



# Legal Review

NATIVE AMERICAN RIGHTS FUND

## Tribes Sue to Stop Keystone XL Pipeline

Canadian company TransCanada Corporation applied to the United States government for approval to build the Keystone XL pipeline in 2008 and 2012. Both times the application was reviewed and denied. At the invitation of President Trump, the company resubmitted its application in January 2017 and, two months later, the application was approved.

Snaking its way from Alberta, Canada, to Nebraska, the proposed Keystone XL pipeline would cross the US-Canada border in Philips County, Montana, adjacent to the Fort Belknap Indian Reservation (home of the Assiniboine (*Nakoda*) and Gros Ventre (*Aaniiih*) Tribes). It would pass close to the Tribal Council buildings of the Fort Belknap Indian Reservation and directly through the ancestral lands of the *Aaniiih* and *Nakoda*. Countless historical, cultural, sacred, and burial sites sit in the planned path of the pipeline. These sites—which still are used by tribal members for cultural and spiritual activities—are at risk of destruction both by the pipeline’s construction and by the inevitable ruptures and spills if the pipeline becomes operational.

Further down the line, in South Dakota, the pipeline would cross through the Great Sioux Nation, just miles from the boundaries of the Rosebud Indian Reservation (home of the *Sicangu Lakota Oyate*) and within yards of Rosebud’s trust lands and tribal members’ allotments. Rosebud citizens and their land would be well within the area of impact for even a small rupture and spill. Nearby, the Rosebud Sioux Tribe (*Sicangu Lakota Oyate*) operates its water delivery system as part of the Mni Wiconi Rural Water Supply Project. The pipeline would cross both sources of water for the Mni Wiconi Project.



*Fort Belknap Indian Reservation*

Despite all of these facts, and despite what is required by law, neither the Fort Belknap Indian Community nor the Rosebud Sioux Tribe was consulted or adequately considered in the US Department of State’s 2017 decision-making process to permit the Keystone XL pipeline. In September 2018, the Native American Rights Fund with co-counsel Daniel Belcourt of Belcourt Law P.C. and David Bell of Geiszler Steele, PC, on behalf of the Rosebud Sioux Tribe and the Fort Belknap Indian Community, sued to revoke the permit for this pipeline threatens their tribal nations, rights, and citizens. ▶

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**A Tradition of Protecting the Land, Water, Air, and People**

*To the Oceti Sakowin and the Rosebud Sioux Tribe, staying true to the teachings of our ancestors has been the key to surviving 500 plus years of genocide. We will not turn our back on those teachings. I stand with previous Presidents of the Rosebud Sioux Tribe when I say the Sicangu people, indeed all of the seven tribes that make up the Oceti Sakowin (the Council First of the Lakota People), have an inherent obligation to protect the health and wellbeing of our members as well as the health and welfare of Unci Maka (mother earth). The land, the water, the air, and the Lakota people are one in the same. They are and always have been relatives to one another. Our position on this issue has not changed. We opposed the construction of this pipeline in 2014 when TransCanada first announced its intentions to construct the pipeline, and we oppose it now in 2018.*

– Rosebud Sioux Tribe President Bordeaux

To many Native American communities, protecting the land, the water, and the air is a shared value. Native people understand that these natural elements are gifts from the Creator. According to Lakota creation teachings:

