



Legal Review

NATIVE AMERICAN RIGHTS FUND

Brackeen Headed to the U.S. Supreme Court

The U.S. Supreme Court in its next term will hear potentially the most important Indian law case in a generation when it decides whether Congress exceeded its constitutional powers when it enacted the Indian Child Welfare Act of 1978 (ICWA).

ICWA sets minimum federal standards for child custody proceedings involving any child who is a member of a federally recognized tribe (or who is both eligible for tribal membership and the biological child of a tribal member). Child welfare advocates have long considered ICWA the gold standard in child welfare practice. However, in the case that is now known as *Brackeen v. Haaland*, plaintiffs who oppose ICWA alleged that ICWA is unconstitutional for a variety of reasons. The U.S. Court of Appeals for the Fifth Circuit issued a split decision, and parties on both sides filed a total of four petitions for certiorari to the U.S. Supreme Court: one from the United States, one from four intervening tribes (Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, and Quinault Indian Nation), one from the State of Texas, and one from individuals who sought to adopt Indian children. In February 2022, the Supreme Court granted all four petitions and consolidated them under the caption *Haaland v. Brackeen*.

The case before the Supreme Court presents multiple constitutional questions. Its outcome could have far-reaching effects for Native families and tribes. “In a coordinated, well-financed, direct attack, Texas and other opponents aim to simultaneously exploit Native children while



undermining the law that protects them—all while potentially undermining the entire framework of federal-tribal relations. If they succeed in weakening protections for Native children it could negatively impact Native families and tribes for generations,” said Native American Rights Fund (NARF) Senior Staff Attorney Erin Dougherty Lynch.

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RENEWED INTEREST IN ICWA

Although ICWA became law in 1978, throughout its history, states routinely applied its provisions inconsistently. To ensure uniformity and that best practices were used, child welfare advocates and tribes called on the federal government to update ICWA's guidelines. In 2015, the Department of the Interior (Interior) did just that. The following year, after reviewing thousands of comments from tribes, states, and child welfare agencies, Interior also promulgated legally binding ICWA regulations (the Final Rule). In the wake of these agency actions, the coordinated attack on ICWA began.

With the goal of erasing ICWA and dismantling tribal sovereignty, many anti-tribal-sovereignty interests came together to establish an unlikely alliance. Adoption attorneys opposed the revised guidelines and efforts to increase regulation and oversight of their highly profitable industry. The Goldwater Institute and a handful of states opposed the Final Rule because it affirmed tribes' authority and responsibility as sovereign nations to safeguard their citizens. And a fringe subset of foster-family advocates opposed the Final Rule as part of a broader effort to expand foster parents' rights. Throughout the subsequent years of litigation in various federal courts, this coalition built of anti-tribal sovereignty interests coordinated their efforts to strike down child welfare protections for tribal citizens and attack tribal sovereignty at its core.

TAKING IT TO THE COURTS

Although federal courts rarely hear ICWA-related cases, which typically fall under state or tribal jurisdiction, after the release of the 2016 Final Rule, anti-ICWA forces filed lawsuits in various federal courts across the country. In 2017, anti-ICWA forces found a friendly venue in one division of the U.S. District Court for the Northern District of Texas, where that division's sole civil judge has a history of consistently overturning federal statutes. In October 2018, that judge issued a ruling invalidating many of ICWA's provisions. With this unprecedented ruling, the case headed to the U.S. Circuit Court of Appeals for the Fifth Circuit.

THE ROAD TO THE SUPREME COURT

The Fifth Circuit includes the states of Texas, Mississippi, and Louisiana. These states' geographic boundaries contain few federally recognized tribes, and these states have limited experience in tribal-state coordination. In the Fifth Circuit's August 2019 three-judge panel ruling, the tribes and federal government prevailed on most of the issues asserted in the case, including equal protection, commandeering, non-delegation, and the Administrative Procedures Act. However, when an *en banc* review (review by the entire court instead of just a three-judge panel) was requested, the court granted this request and held additional oral arguments in January 2020.

