores of the Tribe -- led to the extension of federal jurisdiction over major crimes throughout Indian country; how the United States government stole the Black Hills from the Rosebud and other Sioux tribes by violating the Treaty of 1868; and how the Rosebud Sioux reservation created by the Treaty was unilaterally reduced by the United States government to one fourth of its original size.

Where are these chapters of Rosebud, and indeed of American history, to be found? Not in your average American school textbooks.

Maybe in an encyclopedia. Generally, in precious few places. But the Rosebud Sioux Tribe is about to change that. In October, 1991, represented by the Native American Rights Fund (NARF), they adopted a precedent-setting Tribal Education Code. Under it, the schools on their reservation, many for the first time, will teach tribal traditions, culture, history, and language. This in itself is a chapter of history worth learning.

### How Tribes Lost Control Over Education

For centuries, American Indian tribes controlled the education of their members and their education processes worked. The advent of non-Indians to the Americas changed that. First religious organizations, then the federal government, and most recently the state governments have proceeded to educate Native Americans.

Contents: Vol. 17, No. 1  
Winter 1992

<i>Rosebud Sioux Tribe Puts</i>	
<i>The Indian Back in Education</i> .....	1
<i>Settlement of Kauley v. United States</i> .....	5
<i>Implementation of EPA's Indian Policy</i> ...	8
Case Updates .....	9
NARF Resources and Publications .....	10
New Board Members .....	11



Amidst these other contenders, there has been little place for tribes.

Through treaties of the 1800s, the United States promised schools, teachers, and materials in exchange for the lands and other rights ceded by the tribes. The federal policy was to "civilize" Indians through formal education so they would become less warlike and nomadic and more agricultural and domestic. Once 'tamed', Indians like the Rosebud Sioux would need less land and less attention. The treaty right to education became an important tool of the federal policy of assimilation.

The treaty promises were effectuated in several ways. In some instances, non-Indian religious organizations were given permission to locate on the reservations established by the treaties. On some reservations, the federal government built and maintained schools for the Indians. For the most part, Indian children were abducted from their families and sent to federal boarding schools far away from the reservations. At these schools, their hair was cut, their Indian clothes were burned, and they were given new 'American' names. They were forbidden to speak their native languages or practice their native customs or religion. Conditions were harsh and so was the discipline for breaking the rules.

By the 1930s, the federal government acknowledged the failure of forced assimilation and its dismal record in Indian education. Most of the federal schools were soon closed, and the burden of educating Indians was transferred to the states. Today, the federal government gives vast sums of money to states in exchange for their educating Indians. In Fiscal Year 1990, for instance, the amount was over \$150 million.

Historically, all of the educators -- religious, federal, and state -- have excluded tribal culture from and suppressed tribal control over Indian education. The reasons for this are many. The bottom line though, has been the fundamentally flawed assumption that only non-Indians have

something to teach Indian children, that only non-Indian educational systems should be used with Indian children, and that tribes have nothing worthwhile to contribute to their children's education. Non-Indians have controlled Indian education by directing the intent, the method, and the goals of formal instruction of Indians. The message, explicit or implicit, has been that Native American cultures are bad, worthless, or nonexistent. The result has been a sense of distrust of and alienation from the education process that has been passed on from one native generation to the next.

### **Indian Education Today -- "Nations at Risk"**

With the assertion of tribal sovereignty and Indian rights beginning in the 1960s and the federal policy of "Indian Self-Determination" (P.L. 93-638) beginning in the 1970s, tribes have begun to regain control over the education of their members. Many tribally-controlled schools, ranging from early childhood programs to colleges, have developed around the country. Since 1972 some federal laws have allowed tribes a measure of control over Indian education. NARF was often involved in these early efforts at securing tribal control.