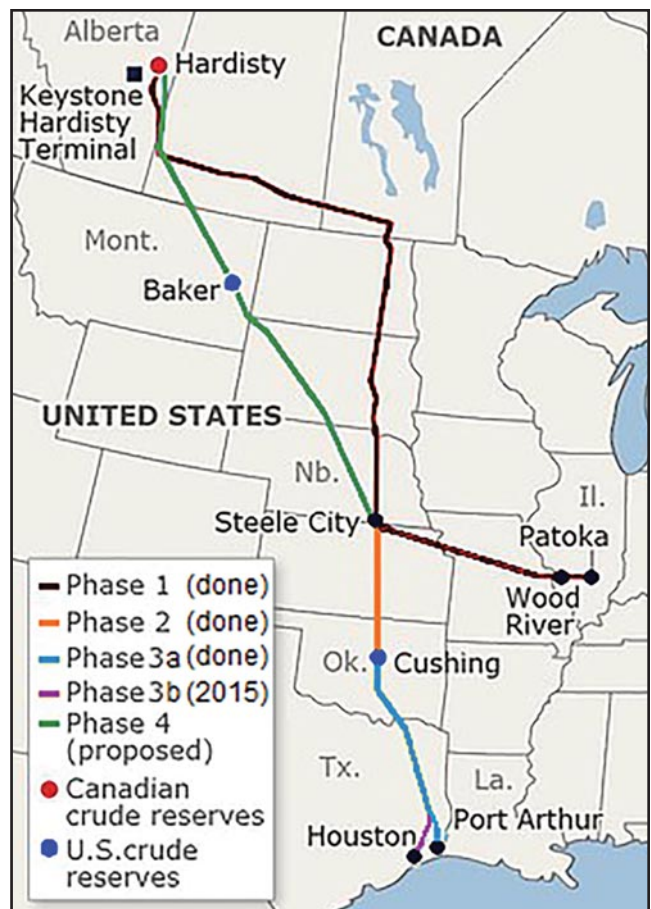
*The people were admonished by the Creator to live in harmony with the new land, water, and air and to be good relatives to everything that lived and grew on the earth. If they did as instructed, the coming generations would grow, live healthy, and thrive. If they did not, the world would be destroyed and made an ugly place to live.*

In addition to a tradition of protecting Mother Earth’s gifts, tribal nations have a responsibility to protect their citizens. The Fort Belknap Indian Community has long fought against the effects of extraction industries on their homelands and people. For decades, Fort Belknap has had to contend with the environmental and cultural threats posed by mines in the region. Tens of millions of dollars have been poured in to cleaning up the environmental disaster created by long-gone gold mines. The Fort Belknap Tribes refuse to suffer

through something like that again. “This is the Tribes’ land, their water,” said NARF Staff Attorney Natalie Landreth. “They have laws protecting their water; those laws must berespected.”

**The Pipeline Permitting Process**

In 2006, TransCanada Corporation proposed the first Keystone Pipeline project. In 2007 the pipeline was approved by Canada’s National Energy Board and, in 2008, George W. Bush issued a Presidential Permit for the crossing of the US-Canada border. Work began on the pipeline project that eventually would carry more than 500,000 barrels of crude per day.



*Phase 1 of the Keystone Pipeline was permitted in March 2008. Phase 2 and 3 did not require presidential permits and were built over several years starting in 2010. Because it crosses the US-Canada border, Phase 4 (the KXL pipeline) does require a presidential permit; however, it has been met with opposition since its initial proposal.*

*Map by Meclee – Own work, CC BY-SA 3.0*

If completed, the Keystone XL (KXL) pipeline would serve as an extension to the original Keystone pipeline and would add more than 500,000 barrels per day of capacity to the existing pipeline. Because KXL would cross the US-Canada border, it requires a presidential permit. However, the KXL pipeline has been met with opposition since its initial proposal.

TransCanada applied to the United States government for approval to build the KXL in 2008 and was denied the application in 2012. The company resubmitted its application later that same year and the State Department started a new permit review process. During that process, the Rosebud Sioux Tribe submitted its concerns about the pipeline's impacts on cultural resources, land, water, and treaty rights, as well as the economic security, health, and welfare of the Tribe and its citizens. In November 2015, Secretary Kerry denied TransCanada's permit application because it was not in the national interest.

In January 2017, four days after his inauguration, President Trump invited TransCanada to resubmit its application. Two days later, TransCanada submitted its third permit application. Fifty-six days after that, without any public environmental review or public process of any kind, the State Department granted TransCanada's permit. The fast-tracked process was consistent with the president's 2016 campaign statements, where he promised to approve the pipeline if elected. The promises and approval came as no surprise. According to a 2015 personal public financial disclosure report filed with the Federal Election Commission, then-candidate Trump held between \$250,000 and \$500,000 worth of stock in TransCanada Pipelines, Ltd. Landreth explains, "President Trump permitted the Keystone XL pipeline because he wanted to. It was a political step, having nothing to do with what the law actually requires. NARF is honored to represent the Rosebud Sioux and Fort Belknap Tribes to fully enforce the laws and fight this illegal pipeline."

### **A Flawed Decision**

Throughout the 2017 permitting process, there was no analysis of trust obligations, no analysis of treaty rights, no analysis of the potential impact

on hunting and fishing rights, no analysis of potential impacts on the Rosebud Sioux Tribe's unique water system, no analysis of the potential impact of spills on tribal citizens, and no analysis of the potential impact on cultural sites in the path of the pipeline.

