



# NARF Legal Review

Native American Rights Fund

## NARF observes 35 years of “Fighting For Justice”

*“Nobody has given Indian people anything over the past thirty-five years, not anything. Not the federal government or state governments, no one. Indian people insisted on and fought for every acre, salmon, Sun Dance, and sovereign right and achieved them out of their own wisdom, persistence, and courage – not anyone else’s.” (Charles Wilkinson)*

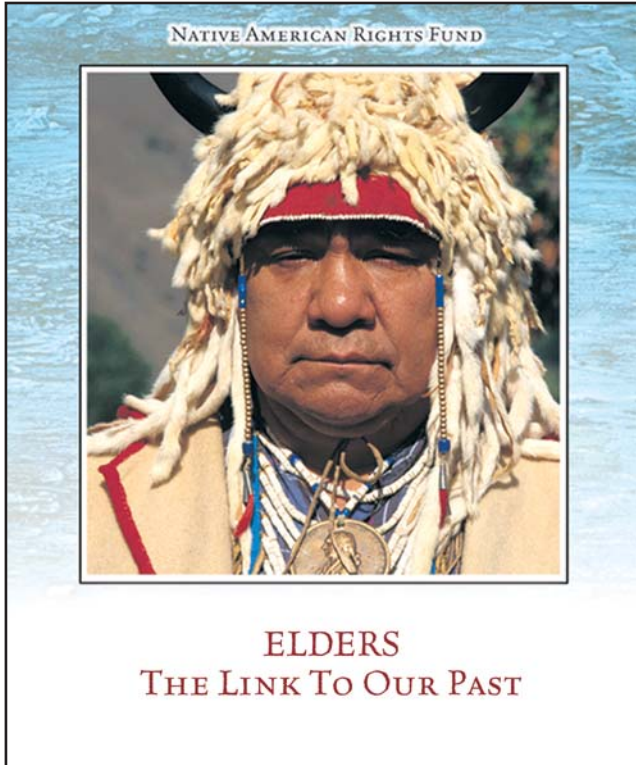
Beginning its thirty-fifth year of advocacy, the Native American Rights Fund presence in Indian country has been evident. The need in Indian country for creative legal assistance to enable Indian tribes, as sovereign governments, to regain control over their resources and their destiny will continue. As tribes struggle to protect human health and environmental integrity for Indian people and on Indian lands; as tribes strive to exercise more control over their most precious resource, their children, through improvement of Indian education and tribal societies; as tribes continue their quest to provide infrastructures and more responsive governments; and, as tribes continue their unwavering fight to insure their rights to practice their religious beliefs and protect their cultures for generations to come – the

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Native American Rights Fund will continue to be at their side.

Through the lessons of these modern Indian wars, NARF has learned to listen hard and long to its clients, to present all the options to them, and to help them make their decisions based on the best information possible. Looking back over the past 35 years, NARF has represented over 200 tribes in 31 states in such

areas as tribal restoration and recognition, jurisdiction, land claims, water rights, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to the great strides that we have made in achieving justice on behalf of Native American people, perhaps NARF’s greatest distinguishing attribute has been its ability to bring excellent, highly ethical legal representation to tribes. ▶



**Indian Law**

Modern Indian law and policy began to come to life in the late 1950s and early 1960s when a consensus was reached among tribal leaders, young Indian professionals, and traditionalists. There was no formal declaration or stated agenda. Indeed, on one level there was nothing more than a few seemingly unconnected meetings, protests, oratory, and musings on the shores of Puget Sound, in the redrock country of the Southwest, on the high plains of the Dakotas, in the backwoods of Wisconsin, and on the farms of Oklahoma.

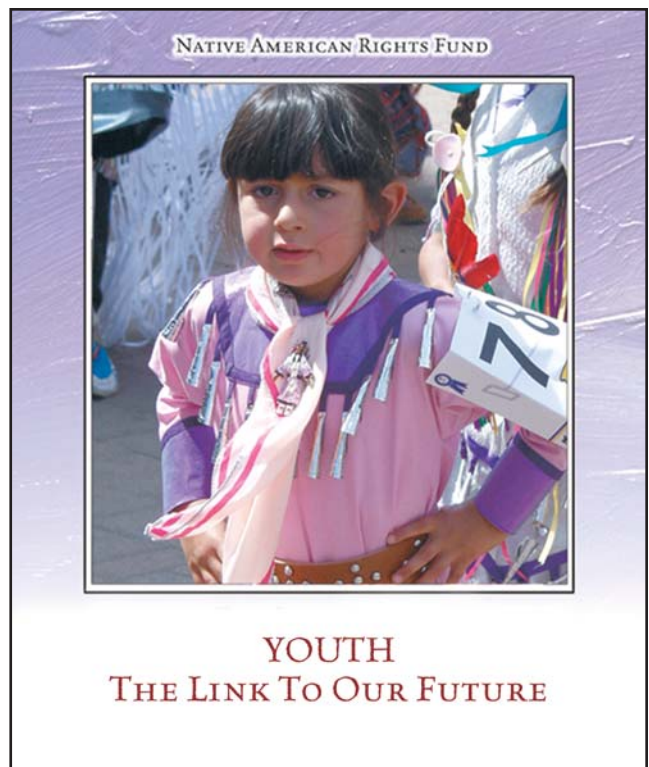
These superficially unrelated stirrings, however, were tightly and irrevocably bound together. They were tied by an indelible reverence for the aboriginal past, an educated appreciation of the accelerating consequences of five centuries of contact with Europeans, and desperation concerning the future of Indian societies as discrete units within the larger society.