But education control still is vested primarily in governments other than tribes. Almost 90 percent of all Indian children today attend state public elementary and secondary schools. Tribal control over these schools remains elusive despite instances, such as at Rosebud, where Indians are increasingly elected to public school boards. The school boards are political entities of the states. State governments, which are controlled by non-Indians, have ultimate authority over curriculum, policies, staffing, and funding.

Sadly, a litany of statistics and reports show that the state governments, like the federal government before them, have failed in Indian education. The most recent report is "Indian Nations at Risk: An Educational Strategy for Action," issued in October, 1991 by the United States Department of Education. The findings of this

Report state that, "our schools have failed to nurture the intellectual development and academic performance of many Native children, as is evident from their high dropout rates and negative attitudes toward school." The Report further states that, "[t]ragically, as many as 35 percent, and in some places 50 to 60 percent, of American Indian and Alaskan Native students leave school early...Native students have the highest high school dropout rate in the nation. Without education they are disempowered and disenfranchised."

### **Education at Rosebud**

The history of non-Indian control of education of the Rosebud Sioux Tribe is typical. The 1868 Treaty located the Tribe on a reservation in south central South Dakota. In the 1870s, as the Treaty promised, schools were established on the reservation by the Franciscans and the Jesuits. In addition, countless Rosebud children were sent to distant federal boarding schools. In the late 1800s and early 1900s federal boarding and day schools were operated on the reservation. By 1960 the South Dakota public schools had assumed most of the education functions on the reservation. In the 1970s the religious schools were closed.

Indian education at Rosebud today mirrors the national picture. The population of the reservation in 1990 was about 8,300, 2,500 of whom are school-age children. About 85 percent of the children go to public elementary and secondary schools operated by the Todd County School District, a political subdivision of the State of South Dakota. The other 15 percent go to the St. Francis Indian School, a school operated through a charter by the Tribe. The Tribe also operates a Headstart program, and through a charter, a tribal college, Sinte Gleska.

In the 1980s, the need for coordination of the various education entities and programs on the Rosebud reservation was increasingly voiced by educators and tribal leaders. The Tribe lacked the resources to take over all education on the

reservation. But with the establishment of an Education Committee as a standing committee of the Tribal Council (the legislative branch of the tribal government), Committee members began to think about what kind of tribal role in education was feasible.

Sinte Gleska had become one of the premier tribal colleges in the country, and the Committee wanted to translate that success down to the elementary and secondary levels. This was especially important because achievement rates at those levels were low and dropout rates were high. In 1989, 56 percent of Rosebud high school students dropped out. Those that remained averaged in the 25th percentile nationally in reading and math. Though the student population was over 80 percent Indian, Todd County had only 20 Indian teachers out of 160, and there were no Indian administrators. Indian parents did not feel welcome in the schools.

To the Committee, these problems raised many questions: Were the schools' curricula relevant to the students' lives? Why were there so few Indian teachers and administrators? What could be done about the increasing abuse by students of drugs and alcohol? How could schools be better linked to the communities, and what would get parents more involved in the schools? The Committee was convinced that, through regulation, the Tribe could help where others were failing.

First and foremost among the desires of the Committee was that the schools, particularly Todd County, would teach the tribal language, widely spoken among the tribal people. Sinte Gleska College had successfully brought the language and culture into its learning process. Lionel Bordeaux, longtime president of the College, explains that, "We've had the freedom to design a curriculum consistent with who we are, instead of who others want us to be."

It was thought that this same strategy could go a long way towards making the elementary and secondary schools more responsive to the stu-

dents, making them more a part of the community, and keeping students attending and parents involved in the schools. The need for tribal legislation in this area was aptly driven home when a Committee member approached Todd County about including the Rosebud Lakota language in the regular curriculum and was asked, "Where are the laws that require us to do so?"

### **The Rosebud Sioux Tribal Education Code**

In 1987, the Committee asked NARF to represent the Tribe in its efforts to develop an education code and establish an education department. With the support of the Northwest Area Foundation and the Bush Foundation, NARF first spent several months researching whether it was legally feasible for a tribe to regulate state public schools on a reservation. NARF concluded that, consistent with its inherent sovereign authority over its members and landbase, the Tribe has a right to control education on its reservation, even when that education is provided by governments other than the Tribe.