When the State Department granted the permit application in March 2017, it did so without any public process or environmental review. It reversed its 2015 decision based on the very same record and facts with no new or additional information introduced. And, in its haste to grant the permit, the Department did not provide reasoned explanation for why it ignored or went against its own findings and analyses. In fact, the 2017 decision ignores entire sections of the earlier report that are inconsistent with and inconvenient for its new conclusion, and the decision even provides factual findings that contradict the 2015 decision—without any new evidence to support its contradictory findings.

Neither Rosebud nor Fort Belknap were ever given detailed information about the proposed route for the pipeline, and the Department of State still has not disclosed to the Tribes all affected sites or identified land ownerships of those sites. Unlike with the two earlier reviews, the 2017 review process did not include any consultation with tribes, even though there are ancestral lands and historic and sacred sites that will be desecrated, destroyed, and damaged by the proposed pipeline construction.

The government was required to analyze how the pipeline will affect the environmental well-being of the citizens of nearby tribes. This includes the potential impact on water supplies mentioned above, but also the potential impact of spills. Although the Environmental Impact Statement claims to analyze the effects of spills, that analysis has some major problems. The spill analysis was based on TransCanada's "large spill event" scenario, which defines a large spill as anything greater than or equal to 1,000 barrels per day (42,000 gallons). However, the KXL's state-of-the-art leak detection system would only identify a leak when more than 535,000 gallons of oil spilled per day. Given that the pipeline's leak detection





*Mural at Rosebud Sioux Tribe Reservation*

system cannot detect a leak until it is more than ten times larger than the “large spill event” scenario in the analysis, the Environmental Impact Statement is fundamentally flawed and does not adequately analyze the potential impact from inevitable ruptures and spills. “As we have seen, spills from such projects can be catastrophic,” said NARF Staff Attorney Matt Campbell. “The Rosebud Sioux Tribe—just like South Dakota, Nebraska, and Montana—has a duty to protect the health and welfare of its citizens. NARF will help the Tribe consider all of its options for ensuring the safety of its citizens, territory, and resources.”

One of the most egregious aspects of the government’s approval of the pipeline is its refusal to honor the promises it made to the Tribes over one hundred and fifty years ago. Rosebud and Fort Belknap reserved many rights when they signed treaties with the United States, which the United States promised to uphold. The United States promised to protect tribal lands from environmental ruin, to honor the right to hunt on tribal lands, and to have a permanent homeland for the Tribes to live upon. The KXL review did not consider the impact of pipeline construction and operation on tribal hunting and fishing rights, on the Tribes’ environments, or on sacred places in the pipeline’s path.

**Tribes Sue to Stop Illegal Pipeline Permit**

*The United States has trust obligations to the Rosebud Sioux Tribe and with the help of our attorneys, the Native American Rights Fund,*

*we will make sure the United States honors our treaties, respects our tribal sovereignty, and fulfill and honor those trust obligations to our tribe, our tribal citizens, and the greater Oceti Sakowin. The free, unconquered, and sovereign Rosebud Sioux Tribe will take any and all necessary steps, up to and including litigation, to stop the Keystone XL pipeline from irreparably hurting our people, our land and water, and our cultural and historic resources.*

*Hecetu yelo. (That's how it is.)*

*—Rosebud Sioux Tribe President Bordeaux*

Throughout the process, it was clear that the 2017 decision to grant a presidential permit to TransCanada was made with no regard to established facts or what is required by law. On September 10, 2018, the Rosebud Sioux Tribe and the Fort Belknap Indian Community, in coordination with their counsel, the Native American Rights Fund, Daniel Belcourt of Belcourt Law P.C., and David Bell of Geiszler Steele, PC, sued the Trump Administration in the US District Court for the District of Montana, Great Falls Division, for numerous violations of federal law. The Tribes are asking the court to rescind the illegal issuance of the Keystone XL pipeline presidential permit. As this article goes to print, we await the Trump Administration’s response to the complaint. 🌟

## CASE UPDATES

### Arctic National Wildlife Refuge: The Native Village of Venetie Seeks to Protect the “Sacred Place Where Life Begins”



The Neets’ajj Gwich’in of Venetie and Arctic Village have lived in Alaska’s northern interior since time immemorial. Today, through the Native Village of Venetie Tribal Government, they are one of the largest private landowners in the State of Alaska—holding fee title to the 1.8 million acre Venetie Indian Reserve. Within their tribal lands, the Neets’ajj hunt and harvest caribou as part of their traditional, subsistence way of life. Those caribou are part of the 200,000-strong Porcupine Caribou Herd, which migrates to Neets’ajj lands from the Arctic National Wildlife Refuge, where the animals calve every summer on the Refuge’s coastal plain. This annual journey is one of the longest land migration routes of any animal on the planet. The Neets’ajj name for the coastal plain is *Iizhik Gwats’an Gwandaii Goodlit* (the Sacred Place Where Life Begins).