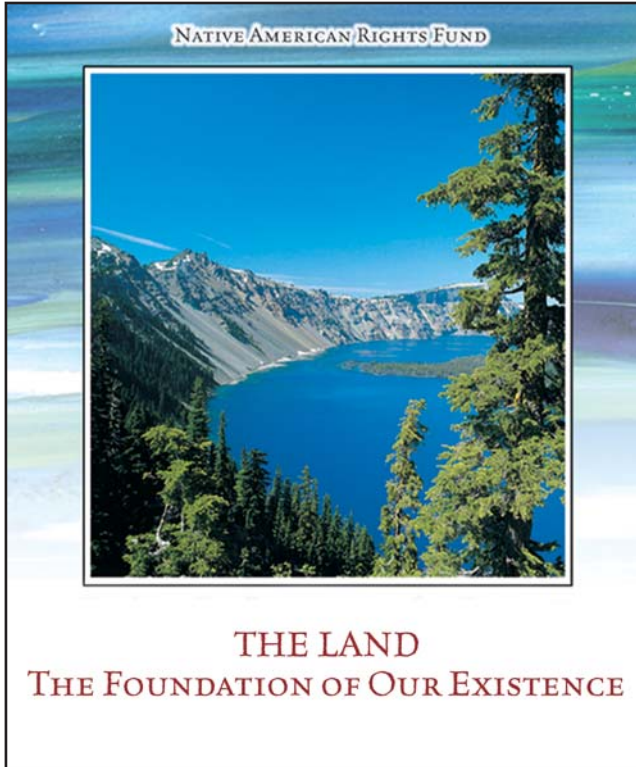
An implicit oath of blood was made during the shadowy transition. The termination policy – Congress’ forced dismemberment of American Indian tribes in the 1950s – had to be slowed,

halted, and then reversed. In a larger sense, the most persistent evolution of federal Indian policy since the mid-19th Century – assimilation of Indians, reduction of the Indian land and resource base, and the phasing out of tribal governments – had to be stilled. Even more broadly, the tribes had to cease reacting to federal policy. The tribes must grasp the initiative.

The Indian initiatives would be premised on tribalism. Chief Justice John Marshall’s old opinion, *Worcester v. Georgia* (U.S. Supreme Court 1832), had carved out a special, separate constitutional status for Indian tribes. Within their boundaries, tribes had jurisdiction – governmental and judicial power – and the states could not intrude. Indian tribes were sovereigns. Those doctrines left the tribes with the potential of substantial control over their resources, economies, disputes, families, and values – over their societies.

To outsiders, it has always been astonishing that reservation Indians would know of concepts like sovereignty and jurisdiction. But they do today, and they did in the 1950s and 1960s. On reflection, the reason for this is simple. The





The continuing lack of understanding, and in some cases lack of respect, for the sovereign attributes of Indian nations has made it necessary for the struggle to continue.

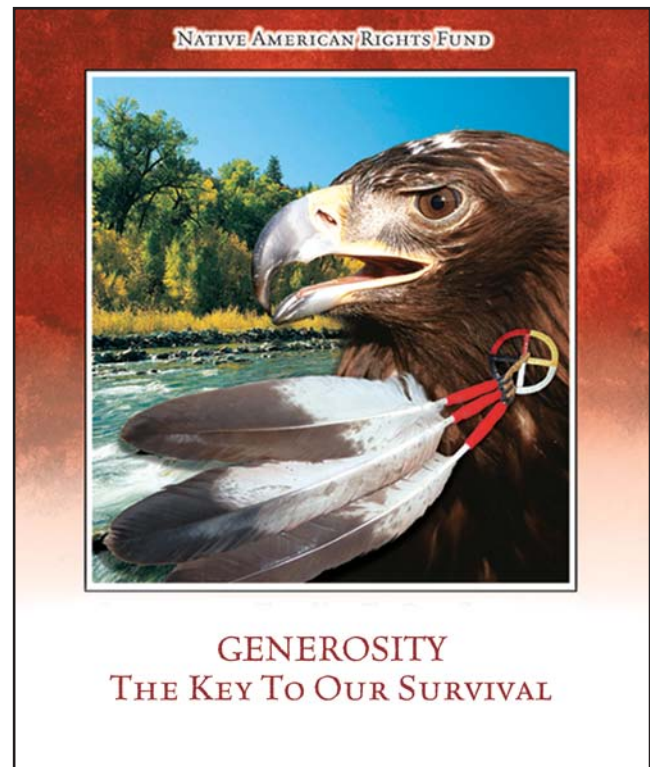
**History of the Native American Rights Fund**

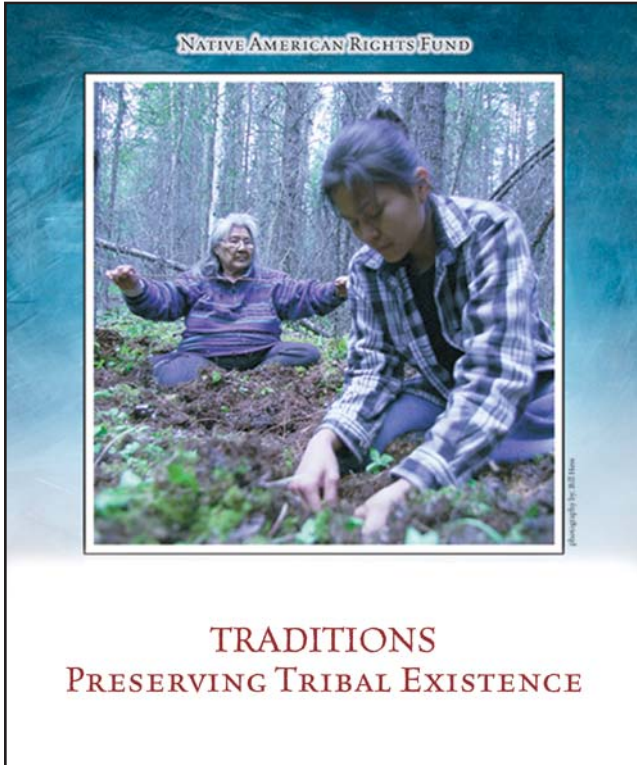
In the 1960s the United States government adopted new policies and programs in a widespread effort to address some of the social ills affecting the country. As part of the “War on Poverty,” the Office of Economic Opportunity launched government-funded legal services programs throughout the nation to provide legal representation to the disadvantaged. Those programs which were set up on or near Indian reservations and large Indian communities came to realize that the legal problems of their Indian clients were, for the most part, governed and controlled by a little known area of law – “Indian Law” – that was driven by treaties, court decisions, federal statutes, regulations and administrative rulings. They also found that few attorneys outside of the legal services system were willing to represent Indians, and those who did generally worked on a contingency basis,

chiefs bargained for those things when treaties were made. Chief Justice Marshall was true to those negotiations. For generation after generation, elders passed down information about the talks at treaty time and about the fact that American law, at least in Marshall’s time, had been faithful to those talks.