When NARF began to look for models of tribal education legislation for Rosebud, it realized that there were none. While some tribes had asserted or tried to assert direct control over education on the reservation, no tribe was doing so comprehensively. No tribe was actively regulating, even concurrently with the state, the state public schools on its reservation.

Since there were few successful models, the legal framework for the Rosebud education code was an arduous process. NARF recommended, and the Tribe agreed, that the code should supplement, not supplant the existing education systems and resources on the reservation. Through its education department, the Tribe could marshal and coordinate all the reservation education resources with the goals of reclaiming its youth, perpetuating the tribe, and improving the systems.

It was decided early on to target specific areas in which the Committee felt that the schools and other governments were not meeting the needs of the Tribe. The four target areas were: curriculum and education standards; teacher certification and hiring; alcohol and substance abuse; and parental and community involvement. Significantly, these areas are among those cited by the 1991 Indian Nations at Risk Report as being vital to preserving the cultural base, economic viability, and political sovereignty of Indian tribes.

Curricula requirements eventually included tribal culture and language; tribal history, government, and economics; the tribal landbase; nutrition; and parenting. Under the education code, the Sinte Gleska College will play a big role in developing the substantive curricula and the teacher certification courses. The College already graduates a number of elementary and secondary teachers each year, and is also accredited to award masters degrees in education.

In August, 1991, the Committee held hearings on the proposed tribal education code. Parents, tribal officials, and representatives from the reservation schools and education programs testified in support of the code and the Tribe's efforts. In October, 1991, the code was adopted by unanimous vote of the Tribal Council.

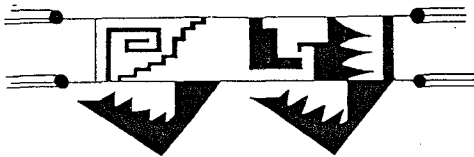
Since the Tribe's education reform effort has begun, the number of Indian teachers in the Todd County schools has more than doubled, and the district recently appointed its first Indian superintendent of schools. The need for improvement is now so widely acknowledged that state and federal officials seem more receptive to the Tribe's plan for a curriculum that will give students a strong sense of tribal heritage while also teaching standard courses like English and mathematics.

The Rosebud Sioux Education Code is a landmark exercise of tribal sovereignty, and its outcome could affect tribes across the country. It asserts tribal jurisdiction over education on the

reservation, and at the same time, recognizes the jurisdiction of non-tribal governments. It provides a tribal framework for overseeing the exercise of jurisdiction by all sovereigns and a means by which reservation education conditions, needs, and issues will be addressed.

But much work remains to be done before the code can bring about lasting change. The requirements, programs, and procedures have to be developed, and then the code will be implemented and compliance monitored. The Tribe also hopes, with NARF's continued representation, to negotiate a compact with the state of South Dakota to ensure compliance with the code.

In the meantime, history has come full circle. The Rosebud Sioux Tribe is ready again to assume responsibility for and direct the education of its young. That, after all, is what governments do. (*Melody L. McCoy is a Senior Staff Attorney with the Native American Rights Fund.*)



## SETTLEMENT OF KAULEY V. UNITED STATES

*By Steven C. Moore*

### Introduction

In December 1984 NARF's Indian Law Support Center, together with Oklahoma Indian Legal Services (OILS), sued the United States Department of the Interior for its failure to fulfill its responsibilities to Indian allottees in the Anadarko Area, Oklahoma, that own interests in oil and gas wells. The lawsuit was filed on behalf

of 7,000 allottees seeking to protect their rights under the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA). On December 6, 1991, the federal district court in Oklahoma approved a settlement agreement between the parties, ending this complex seven year legal battle. This article traces the history of the litigation and outlines its major settlement terms.