The Arctic National Wildlife Refuge is, however, also home to potential oil and gas deposits. Since 1980, the Neets’ajj have joined with all Gwich’in Tribes in order to protect the Refuge and the caribou from the impacts of industrialized oil and gas development on the coastal plain.

Near the end of 2017, Congress enacted legislation opening the coastal plain to oil and gas development. The Bureau of Land Management (BLM) immediately began the process to review the environmental impacts of oil and gas development in the area, setting a political timeline that seeks to complete leasing sales in the region prior to the next presidential election. The Native Village of Venetie Tribal Government, together with the local tribal village councils, fiercely oppose the proposed development of the Refuge and the aggressive schedule being set for the necessary environmental review.

NARF represents the Neets’ajj Tribes in the federal permitting process surrounding the BLM’s environmental impact statement. As the BLM begins its review, NARF and the Native Village of Venetie Tribal Government are working tirelessly to protecting the Neets’ajj way of life by opposing all oil and gas development in the Arctic National Wildlife Refuge.



## Crow Tribe Fighting to Protect Hunting Rights and Way of Life

In May 1868, the United States and the Crow Tribe (*Apsáalooke*) signed the Second Treaty of Fort Laramie. In the treaty, the Tribe ceded a large piece of its reservation lands to the United States. However, tribal leaders reserved the right to hunt on those lands, even though they were no longer part of the reservation. The treaty clearly states that the Tribe could continue to hunt on the ceded lands, as they always had done, so long as the lands remained unoccupied by settlement and the Tribe maintained peace with the United States. For the Tribe and its citizens, this stipulation was essential because, for many Crow people, hunting was (and still is today) not only a way of life, but also an essential means of survival. The conditions of that treaty are still in force today.

Today, more than 9,000 of the Crow Tribe's 14,000 enrolled citizens live on the Crow Indian Reservation. Hunting for food and survival is still a vital and necessary part of their culture and way of life.

In 2014, Crow citizen Clayvin Herrera and other tribal members went hunting on the Crow Reservation. They followed a herd of elk from the Reservation into the Bighorn National Forest where they shot and killed three elk, then took the meat back home to help provide food for the winter. Subsequently, the State of Wyoming cited Herrera for illegally taking an elk in the Bighorn National Forest in Wyoming.

Despite the off-reservation hunting rights that had been promised to the Crow Tribe since 1868, Herrera was found guilty by a state court in Wyoming.

A state appellate court affirmed the lower court's decision, and the Wyoming Supreme Court denied review. The Wyoming courts also declined to allow NARF's client, the Crow Tribe, to file briefs.

Herrera petitioned for *certiorari* to the U.S. Supreme Court on October 5, 2017, and NARF's



*Crow District Princess in Elk Tooth Dress, Crow Fair 2018*

client, the Crow Tribe, filed an amicus brief on November 9, 2017. In January 2018, the Supreme Court requested the views of the Solicitor General on the case, and on May 15, 2018, the United States filed its brief recommending that the Court grant the petition and hear the case. The petition was granted at the June 21, 2018, conference.

Now that the U.S. Supreme Court has agreed to hear the case, briefing on the merits of the case is underway (available from the Tribal Supreme Court Project website at <https://sct.narf.org>). In early September 2018, NARF filed a brief for the Crow Tribe explaining why the Tribe still legally has the right to hunt in the lands that it gave up in 1868. NARF continues to represent the Crow Tribe on the case. A decision in the case is pending.