It was not through choice that modern Indian people have placed so much reliance on federal law, as made by Congress and the courts. They would rather build things internally. But there was no alternative. Outside forces were bent on obtaining Indian land, water, fish and tax revenues, and on assimilating the culture out of Indian people, especially the children. There could be no internal development or harmony until the outside forces were put at rest.

Today, we are able to see that the program conceived at the end of the termination era was successful in many ways. However, in this new century, the forces of termination and the challenges to tribal sovereignty have once again reared their heads. For every victory, a new challenge to tribal sovereignty arises from state and local governments, Congress, or the courts.





only handling cases with anticipated monetary settlements. Very few cases were handled on a contingency basis, meaning many issues would not get to court.

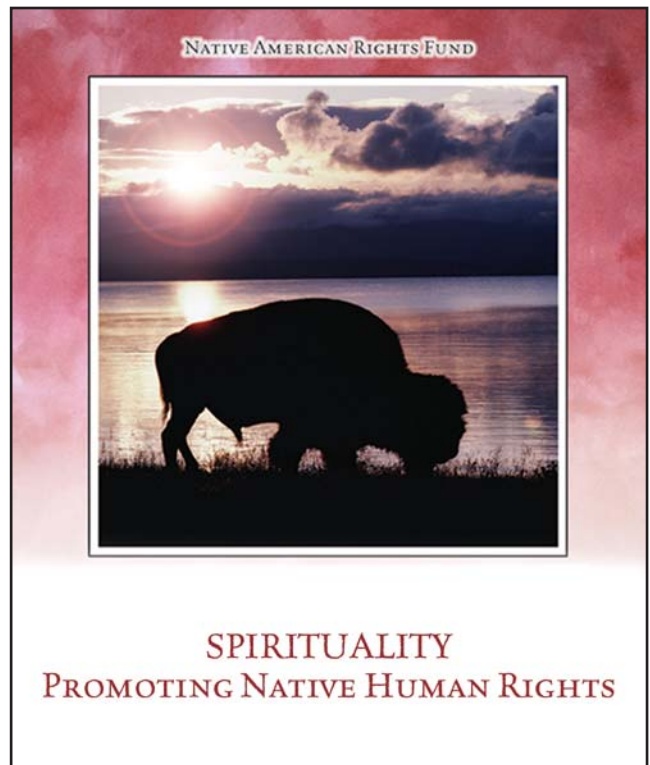
During this same period the Ford Foundation, which had already assisted in the development of the NAACP Legal Defense Fund and the Mexican American Legal Defense Fund, began meeting with California Indian Legal Services (CILS) to discuss the possibility of creating a similar project dedicated to serving all of the nation's indigenous people. CILS had already established somewhat of a reputation for taking on Indian legal cases. As a result of those meetings, the Ford Foundation awarded CILS a planning grant in 1970 and start-up funding to launch the Native American Rights Fund in 1971.

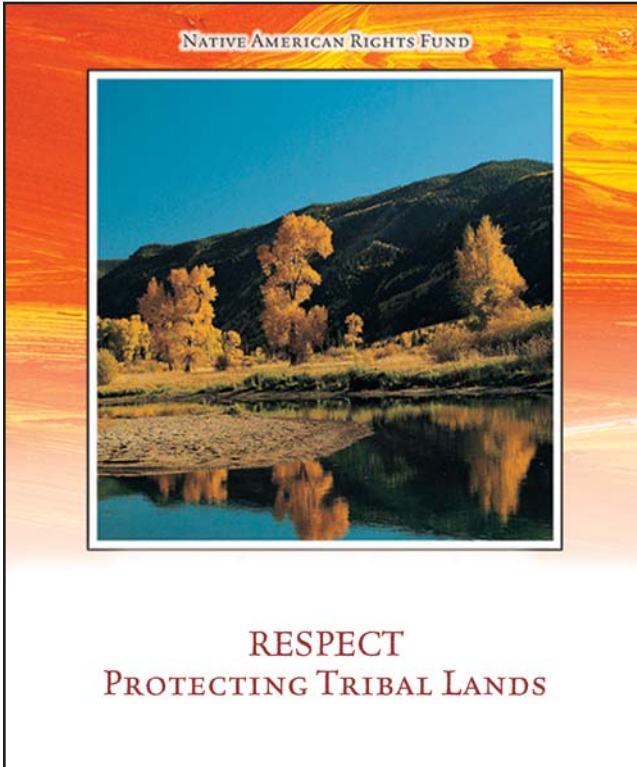
As a pilot project of CILS in 1970, NARF attorneys traveled throughout the country to find out firsthand from the Indian communities what the legal issues were. They also began a search for a permanent location for the project, which was initially being housed at CILS's main office in Berkeley, California. The site needed to be centrally located and not associated with any

tribe. In 1971, NARF selected its new home and relocated to Boulder, Colorado.

An eleven member all-Indian Steering Committee (now a 13 member Board of Directors) was selected by the CILS Board of Trustees to govern the Fund's activities. Individuals were chosen (as they continue to be today) based on their involvement and knowledge of Indian affairs and issues, as well as their tribal affiliation, to ensure a comprehensive geographical representation.

NARF continued to grow at a rapid pace over the next several years. In 1971, the project incorporated in the District of Columbia and opened its first regional office in Washington, D.C. An office close to the center of government would prove critical in future interaction with Congress and federal administrative agencies. The Carnegie Corporation of New York awarded NARF start-up funding in 1972 for the creation of the National Indian Law Library, a national repository for Indian legal materials and resources. Over ten years later, in 1984, NARF established its second branch office in Anchorage, Alaska to take on the Alaska Native





issues of tribal sovereignty and subsistence hunting and fishing rights.