### Background of the Lawsuit and Proposed Settlement

This lawsuit, *Kauley v. United States*, was filed in federal court on December 14, 1984, by plaintiffs David Kauley, Mary Limpy and Thelma Haag, who are enrolled members of the Cheyenne-Arapaho Tribes of Oklahoma. On August 10, 1987, the suit was certified as a class action for the class of over 7,000 Indian allottees who own interests in oil and gas leases on allotted lands within the Anadarko Area of Oklahoma. The lawsuit sought a declaration that the defendant Department of the Interior's management and administration of the plaintiffs' oil and gas resources did not comply with the FOGRMA. Specifically, the plaintiffs alleged that the Department failed to: (a) make timely deposits of royalty payments to plaintiffs' Individual Indian Money ("IIM") accounts; (b) pay interest to plaintiffs for the late deposit of royalty payments to IIM accounts ; (c) provide plaintiffs with explanation of payment (EOP) reports containing all the information required by the Act together with the royalty payments; (d) establish a comprehensive inspection, collection, fiscal and production accounting and auditing system to provide the capability to accurately determine oil and gas royalties, interest, fines, penalties, fees, deposits, and other payments owed, and to account for such amounts in a timely manner; and (e) audit and reconcile, to the extent practicable, all current and past lease accounts for leases of oil and gas and take appropriate steps to make additional collections as are warranted.

Plaintiffs claimed that, because of these alleged omissions, the Department's royalty management program failed to comply with FOGRMA

and thus constituted a breach of its trust responsibilities.

### **Summary of Proposed Settlement**

The approved settlement covers the several issues outlined above, and each issue is summarized briefly below:

**Timeliness of Payment.** The Department of the Interior typically deposits payments received from lessees and payors into plaintiffs' IIM accounts by the end of the calendar month following the calendar month in which the Department receives the payment. Under the terms of the settlement agreement the Department will maintain an average of making timely payment for 95% of all payments. Continuing from 1991, the Department will compile information concerning the timeliness of deposits to IIM accounts and payment to the plaintiff allottees twice a year.

**Interest Payments.** The Department's system for automatically billing payors for interest on late payments holds all payors accountable for payment of interest on late payments. Under the terms of the settlement the Department will ensure that interest is earned on late payments received from payors or for payments held too long by the Department. The Department has now finalized a computer program which allows interest earned while the funds are held to be distributed with the individual payments.

**Explanation of Payment Reports.** According to FOGPMA the Department is required to provide with payment an explanation of payment ("EOP") report. Under the settlement, allottees have been involved in the redesign of the EOP. Moreover, the Department will ensure that the EOP and the check are mailed on the same day, and ultimately provide for mailing the EOP and royalty check in the same envelope.

**Fiscal and Production Accounting Systems.** Under the settlement the Department's automated fiscal and production accounting systems will perform the following automated func-

tions: comparisons of sales volume data submitted by oil and gas operators on production reports with the sales volume data submitted by payors on monthly royalty reports; identification of improper recoupments, allowances, and severance tax deductions; creation of exception reports to identify all instances where the computed royalty rate differs from the rate established in the lease terms.

When the automated programs discover a discrepancy on any of the reports which indicates an improper action by the payor/reporter, an "exception" report is automatically generated. The Department then takes a variety of actions to pursue and resolve exception reports. For the automated functions listed in the above paragraph, the Department is developing annual reports containing statistics and totals by status of resolved and unresolved exceptions which involve a potential underpayment to allottees. The Department will seek input from plaintiffs as to any data and format change subsequent to the initial distribution of these reports.

**Audit.** Under the agreement's terms the Department has established an "Indian Spot Audit Team" which, when fully staffed, will have four or more auditors located in Oklahoma City. This staff will augment the normal auditing under the existing Indian lease audit strategy. The initial strategy of the Indian spot audit team is to select Indian leases from smaller operators and payors for individual attention. The team will also concentrate on specific royalty issues affecting Oklahoma Indian leases. In general, the leases and payors who are least likely to be audited under the comprehensive audit strategy will be the targets of audits by the spot audit team.