## TRIBAL SUPREME COURT PROJECT

The Tribal Supreme Court Project is part of the Tribal Sovereignty Protection Initiative and is staffed by the National Congress of American Indians and the Native American Rights Fund. The Project was formed in 2001 in response to a series of US Supreme Court cases that negatively affected tribal sovereignty. The purpose of the Project is to promote greater coordination and to improve strategy on litigation that may affect the rights of all Indian tribes. We encourage Indian tribes and their attorneys to contact the Project in our effort to coordinate resources, develop strategy, and prepare briefs, especially at the time of the petition for a *writ of certiorari*, prior to the Supreme Court accepting a case for review. You can find copies of briefs and opinions on the major cases we track at <https://sct.narf.org>.

On Monday, September 24, 2018, the Court held its long conference, during which the Justices considered nearly two-thousand petitions pending since its summer recess. Included among them were five of the ten Indian law petitions currently pending before the court: *Makah Indian Tribe v. Quileute Indian Tribe, et al.* (17-1592) (determination of usual and accustomed fishing grounds); *County of Amador, California v. U.S. Dep't of the Interior* (17-1432) (challenging fee-to-trust acquisition); *Lummi Tribe of the Lummi Reservation v. United States* (17-1419) (Tucker Act suit regarding HUD funds); *Fort Peck Housing Authority v. Dep't of Housing and Urban Development, et al.* (17-1353) (tribes suing over allegedly illegally recaptured HUD funds); *Poarch Band of Creek Indians v. Wilkes* (17-1175) (tribal sovereign immunity). One week later, the Court issued orders from that conference calling for the views of the Solicitor General in *Poarch Band of Creek Indians v. Wilkes* and denying review in the remaining cases.

Looking ahead to the October 2018 Term, the Court already has granted three Indian law cases that will be argued this fall: *Washington State Dep't of Licensing v. Cougar Den* (16-1498) (Indian treaty preemption of state taxes), *Herrera v. Wyoming* (17-532) (off-reservation hunting



rights), and *Carpenter v. Murphy* (17-1107) (reservation disestablishment). The first oral argument in an Indian law case will be on October 30, 2018, when the Court will hear *Cougar Den*. In addition, Associate Justice Anthony Kennedy has retired and the Senate confirmed Brett M. Kavanaugh to replace him. Information on Kavanaugh's Indian law record can be found at <https://sct.narf.org/articles/indian-law-jurispurdence/kavanaugh.pdf>.

### Petitions for a Writ of Certiorari Granted

The Court has granted review in three Indian law cases that have not been decided by the Court:

*WASHINGTON STATE DEPARTMENT OF LICENSING V. COUGAR DEN* (16-1498) – On June 25, 2018, the Court granted a petition filed by the Washington Department of Licensing seeking review of a decision by the Supreme Court of Washington, which held that the right to travel provision of the Yakama Nation Treaty of 1855 preempts the imposition of taxes and licensing requirements by the Department on a tribally chartered corporation that transports motor fuel across state lines for sale on the Reservation. The Department filed its merits brief on August 9, 2018, and the United States was among those that filed an amicus brief supporting the Department. *Cougar Den* filed its merits brief on September 17, 2018, and amicus brief supporting *Cougar Den* will be filed on or before September 24, 2018. The case will be argued October 30, 2018.



*HERRERA V. WYOMING* (17-532) – On June 28, 2018, the Court granted a petition for review filed by a member of the Crow Tribe that challenges a Wyoming state court conviction for unlawfully hunting elk in the Bighorn National Forest. The Crow Tribe’s 1868 treaty with the United States reserves hunting rights in ceded lands, which includes what is now the Bighorn National Forest, so long as those lands remain “unoccupied.” However, the state court did not allow Petitioner to assert the Tribe’s treaty hunting right as a bar to prosecution, instead holding that Wyoming’s admission to the Union abrogated the Tribe’s treaty hunting rights, and in the alternative that the creation of the Bighorn National Forest constituted an “occupation” of those lands. A state appellate court affirmed, and the Wyoming Supreme Court denied review. On January 8, 2018, the Court called for the views of the Solicitor General, and on May 22, 2018, the United States filed its brief recommending that the Court grant the petition. Mr. Herrera filed his brief on September 4, 2018, and ten amicus briefs were filed supporting him, including one by the United States. The State of Wyoming’s response brief is due October 22, 2018. Argument has not yet been scheduled.