By that time, the coalition supporting ICWA had grown impressively large. The Native American Rights Fund (NARF) and its colleagues at the law

firm Dentons represented 486 tribes and 59 tribal organizations on a brief in support of ICWA, explaining its essential history and the Indian child welfare crisis that led Congress to enact the law. Briefs in support of ICWA came in from, among others, a bipartisan coalition of 26 states and the District of Columbia, who described how ICWA is a critical tool that fosters state-tribal collaboration without improperly commandeering state agencies or courts; almost 30 leading child welfare organizations (including the Children's Defense Fund, Adopt America Network, Child Welfare League of America, Casey Family Programs, and FosterClub), who explained how ICWA exemplifies social work best practices that result in better outcomes for children; a bipartisan group of members of Congress, who explained why ICWA was a proper exercise of Congress's constitutional powers; and professors and scholars from across a variety of fields.

"Social workers, child psychologists, children's advocates, adoption and foster care advocates, and tribes all support ICWA because the Act provides the gold-standard level of protection for Native children. ICWA also allows tribal governments and tribal communities to advocate for the child's well-being during the trauma of a child custody proceeding," said NARF Staff Attorney Beth Wright. In April 2021, the Fifth Circuit issued a 315-page collection of opinions that generally affirmed the constitutionality of ICWA. However, certain provisions of ICWA were deemed to be unconstitutional by slim majorities of that court, while an equally divided (8-to-8) court left in place the lower court's decision with regard to other parts of ICWA. Despite the ruling's length, the court's opinion was unclear or inconclusive on many issues, and it ended with some of the court's judges characterizing the entire episode as an "advisory" opinion that was not binding in state or tribal courts. The Fifth Circuit's ambiguous interpretation of ICWA—an act of Congress nearly 42 years old—presented a likely opportunity for the Supreme Court to grant review of the case. The parties filed their petitions for certiorari in late 2021.

AT THE SUPREME COURT

The Fifth Circuit's decision in *Brackeen v. Haaland* resulted in four separate petitions for certiorari to the U.S. Supreme Court, with each petition presenting the questions of the case differently. In February 2022, the Court granted all four petitions, meaning that the Court will consider an unusually complex array of arguments—four distinct constitutional questions, some with multiple subparts. With the stakes this high, and a case this complex, *Brackeen* has attracted a tremendous amount of interest from Native and non-Native advocates around the country. Eight "friend of the court" briefs (amicus briefs) were recently filed with the Supreme Court supporting the plaintiffs and opposing ICWA. The briefs supporting ICWA are due later this summer, and the coalition of tribes, states, child welfare organizations, and professors will likely be joined by children's rights advocates, parents' rights advocates, foster families and others, and there could be 20 or more amicus briefs. Add that to the briefs by the United States and the intervenor tribes, and the pro-ICWA side will likely combine to put more than 150,000 words of pro-ICWA argument in front of the Court.

Working to coordinate this extensive team of pro-ICWA supporters is the Tribal Supreme Court Project (<https://sct.narf.org>), a joint project between the Native American Rights Fund and the National Congress of American Indians. The Tribal Supreme Court Project draws on the collective wisdom and experience of more than 300 Indian law attorneys and academics from around the country. The Project helps the parties in Indian cases before the Supreme Court formulate and execute an amicus strategy, working to ensure consistent and efficient messaging among the parties and their supporting amici. "This is likely the most complex case that the Tribal Supreme Court Project has ever assisted with," said NARF Staff Attorney Dan Lewerenz, who is leading the Project's efforts in *Brackeen*. "We have so much support from around the country in this case, which is a challenge—but a good challenge. Our task is to make sure the Court doesn't get overwhelmed by the volume, but instead sees all of that support fitting into the complex puzzle this case creates."

WHAT'S NEXT?

All amicus briefs in support of ICWA are due to the Supreme Court in August 2022. The Court has not yet scheduled oral argument, but it likely will be held in November of 2022. However, preparations are well under way, and there are several actions that supporters can take right now to ensure the best outcome possible.