**Proposal for a Local Office and Increased Royalty Compliance Program.** Under the settlement the Department will provide a full-time local presence for allottees at a newly established Oklahoma City allottee lease management office through dedication of at least two external affairs staff experienced in royalty matters. These personnel will increase the frequency of the

Department's Anadarko Area allottee contact to bi-monthly meetings to improve communication and to address and resolve allottee inquiries and problems. The local office staff will also provide on-site problem resolution, and perform reviews and audits directly for the allottees concerned.

Improved royalty verification will be also provided by: (a) identifying problem payors for the Anadarko Area leases, cleaning up of current reporting period royalty rate discrepancies, and the misreporting that leads to the discrepancies; (b) manual monitoring, sampling and reviewing of reported oil and gas valuation on Anadarko Area leases; (c) manual sampling and analyzing of actual allowance costs related to Anadarko Area leases; (d) developing and implementing a prototype automated oil and gas valuation monitoring system for microcomputers to be run for Anadarko Area leases (the Department is seeking input from plaintiffs as to the design of this system); and, (e) utilizing the Indian spot audit team in Oklahoma City to increase priority for auditing Anadarko leases by means such as lease/issue based audits, referrals and selective audits of small and intermediate sized payors.

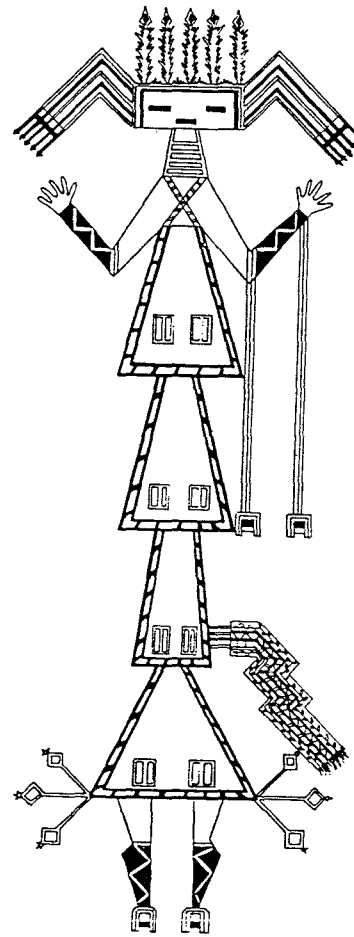
The Department will also improve royalty verification by implementing routine sampling and review of actual allowance costs underlying Indian allowances; developing the capability to have computer generated billings for adjustments to audited periods; pursuing and resolving all Indian royalty rate discrepancies; and utilizing the local Indian spot audit team to increase Anadarko Area audit coverage.

**Major Portion Analysis.** Federal law requires that to maximize royalties for allottees the Department determine the majority or highest average prices paid for oil and gas in a particular region, such as the Anadarko Basin of Oklahoma. The federal government has never computed the majority price or "major portion analysis" for Oklahoma allottee leases. For the first time under the agreement this calculation will be made on all Anadarko allottee leases back to January 1,

1986, and recoupments will be made on all leases where identified.

## Conclusion

The *Kauley* settlement represents a major step forward for individual Indian allottees with oil and gas well interests in the Anadarko Area of Oklahoma. For the first time in Indian oil and gas management the federal government has agreed to live up to its responsibilities under FOGRMA and the federal Indian trust relationship. It is hoped that by working together to implement the settlement, with NARF and OILS oversight, the Department and allottees can maximize the return on Indian oil and gas resource development in western Oklahoma. (*Steven C. Moore is the Director of NARF's Indian Law Support Center and is a Senior Staff Attorney.*)