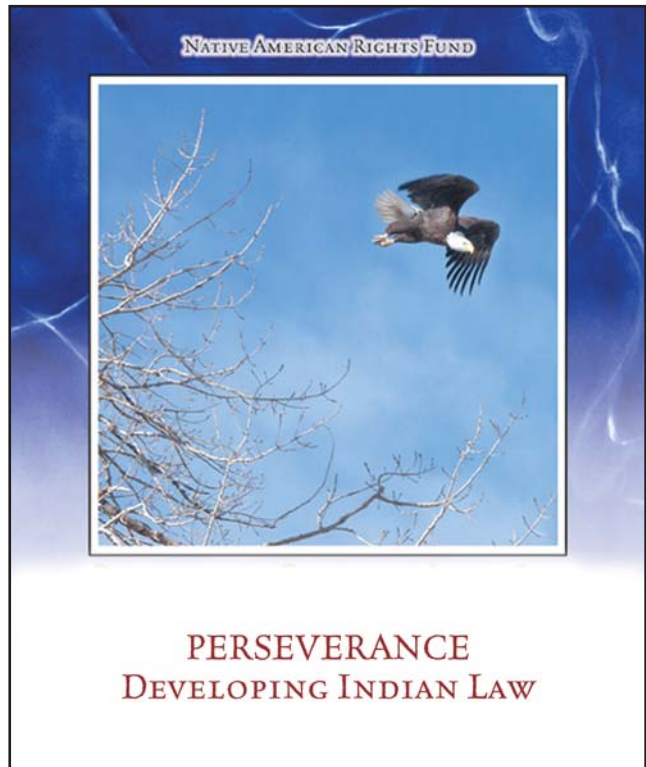
**Native American Rights Fund’s Mission**

One of the initial responsibilities of NARF’s first Steering Committee was to develop priorities that would guide the Native American Rights Fund in its mission to preserve and enforce the legal rights of Native Americans. The Committee developed five priorities that continue to lead NARF today: the preservation of tribal existence; the protection of tribal natural resources; the promotion of Native American human rights; the accountability of governments to Native Americans; and, the development of Indian law and educating the public about Indian rights, laws, and issues.

Under the priority of the *preservation of tribal existence*, NARF works to construct the foundations that are necessary to empower tribes so that they can continue to live according to their Native traditions, to enforce their treaty rights, to insure their independence on reservations and to protect their sovereignty. Specifically, NARF’s legal representation centers

on sovereignty and jurisdiction issues, federal recognition and restoration of tribal status, and economic development. The focus of NARF’s work relates to the preservation and enforcement of the status of tribes as sovereign governments. Tribal governments possess the power to regulate the internal affairs of their members as well as other activities within their reservations. Jurisdictional conflicts often arise with states, the federal government, and others over tribal sovereignty.

Throughout the process of European conquest and colonization of North America, Indian tribes experienced a steady diminishment of their land base to a mere 2.3 percent of its original size. Currently, there are approximately 55 million acres of Indian-controlled land in the continental United States and about 44 million acres of Native-owned land in Alaska. An adequate land base and control over natural resources are central components of economic self-sufficiency and self-determination, and as such, are vital to the very existence of tribes. Thus, much of NARF’s work involves the *protection of tribal natural resources*.





Although basic human rights are considered a universal and inalienable entitlement, Native Americans face an ongoing threat of having their rights undermined by the United States government, states, and others who seek to limit these rights. Under the priority of the *promotion of human rights*, NARF strives to enforce and strengthen laws which are designed to protect the rights of Native Americans to practice their traditional religion, to use their own language, and to enjoy their culture. NARF also works with Tribes to improve education for and ensure the welfare of their children. In the international arena, NARF is active in efforts to negotiate declarations on the rights of indigenous peoples.

Contained within the unique trust relationship between the United States and Indian nations is the inherent duty for all levels of government to recognize and responsibly enforce the many laws and regulations applicable to Indian peoples. Because such laws impact virtually every aspect of tribal life, NARF maintains its involvement in the legal matters

pertaining to *accountability of governments* to Native Americans.

The coordinated *development of Indian law and educating the public about Indian rights, laws, and issues* is essential for the continued protection of Indian rights. This primarily involves establishing favorable court precedents, distributing information and law materials, encouraging and fostering Indian legal education, and forming alliances with Indian law practitioners and other Indian organizations. The Native American Rights Fund recognizes the importance of the development of Indian law and continues to manage and participate in a variety of projects specifically aimed at achieving this goal.

As this battle continues, NARF strives to protect the legal and sovereign rights of tribes and Native people within the American legal system. This effort certainly could not exist without the contribution of the thousands of individuals who have offered their knowledge, courage, and vision to help guide NARF on its quest. Of equal importance, NARF's financial contributors have graciously provided the resources to make these efforts possible. United, these financial, moral, and intellectual gifts provide the framework for NARF to fulfill its mission: the securing of sovereignty and right to self-determination to which all Native American peoples are entitled.

The Board and staff of NARF look forward to another thirty-five years of advocacy on behalf of our People, our Nations, and our Future. 🌟



## CASE UPDATES

### *NARF testifies before House committee on Cobell case*



NARF attorney Keith Harper testified before the House of Representatives Committee on Resources on the *Cobell v. Norton* trust fund case on February 16, 2005. In his opening statement, Keith Harper made it clear that there is nothing Elouise Cobell, the other named plaintiffs and plaintiffs' counsel want more than an immediate and fair resolution of the *Cobell* case. Harper emphasized that this is not a new position. From inception, plaintiffs have sought expeditious resolution of this case and have no interest in prolonging these proceedings.

The *Cobell* case was filed on June 30, 1996. It is brought on behalf of all past and present individual Indian trust beneficiaries. The Courts have rendered over eighty published decisions since the inception of this case.

The individual Indian money account holders (plaintiffs) seek a full accounting of their trust assets for the entire period that such assets have been held in trust – since 1887. Trustees, without exception, have a duty to provide accurate and complete statement of accounts to each beneficiary at regular intervals and a complete and accurate accounting upon demand. Yet, the United States has never provided an accounting to individual Indian trust beneficiaries. It has never provided beneficiaries accurate and complete statement of accounts. In addition, plaintiffs seek that the account balances of the Trust be corrected, restated and distributed to the correct beneficiary in the correct amount. Finally, plaintiffs seek reform of the trust management and accounting system. Such reform will ensure that trust duties are discharged prudently and the government's liability does not continue to increase exponentially.