*CARPENTER V. MURPHY* (17-1107) – On May 21, 2018, the Court granted a petition filed by the State of Oklahoma seeking review of a U.S. Tenth Circuit Court of Appeals decision in a habeas corpus action, which reversed the District Court and held that the State of Oklahoma was without jurisdiction to prosecute and convict a member of the Muscogee (Creek) Nation because the crime for which he was convicted occurred in Indian country, within the boundaries of the Muscogee (Creek) Reservation. After Mr. Murphy was convicted of murder in Oklahoma state court and exhausted his appeals, he filed a *habeas corpus* petition in federal district court asserting that because the crime occurred within the Muscogee (Creek) Nation’s reservation boundaries, and because he is Indian, the state court had no jurisdiction. The federal district court denied his petition, holding that Oklahoma possessed jurisdiction because the Muscogee (Creek) Reservation was disestablished. On appeal, the



Tenth Circuit Court of Appeals utilized the three-factor Solem reservation disestablishment analysis and not only found that Congress did not disestablish the Muscogee (Creek) Reservation, but also that statutes and allotment agreements showed that “Congress recognized the existence of the Creek Nation’s borders.” Likewise, the court held that the historical evidence indicated neither a Congressional intent to disestablish the Muscogee (Creek) reservation, nor a contemporaneous understanding by Congress that it had disestablished the reservation. Accordingly, the court concluded that (1) Mr. Murphy’s state conviction and death sentence were invalid because the crime occurred in Indian Country and the accused was Indian, (2) the Oklahoma Court of Criminal Appeals (OCCA) erred by concluding the state courts had jurisdiction, and (3) the federal district court erred by concluding the OCCA’s decision was not contrary to clearly established federal law. The State filed its merits brief on July 23, 2018, and the United States filed an amicus brief supporting the State. Mr. Murphy’s response brief was filed September 19, 2018, and amicus briefs in support of Mr. Murphy are due September 26, 2018. Oral argument is on November 27, 2018. 🌟



# National Indian Law Library (NILL)

## Keeping Practitioners Up-To-Date with Indian Law Bulletins

To receive the Indian Law Bulletins by email, sign up at [www.narf.org/nill/bulletins](http://www.narf.org/nill/bulletins)

### Current Awareness in Your Inbox

Each week, the National Indian Law Library (NILL) provides free updates on Indian law through the Indian Law Bulletins. More than six thousand patrons receive the free weekly updates by email, while others access them through the NILL website or NARF's Facebook page. The Indian Law Bulletins are the only regularly published updates on Indian law covering tribal courts, federal and state courts, federal agencies, US legislation, law review articles, and news.

### Curated Results from NILL's Researchers

It's easy to get overwhelmed by the sheer amount of information available on the internet, and not all of that information is complete and accurate. Library Director David Selden and a small team of volunteers research new developments in Indian Law each week and select only the most timely and relevant information to include in the Indian Law Bulletins. You can feel confident that the information you receive includes what you need to know to stay up-to-date. This current awareness service is provided free of charge, and the library can provide additional information relating to your topic if needed.

### Free Searchable Database of Indian Law and News

Besides the weekly updates and emails, content from the Indian Law Bulletins is archived on the NILL website. The archived collection serves as a searchable database of Native American law and legal news. To begin researching a topic, type your search term into the search box on the



*Library Director David Selden*

right side of the Indian Law Bulletins page. ([www.narf.org/nill/bulletins](http://www.narf.org/nill/bulletins)) You can search by Indian law topic or case name, just as you would in Google. Your search results will be organized under nine tabs that represent each of the individual bulletins.

Most of the materials that are covered in the bulletins are available online. If the item you would like to see is not available online, you can contact the library ([www.narf.org/nill/asknill.html](http://www.narf.org/nill/asknill.html)) to request a copy of the item as well as additional information on your topic.

### Support the National Indian Law Library

Your contributions help ensure that the library can continue to supply unique and free access to Indian law resources and that it has the financial means necessary to pursue innovative and groundbreaking projects to serve you better. We are not tax-supported and rely on individual contributions to fund our services. Please visit [www.narf.org/nill/donate](http://www.narf.org/nill/donate) for more information on how you can support this mission. 🌟

# CALL TO ACTION

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. 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 have chosen to share their good fortunes with the Native American Rights Fund and the thousands of Indian clients we have served.