## IMPLEMENTATION OF EPA'S INDIAN POLICY

When the majority culture in this Nation determined that the environment had finally reached a point of serious concern, it began to adopt national policies to protect and enhance human health and environmental integrity. In adopting the National Environmental Policy Act in 1970 (NEPA), Congress officially "recognized the profound impact of man's activities on the interrelations of all components of the natural environment...[and] the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man..." It became the announced policy of the federal government "to use all practicable means and measures...in a manner calculated to foster and promote the general welfare, [and] to create and maintain conditions under which man and nature can exist in productive harmony...." To this end Congress committed the resources of the federal government to, among other things, "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations," and to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings...." (See, The National Environmental Policy Act, 42 U.S.C.)

This important promise for the future was, of course, meant to enfranchise every American whether they resided within or without the boundaries of a reservation. But, as is so frequently the case with national federal legislation, Congress adopted NEPA and other federal laws aimed at preserving or reclaiming environmental integrity without any thought to the first citizens of this continent, excluding from their deliberations an entire set of governments recognized under the United State's constitutional system--the Indian nations. There is, of course, a certain irony in Congress' failure to include the governments of those people generally perceived as the first and foremost spokespersons for the natural world. Congress' oversight in this area was, moreover, significant in other respects. It was an omission which involved nearly a million people

residing on over fifty-six million acres of land belonging to 281 reservations, which cumulatively reflected the full range of environmental issues and problems faced by the rest of the nation.

But where Congress failed, the courts have stepped in, determining that the requirements for compliance with the national environmental laws does indeed apply to tribal lands. No court has ever held that tribal lands were exempt from compliance with a federal environmental law. The commitment, therefore, of the national government to the protection and preservation of the health and environmental integrity of all of the nation's citizens, Indian and non-Indian alike, is unmistakable and could not, indeed, be otherwise.

The federal courts have uniformly determined that the requirements of the national environmental laws apply to tribes and their lands. See, e.g., *Blue Legs v. Bureau of Indian Affairs*, 867 F.2d 1094 (8th Cir. 1989). This imposes upon the United States Environmental Protection Agency (EPA) a national obligation that it owes to the Indian nations and their citizens -- the same commitment to health and environmental integrity as is owed to non-reservation residents. That EPA acknowledges this commitment at some levels is reflected in their policies and practices as exemplified in the adoption of its Indian Policy, its regulations reflective of support for tribal governments, and its commitment to assisting in the legislative addition of tribes as eligible governments for delegations from EPA in most environmental statutes. Indeed, EPA is somewhat of a leader in the field, being the first federal agency to adopt an Indian policy.

What is missing in EPA's commitment, and critical by its absence, is adequate funding to create for tribes what EPA and federal funds have committed 20 years and billions of dollars to building for states -- environmental management and enforcement infrastructure. It is that critical element of the creation of a minimum acceptable base of environmental integrity that is inherent in the grand policy commitments of the various



statutes. It is the recognition that the environment through its various components has suffered significant degradation and it is essential to put in place the programs necessary to assure that there will be no further degradation. It is the commitment to the creation of the baseline capability to maintain a minimum level of health and environmental integrity for the residents of this Nation, including Indian country. The creation of this baseline capability is the essential element in holding the line against further degradation while clean-up of old mistakes and formulation of control over future practices is accomplished.

EPA has taken the position that it cannot adequately fund Indian programs until it receives enough additional funding from Congress to do the job. The Agency has received some funding from Congress to assist tribes in assessing the range of environmental needs on their reservations. EPA is also looking at its approach to the equitable funding of all segments of society which previously have not received adequate protection. Those approaches will not, however, suffice to meet EPA's obligations to Indian country. EPA is legally bound to reallocate existing funds, whether or not previously committed to an ongoing state program, to meet their obligations to the people and environments of Indian country. See, e.g., *Rincon Band of Mission Indians v. Harris*, 618 F.2d 569 (9th Cir. 1980) (holding that IHS was required by its statutory obligations to every Indian person in the Nation to reallocate its funds to equitably address the needs of all).