Plaintiffs have prevailed on the merits

throughout this litigation. For the first five years, the government argued, among other things, that it did not have a duty to provide a full accounting of trust assets in conformity with generally applicable trust law. The government's position was repudiated by the Federal District Court in Washington, D.C. on December 21, 1999. The Court held that the government is in breach of the trust duties it owes the plaintiff class and must render a complete and accurate accounting of "all funds." Defendants' attempt to limit the accounting to some "subset" of assets was expressly rejected by the district court.

The government appealed this decision arguing that they could decide the nature and scope of the duty to account owed to individual Indian beneficiaries and that, in any event, the duty only required an accounting of funds in the trust as of 1994, when Congress enacted the American Indian Trust Fund Reform Act of 1994. On February 23, 2001, the Court of Appeals for the District of Columbia rejected these arguments and affirmed in all material respects the district court's order. The Court of Appeals explained that the normal deference shown to administrative agencies did not apply because this case involved a trust. The Court further held that the duty of the United States to account was not created in 1994. Rather the duty "inheres in the trust relationship itself" and therefore "preexisted" and was not dependent on the enactment of the 1994 Trust Fund Reform Act. Thus, the accounting must be of all funds "irrespective of when they were deposited." Finally, the Court held that because of the "magnitude of government malfeasance and potential prejudice to the plaintiffs' class," the District Court had commensurately greater latitude to order appropriate relief for the

identified breaches of trust and to ensure that the government was brought into compliance with its fiduciary duties. The United States did not appeal further this decision. Accordingly, the February 21, 2001 decision is a final decision.

Despite the clarity of the District Court and appellate court's ruling, defendants have continued to resist providing plaintiffs the complete and adequate accounting to which each beneficiary is entitled. Defendants have refused to take affirmative steps to bring themselves into compliance with their trust duties. Indeed, at every turn defendants have obstructed the proceedings and attempted to escape their plain legal obligations. It is because of this resistance and refusal to discharge their legal obligations that this case now approaches the end of its ninth year in the courts.

Two recent Court of Appeals decisions further define the nature and scope of this case, and clarify the critical role of the Court in ordering appropriate remedies for the plaintiff class. In both instances, the government appealed injunctions entered by the District Court. The first appeal, decided December 3, 2004, addressed the astonishing internet security deficiencies of the Interior Department computer systems that house and give access to critical information of the trust. The second was decided on December 10, 2004 and addressed a "structural injunction" that the District Court had entered intended to compel the defendants to provide a historical accounting and commence true trust reform. In the appeals, the government had sought outright dismissal of the *Cobell* case. Defendants argued, among other things, that trust reform was not part of this case at all, and that the case had "lost its moorings."

While in both cases the appellate court vacated the trial court's injunctions, it did so on narrow, largely procedural, grounds. More importantly, the appellate court categorically rejected the government's argument that the District Court improperly exercised jurisdiction over all aspects of the case. In addition, the Court of Appeals rejected the government's contentions that the highly deferential review standards of administrative law controls this case and that the District Court could not grant appropriate relief for

identified mismanagement and malfeasance.

Plaintiffs believe that these two decisions, taken together, provide a solid legal foundation to attain the relief we seek in this case and provide important guidance for the Congress as well. Certain principles emerge from these decisions that are important considerations in analyzing the current posture of this litigation and the potential ways to resolve the case.

### **The Midnight Rider**

In the late fall of 2003, the Congress enacted the Interior Appropriations Act, P.L. 108-108. That law included a provision, commonly called the "Midnight Rider" that many members of the House Committee on Resources and the Senate Indian Affairs Committee opposed. The Midnight Rider was so dubbed because it was not a provision vetted through the authorizing committee of jurisdiction, the Committee on Resources, rather it was hastily snuck into a conference committee report directly prior to enactment by the Appropriations Committee. The Midnight Rider is a prime example of why legislating on an appropriations bill is folly. While one of the stated purposes of the Rider by its sponsors was to provide a "time out" so the appellate court could review the trial court's decision requiring a historical accounting be performed, the actual effect was to negate the appellate court's ability to review the historical accounting part of the structural injunction decision altogether. Specifically, the December 10th appellate decision held that the Midnight Rider temporarily "removes the legal basis for the historical accounting elements of the injunction." By Congress doing so, the appellate court could not review the trial court's historical accounting duty until after the Rider expired on December 31, 2004.

Rather than expedite resolution of this case, the Midnight Rider caused serious and irreparable delays. It is not an overstatement to suggest that the Midnight Rider delayed this case and relief for the plaintiff class for no less than three years.

There are a couple of important lessons that can be gleaned from this experience with the Midnight Rider. First, when Congress acts it must do so carefully. Hastily drawn riders



without proper review through appropriate committees and hearings can have unintended consequences that dramatically impact the lives of people – here, 500,000 individual Indians. Second, while the Court of Appeals clarified that the Midnight Rider was constitutional, that was so only because of the temporary nature of the rider. Had the Rider completely eliminated the duty to account, it would have violated the Fifth Amendment Takings clause. Third, and perhaps most importantly, the appellate court acknowledged that Congress had some authority to address the accounting issue through legislation, but that it was obligated to “assur[e] that each individual [beneficiary] receives his due or more.” Put another way, any legislative alteration of the accounting duty that does not provide each beneficiary “his due or more” would necessarily be a taking of that individuals’ property and, hence, constitutionally infirm.

In upholding the Midnight Rider, the Court of Appeals held that the provision did not constitute an impermissible taking because any delay would necessarily be compensable by the payment of interests or imputed yields for any period of delay in paying over income or principal.

Now that the deadline for the P.L. 108-108 provision (the Midnight Rider) has come and gone on December 31, 2004 without any legislative solutions to the issues, the U.S. District Court reinstated its 2003 injunction on February 24, 2005, ordering Interior to account for all Indian trust fund accounts by 2008. The U.S. Department of Justice filed an emergency motion to stay the District Court’s ruling. The D.C. Court of Appeals declined to issue the stay leaving the ruling intact. Interior Secretary Gale Norton appeared before Congress on March 10, 2005 urging them to once again get involved in efforts to block Judge Lamberth’s order and once again several Congressmen are threatening another Midnight Rider to be attached to another appropriations bill.