The generosity of tribes and Native organizations is crucial in NARF's struggle to ensure the freedoms and rights of all Native Americans. These contributions should be an example for all. We encourage other tribes and organizations to become contributors and partners with NARF in fighting for justice for our people and in keeping the vision of our ancestors alive. We thank the following tribes and Native organizations for their generous support of NARF for the 2018 fiscal year (October 1, 2017 to September 30, 2018):

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Ak-Chin Indian Community</li> <li>AMERIND Risk</li> <li>Buena Vista Rancheria Band of Me-Wuk Indians</li> <li>Cabazon Band of Mission Indians</li> <li>Cherokee Nation Businesses</li> <li>Chickasaw Nation</li> <li>Choctaw Nation of Oklahoma</li> <li>Confederated Tribes of Siletz Indians</li> <li>Cow Creek Band of Umpqua Tribe of Indians</li> <li>Delaware Nation</li> <li>Fort McDowell Yavapai Nation</li> <li>Keweenaw Bay Indian Community</li> <li>Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians</li> <li>Miccosukee Tribe</li> <li>Muckleshoot Tribe</li> </ul> | <ul style="list-style-type: none"> <li>National Indian Gaming Association</li> <li>Native American Church</li> <li>Nome Eskimo Community</li> <li>Pala Band of Mission Indians</li> <li>Pechanga Band of Luiseño Indians</li> <li>Poarch Band of Creek Indians</li> <li>Ponca Tribe of Nebraska</li> <li>Quapaw Tribal Gaming Agency</li> <li>San Manuel Band of Mission Indians</li> <li>Santa Rosa Band of Cahuilla Indians</li> <li>Seminole Tribe of Florida</li> <li>Seven Cedars Casino/Jamestown S'Klallam</li> <li>Shakopee Mdewakanton Sioux Community</li> <li>Suquamish Indian Tribe</li> <li>Yavapai-Prescott Indian Tribe</li> <li>Yocha Dehe Wintun Nation</li> </ul> |
|--|---|



# THE NATIVE AMERICAN RIGHTS FUND

**The Native American Rights Fund (NARF)** is the oldest and largest nonprofit law firm defending and promoting the legal rights of Indian people on issues essential to their tribal sovereignty, their natural resources, and their human rights. NARF empowers individuals and communities whose rights, economic self-sufficiency, and political participation have been eroded or undermined.

The United States has tried to subjugate and dominate Native peoples, yet we still exist today as independent quasi-sovereign nations, each having a unique relationship with the federal government. Tribes today are governed by a myriad of federal treaties, statutes, and case law. Yet it is within these laws that Native Americans place their hope and faith for justice and the protection of their way of life.

Since its inception in 1970, NARF has represented over 250 tribes in 31 states in such areas as tribal jurisdiction and recognition, land claims, hunting and fishing rights, the protection of Indian religious freedom, and many others. In addition to great strides achieving justice on behalf of Native American people, perhaps NARF's greatest distinguishing attribute has been its ability to bring high quality, highly ethical legal representation to dispossessed tribes. This legal advocacy continues to play a vital role in the survival of tribes and their way of life. NARF strives to protect the most important rights of Indian people within the limit of available resources.

One of the responsibilities of NARF's first Board of Directors was to develop priorities to guide the organization in its mission to preserve and enforce the legal rights of Native Americans. The committee developed five priorities that continue to lead NARF today:

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

Under the *priority of preserving 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.

**NARF 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.

**NARF Legal Review** is published biannually by the Native American Rights Fund. Third class postage paid at Boulder, Colorado. There is no charge for subscriptions, however, contributions are appreciated.

**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.

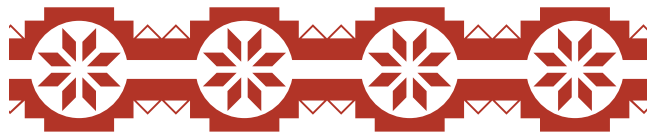
Throughout the process of European conquest and colonization of North America, Indian tribes experienced a steady diminishment of their land base to a mere 2.3 percent of its original size. An adequate land base and control over natural resources are central components of economic self-sufficiency and self-determination, and are vital to the very existence of tribes. Thus, much of NARF's work involves *protecting tribal natural resources*.

Although basic human rights are considered a universal and inalienable entitlement, Native Americans face the 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 *promoting 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.

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 *holding governments accountable* to Native Americans.

A commitment to *developing 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.

Requests for legal assistance should be addressed to the Litigation Management Committee at NARF's main office at 1506 Broadway, Boulder, CO 80302. NARF's clients are expected to pay what they can toward the costs of legal representation. 🌟



[www.narf.org](http://www.narf.org)

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