EPA may be one of the best of the federal agencies in terms of both the expression of Indian policy and its ultimate implementation. That, however, does not put it in a league noted for its excellence. Nonetheless EPA has an unparalleled opportunity to demonstrate significant accomplishments in working with tribal governments to achieve real equity in striving to attain environmental integrity within reservation settings. The ability to achieve the potential of this opportunity will, to a large degree, depend on the courage and vision of the leadership of

EPA in bringing EPA resources to bear in an equitable and meaningful manner for both the Agency and the tribal governments. (This article consists of excerpts from a position paper of the same title written by Donald R. Wharton, a Senior Staff Attorney for the Native American Rights Fund.)



## CASE UPDATES

### **County of Yakima v. Confederated Tribes of the Yakima Reservation**

On January 14, 1992, the Supreme Court handed down its decision in *County of Yakima v. Confederated Tribes of the Yakima Reservation*. Attorneys at the Native American Rights Fund submitted an *amicus curiae* brief in support of the Yakima Tribe, and on behalf of fifteen other tribes and the National Congress of American Indians.

The issue before the Court was whether Yakima County could impose *ad valorem* property taxes and excise sales taxes on individual Indian and tribally owned fee lands located within the Yakima Reservation. By a vote of 8 to 1, the Court held that a provision in the General Allotment Act of 1887, as amended in 1906, permits Yakima County to impose property taxes on reservation lands that have been patented in fee pursuant to the Act. However, the Court found that the County is not permitted to impose a tax on the sale of these lands. The Court remanded

to the lower court the question of whether the fee lands at issue were patented under the General Allotment Act, rather than under other statutes in force prior to the Indian Reorganization Act. Significantly, the Court also rejected the application of the *Brendale* "tribal impact" test for determining such issues of county or state jurisdiction in the future. Justice Blackmun filed a separate opinion concurring with the majority's decision on the invalidity of the County's sales taxes and dissenting from the majority's upholding the property taxes.

### **American Indian Religious Freedom Act Amendments**

The Native American Rights Fund has continued its coordinated work effort with the Native American Religious Freedom Coalition to lay the groundwork for a major legislative push in 1992. NARF and the Coalition were successful in forging an unprecedented political alliance with major environmental groups to support legislation to protect Native American Sacred Sites and formed an alliance with major human rights groups, such as the ACLU and the National conference of Christians and Jews. A working relationship with the Los Angeles entertainment industry to lend support to this issue was also constructed. Tribal groups have been briefed and an Op Ed campaign for public relations and the education of the general public has been initiated. Legal research has been carried out on relevant First and Fourteenth Amendment issues and the Indian trust doctrine to support the legal underpinning for the legislation.

## **NARF RESOURCES AND 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, and legal treaties, 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 im-

portant cases relating to the development of Indian law. Those materials in the public domain, that are non-copyrighted, are available from NILL on a per-page-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) (1985 Supplement \$10; 1989 Supplement \$30).

### **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). (NILL No. 005166)

### **Indian Claims Commission Decisions**

This 47-volume set reports all of the Indian Claims Commission decisions. An index through volume 38 is also available. The index contains subject, tribal and docket number listing. (47 volumes. Price \$1,175). (Index priced separately at \$25). (Available from the National Indian Law Library).

*Prices subject to change*

## **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).

**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, this 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 Law Manual** (\$30) Price for handbook and update manual (\$45).

**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. Ray Ramirez, Editor. There is no charge for subscriptions.

**Tax Status.** The Native American Rights Fund is a non-profit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax under the provisions of Section 501 (c) (3) of the Internal Revenue Code, 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.

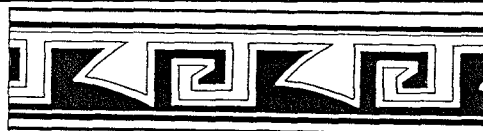
**Main Office:** Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302 (303-447-8760).