### Case Resolution

Harper concluded his testimony by emphasizing that this case should not be settled by utilizing funds that would otherwise be used to benefit American Indians and tribal communities. That

would add insult to injury. Victims of the government’s mismanagement should not be victimized again by stripping them of desperately needed and limited resources to pay for a settlement of this case. Accordingly, we believe it important to access the Claims Judgment Fund to pay all the costs of any settlement of this matter.

To have a prompt resolution of this case, the structure of the resolution must ensure that the *Cobell* claims are resolved as a whole. Piecemeal resolution will not be expeditious and will make it difficult for beneficiaries to make fully informed and knowledgeable decisions regarding their rights. It is important to note that if the government believed that it could make fair offers to beneficiaries to buy out their claims, they could approach the Court with a proposal without any additional legislation. Such proposals would be analyzed to determine that they do not make any false or misleading assertions. The need for such due process protections are self-evident. The only thing legislation could possibly do is diminish these protections, which we believe is ill-advised.

Furthermore, Congress must recognize that its actions can lead to delay rather than expedition of resolution. As mentioned earlier, the Midnight Rider is a principle example of this. It did not advance this case at all, but rather undermined the ability of the Courts to determine issues central to this litigation.

NARF has vigorously pursued litigation because we want resolution. We do not care if achieving fairness and stopping abuse of individual Indian beneficiaries comes through litigation, mediation or a settlement act, or arbitration for that matter. The means are unimportant. What is important is that we do so quickly and fairly.

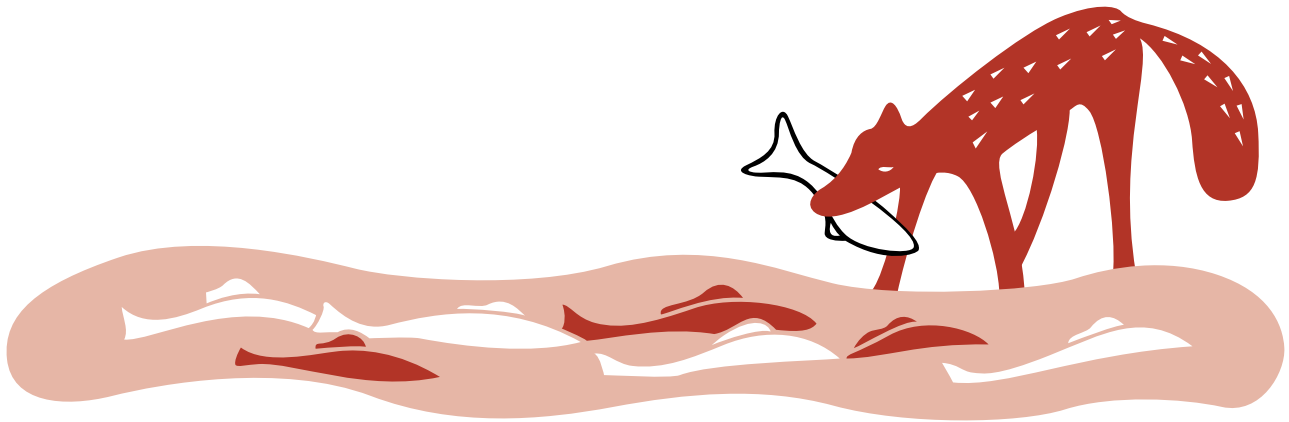
### Update

On April 7, 2005, the United States Court of Appeals for the District of Columbia Circuit granted the Department of the Interior an emergency injunction on the U.S. District Court’s February 23, 2005 order. The District Court’s order reissuing the historical accounting provisions of the Court’s structural injunction is now stayed pending resolution of the Department of the Interior’s appeal.



## CASE UPDATES

### *NARF Files Subsistence Suit Against Federal Government in Alaska*



On January 5, 2005, the State of Alaska filed suit in federal court in the District of Columbia against the United States Departments of Interior and Agriculture over regulations published in 1999 implementing the mandate in *John v. United States*. Katie John successfully sued the Secretaries in 1990 alleging that they had unlawfully narrowed the federal subsistence program under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) – which provides a priority for subsistence uses of fish and game on federal public lands – by excluding navigable waters in which the United States owns federally-reserved water rights interests. Under the Court’s mandate the Secretaries were required to identify those waters in Alaska that were federally reserved and apply a subsistence priority for fishing to such waters. The Secretaries completed its identification and implementation in 1995 with the publication of a final rule which went into effect on October 1, 1999.

Some six years later, the State of Alaska filed its law suit alleging that the final rule extends ANILCA’s subsistence provisions beyond federal public lands onto State and private lands and waters. To counter the State’s broad allegations, the Native American Rights Fund brought suit in the District of Alaska on January 7, alleging that the Secretaries’ final rule does not extend sufficiently far enough to protect subsistence fishing on various waterways throughout Alaska. NARF also moved for conditional intervention into the

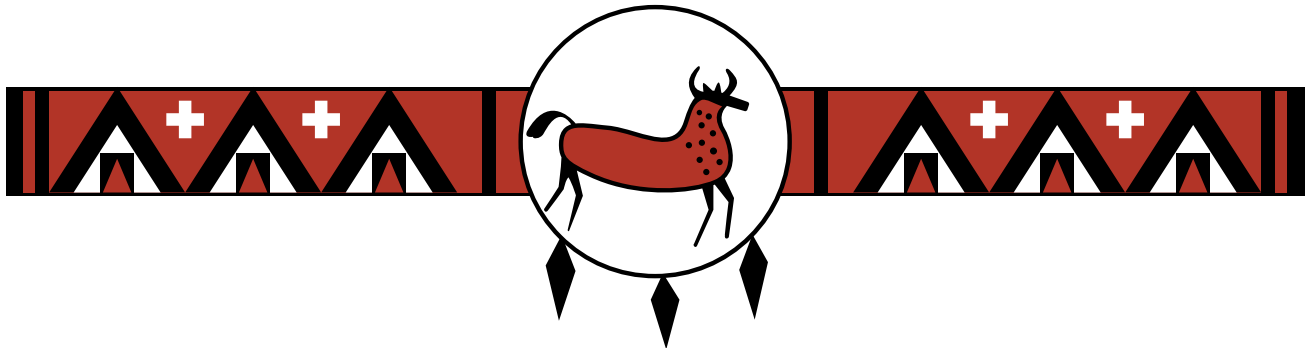
State’s D.C. lawsuit for the purpose of moving to dismiss and/or transferring the case back to Alaska.