**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).

## **NEW BOARD MEMBER NAMED**

**Mildred I. Cleghorn, a member of the Fort Sill Apache Tribe, currently serves as the Tribe's Chairperson and has done so since 1976. Ms. Cleghorn has received numerous honors and awards throughout her career as a teacher and tribal leader. She was elected to NARF's Board of Directors during the 1991 fall Board of Directors meeting.**



## **SPECIAL ACKNOWLEDGEMENT**

**NARF offers a special thank you to the Confederated Salish & Kootenai Tribes of Montana for their generous contribution of \$25,000.00 to support NARF's efforts on the American Indian Religious Freedom Act legislation.**

**We encourage other tribes to support this important human rights work.**

# Native American Rights Fund

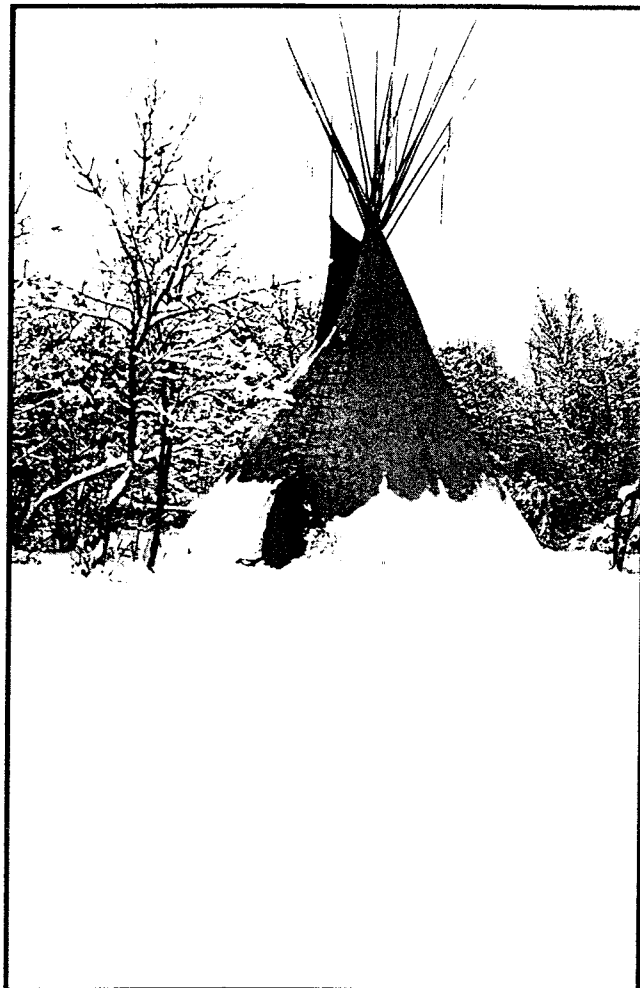
The Native American Rights Fund is a nonprofit organization specializing in the protection of Indian rights. The priorities of NARF are: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to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

Richard (Skip) Hayward, Chairman	Mashantucket Pequot
Anthony L. Strong, Vice-chair	Tlingit-Klukwan
Lionel Bordeaux	Rosebud Sioux
Mildred Cleghorn	Fort Sill Apache
Rick Hill	Oneida
Mahealani Kamaau	Native Hawaiian
Willie Kasayulie	Yupik
John R. Lewis	Mohave/Pima
Twila Martin-Kekahbah	Turtle Mountain Chippewa
Calvin Peters	Squaxin Island
Evelyn Stevenson	Salish-Kootenai
Eddie Tullis	Poarch Band of Creeks
Verna Williamson	Isleta Pueblo

Executive Director: John E. Echohawk (Pawnee)



NARF Legal Review  
1506 Broadway  
Boulder, CO 80302

Non-Profit Org.  
U.S. POSTAGE  
PAID  
Boulder, Colorado  
Permit No. 589