At issue in both cases, now, will be a determination of whether the agencies properly applied the federally reserved waters doctrine to navigable waters in Alaska. A decision will impact the extent to which rural residents will be able to benefit from Title VIII’s priority for subsistence fishing.

NARF’s Complaint challenges that portion of the regulations issued by the U.S. Department of the Interior and the U.S. Department of Agriculture on January 8, 1999, that arbitrarily and capriciously restricts Alaska Natives’ customary and traditional subsistence hunting and fishing on Alaska Native Allotments. The suit charges that the opportunity to engage in the non-wasteful harvest of local natural resources, and to share and exchange those resources in the customary and traditional way, is vital to the ability of Alaska Natives to continue their subsistence-based way of life. The government’s refusal to provide for Alaska Natives’ custom and tradition of subsistence hunting and fishing on their Native allotments denies protection for their customary and traditional use of subsistence fisheries. The regulations thus inhibit Alaska Natives’ ability to carry on their subsistence way of life and maintain the culture and tradition of their people.

# CASE UPDATES

## *Major water rights settlement agreement accepted by Nez Perce Tribe of Idaho*



On March 23, 2005, the Nez Perce Tribal Executive Committee (NPTEC) accepted the final terms of the water rights claims in the State of Idaho’s Snake River Basin Adjudication (SRBA) in an historic 6 to 2 vote. By accepting the proposed settlement, the Nez Perce Tribe has agreed to:

- 50,000 acre feet of water decreed to the Tribe for on-reservation uses;
- Instream flows decreed on almost 200 Tribal priority streams to be held by the state of Idaho;
- 600 springs claims decreed on about 6 million acres of Federal land in the Tribe’s 1863 ceded area;
- Over 11,000 acres of on-reservation Bureau of Land Management land transferred to the Tribe in trust;
- \$96 million in three separate funds, for Tribal drinking water and sewer projects, water development projects, in addition to various Tribal projects including cultural preservation and fishery habitat improvements.

The Native American Rights Fund (NARF) has represented the Nez Perce Tribe in Idaho in the

SRBA – both litigation and settlement phases – for over 16 years. Congress enacted the Snake River Settlement Act of 2004 last November, and President Bush signed it into law on December 8, 2004. The Idaho Legislature approved the agreement and Governor Kempthorne signed the approval legislation in March 2005. The approval by NPTEC represented the final sign-off by the three sovereigns. The Idaho water court will now undertake the final approval of the settlement and the entry of decrees to the water rights for the Tribe.

“Unlike the uncertainty involved in litigating such water right claims, the Nez Perce Tribe, by agreeing to the terms of the proposed settlement, was able to have a voice in the decision making involved in the final determination of our water rights claims,” said the tribe’s Chairman, Anthony Johnson.

According to NARF attorney Steve Moore, “This is a major accomplishment for the Nez Perce Tribe and its members. This settlement represents the merging of traditional Indian water rights settlement elements with other major environmental issues confronting all of the people of Idaho. It could well be looked at by other states in the west seeking to sort out Indian water claims and other challenges presented by the federal Endangered Species Act and the Clean Water Act.” 🌟



## New Board Member



In October of 1996, Thomas Acevedo (Confederated Salish & Kootenai Tribes) joined the Mohegan Tribal government as the government's Chief of Staff. In this capacity, Mr. Acevedo is responsible for the oversight of the day-to-day activities of all aspects of the Mohegan Tribal government. These responsibilities encompass the administration of Tribal government activities related to general operations, gaming, business development and legal. Mr. Acevedo served on the Business Board for the Mohegan Tribal Gaming Authority that operated Mohegan Sun from 1996 through 1999. He served as the Chair for the Internal Audit Committee of Mohegan Sun from 2001 through 2002 and is also a member of the Executive Management Committee that sets policies and direction for the Mohegan Sun Casino and other off-reservation businesses.

Prior to accepting employment with the Mohegan Tribe, Mr. Acevedo served as the Chief of Staff for the National Indian Gaming Commission (NIGC) in Washington, D.C. Mr.

Acevedo was appointed to this position in February of 1996. Before this appointment, Mr. Acevedo joined the NIGC in May of 1995 as the Special Assistant for Congressional and Intergovernmental Affairs. The NIGC provides regulatory oversight of Indian gaming.

From 1994 through April of 1995, Mr. Acevedo served as the Chief of Operations for the Council of Energy Resource Tribes (CERT) in Denver, Colorado. From 1988 – 1994, he served as the CEO for the Salish & Kootenai Tribes' wholly owned business corporation, S&K Holding, Inc. In this position, Mr. Acevedo was responsible for the overall management of the business holdings of the Tribes. During his tenure with the Salish & Kootenai Tribes, Mr. Acevedo was appointed by the Governor of the State of Montana to serve on the Gaming Advisory Council for the State of Montana. This Council provided advice to the Governor and the State legislature with respect to gaming activities authorized by the State. During this same time period, Mr. Acevedo was appointed by the Governor to the Montana Ambassadors, an organization that promotes business opportunities in the State.

From 1981 to 1987, Mr. Acevedo was a member of a law firm in Boulder, Colorado that specialized in representing Indian tribes. In 1978, Mr. Acevedo was hired by the Office of the Solicitor for the Department of the Interior at the Billings, Montana Field Solicitor's Office. While in that office, Mr. Acevedo had the opportunity to work closely with the Northern Cheyenne Tribe on a major oil and gas agreement of their reservation lands which led to the passage of the 1982 Indian Mineral Development Act. That Act provides greater flexibility for Indian tribes to enter into mineral development agreements with energy companies.

Mr. Acevedo is a 1978 Graduate of the University of New Mexico School of Law and a 1975 Graduate of the University of Montana with a Bachelor of Arts degree in political science. The Board and staff of the Native American Rights Fund looks forward to working with Mr. Acevedo. 🌟

# CALLING TRIBES TO ACTION!

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects are also being reduced at drastic rates. NARF is now facing severe budget shortfalls. Our ability to provide legal advocacy in a wide variety of areas such as religious freedom, the Supreme Court Project, tribal recognition, human rights, the trust funds case, tribal water rights, Indian Child Welfare Act, and on Alaska sovereignty issues has been compromised. NARF is now turning to the tribes to provide this crucial

funding to continue our legal advocacy on behalf of Indian Country. It is an honor to list those Tribes and Native organizations who, in the past 12 months, have chosen to share their good fortunes with the Native American Rights Fund and the thousands of Indian clients we continue to serve. The generosity of Tribes is crucial in NARF's struggle to ensure the future of all Native Americans. We encourage other Tribes to become contributors and partners with NARF in fighting for justice for our people and in keeping the vision of our ancestors alive. 🌟

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- Agua Caliente Band Of Cahuilla Indians
  - Ak Chin Indian Community Council
  - Akiak Native Community
  - Alaska Rural Partners, Inc.
  - Aleut Community of St. Paul Island
  - Coeur d'Alene Tribal Council
  - Colusa Indian Casino & Bingo
  - Comanche Nation
  - Confederated Tribes of the Chehalis Reservation
  - Confederated Tribes of the Colville Reservation
  - Cow Creek Band Of Umpqua Tribe
  - Forest County Potawatomi Community
  - Fort McDowell Yavapai Nation
  - Grand Traverse Band of Ottawa and Chippewa Indians
  - Kodiak Area Native Association
  - Kiowa Tribe of Oklahoma
  - Little Traverse Bay Bands of Odawa Indians
  - Louden Tribal Council
  - Mashantucket Pequot Tribe
  - Mille Lacs Band Of Ojibwe Indians
  - Morongo Band Of Mission Indians
  - Native American Church of Navajoland Inc.
  - Native Village of Eyak
  - Native Village Of Port Lions
  - Nulato Village
  - Orutsararmuit Native Council
  - Pueblo of Laguna
  - San Manuel Band Of Mission Indians
  - Shoonaq' Tribe of Kodiak
  - Southern Ute Tribe
  - St. Croix Chippewa Indians of Wisconsin
  - St. Regis Band of Mohawk Indians
  - Tanana Chiefs Conference
  - Tlingit and Haida Indian Tribes Of Alaska
  - Upper Sioux Community of Minnesota
  - Viejas Band of Kumeyaay Indians
  - Village of Old Harbor

# National Indian Law Library

Your Information Partner!

## About the Library

The National Indian Law Library (NILL) located at the Native American Rights Fund in Boulder, Colorado is a national public library serving people across the United States. Over the past thirty-two years NILL has collected nearly 10,000 resource materials that relate to federal Indian and tribal law. The Library's holdings include the largest collection of tribal codes, ordinances and constitutions in the United States; legal pleadings from major American Indian cases; law review articles on Indian law topics; handbooks; conference materials; and government documents.

## Library Services

**Information access and delivery:** Library users can access the searchable catalog which includes bibliographic descriptions of the library holdings by going directly to: <http://nillcat.narf.org/> or by accessing the catalog through the National Indian Law Library/Catalog link on the Native American Rights Fund website at [www.narf.org](http://www.narf.org). Once relevant materials are identified, library patrons can then choose to request copies or borrow materials through interlibrary loan for a nominal fee.

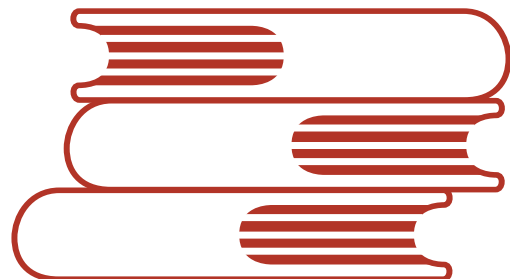
**Research assistance:** In addition to making its catalog and extensive collection available to the public, the National Indian Law Library provides reference and research assistance relating to Indian law and tribal law. The library offers free assistance as well as customized research for a nominal fee.

**Keep up with changes in Indian law with NILL's Indian Law Bulletins:** The Indian Law Bulletins are published by NILL in an effort keep NARF and the public informed about Indian law developments, NILL publishes timely bulletins covering new Indian law cases, U.S. regulatory action, law review articles, and news on its web site. (See: <http://www.narf.org/nill/ilb.htm>) New bulletins are published on a regular basis, usually every week and older information is moved to the bulletin archive pages. When new

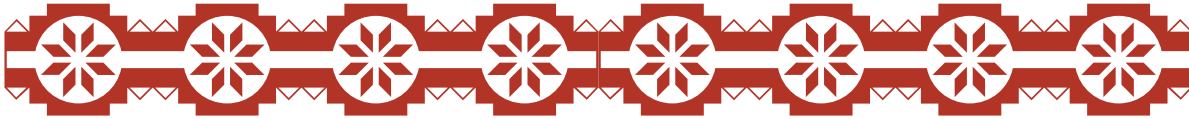


information is published, NILL sends out brief announcements and a link to the newly revised bulletin page via e-mail. Send an e-mail to David Selden at [dselden@narf.org](mailto:dselden@narf.org) if you would like to subscribe to the Indian Law Bulletin service. The service is free of charge!

**Support the Library:** The National Indian Law Library is unique in that it serves the public but is *not* supported by local or federal tax revenue. NILL is a project of the Native American Rights Fund and relies on private contributions from people like you. For information on how you can support the library or become a sponsor of a special project, please contact David Selden, the Law Librarian at 303-447-8760 or [dselden@narf.org](mailto:dselden@narf.org) For more information about NILL, visit: <http://www.narf.org/nill/nillindex.html>. Local patrons can visit the library at 1522 Broadway, Boulder, Colorado. 🌟



# THE NATIVE AMERICAN RIGHTS FUND



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**Main Office:**

Native American Rights Fund, 1506  
Broadway, Boulder, Colorado 80302  
(303-447-8760) (FAX 303-443-7776).  
<http://www.narf.org>

**Washington, D.C. Office:**

Native American Rights Fund, 1712 N Street,  
NW, Washington, D.C. 20036 (202-785-4166)  
(FAX 202-822 0068).

**Alaska Office:**

Native American Rights Fund, 420 L Street,  
Suite 505, Anchorage, Alaska 99501  
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