Below, please see how you can voice your support of ICWA and make sure the tribal families and children are best supported for long-term success. You can learn more at icwa.narf.org. 📄

Lending Support to ICWA in this Litigation and Beyond

- Encourage your tribe to sign the tribal amicus brief and join the Tribal Supreme Court Project *Brackeen* Workgroup. Visit <https://sct.narf.org> to learn more.
- Urge your members of Congress to join the pro-ICWA brief.
- Urge your state agency leadership, attorneys general, or governors to join the pro-ICWA state brief.

Lending Support to ICWA More Generally

- Help build public knowledge of ICWA.
- Consider a state ICWA (example state ICWAs include MI, MN, NE, NM, OK, OR, WA, WI).
- Consider a tribal-state agreement.
- Continue to focus time and resources on tribal social service programs and tribal courts.



AUDIENCE RESEARCH SURVEY



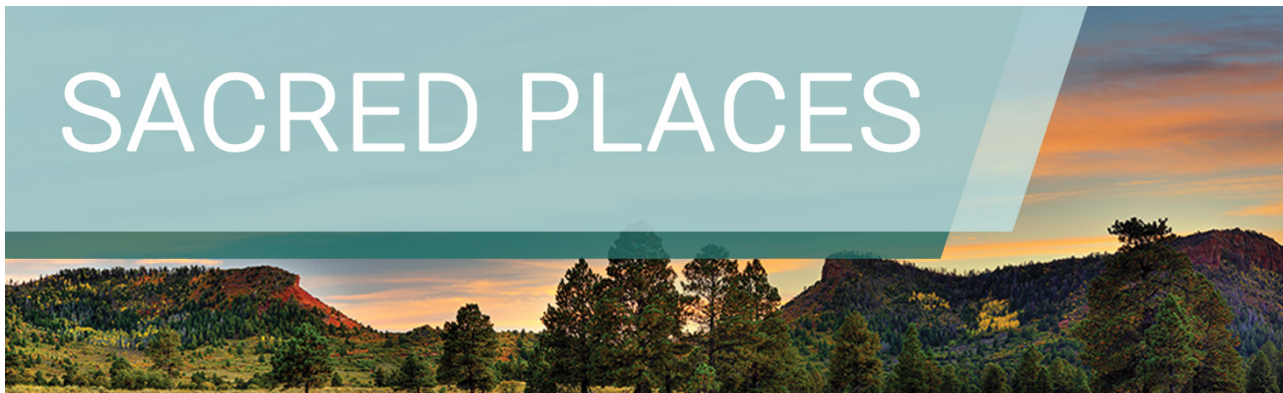
Can you help NARF improve our offerings and outreach to tribes? We would like to know more about your legal interests and the resources you find valuable.

Please take 10 minutes and complete this survey. In appreciation, we will send the first 100 respondents a **\$20 gift card** (you will have the option to choose among several retailers). To begin the survey, please use your phone's camera to scan the QR code or follow the link below.

[HTTPS://BIT.LY/3SN6DDC](https://bit.ly/3SN6DDC)

Case Updates

SACRED PLACES



LAUNCH OF SACRED PLACES PROJECT


To strengthen protections for Native peoples' sacred places in the United States, the Native American Rights Fund (NARF) has launched a new Sacred Places project, entitled Sacred Places Protection: Fulfilling U.S. Religious Freedom Promises to Native Peoples. "Since its inception, NARF has worked to protect Native sacred sites, lands, and the free expression of Native religion. Native peoples in the U.S. have long relied on tribal sovereignty, treaties, and religious freedom law to protect sacred places," said NARF Staff Attorney Brett Lee Shelton. "What we're finding is sacred place protection needs rethinking in courts, and NARF's Sacred Places Protection Project aims to begin that re-envisioning process."

The three-year project will identify failings to protect Native sacred places in existing law and policy and suggest solutions grounded in Indigenous knowledge and developed by Native culture bearers. Existing laws, policies, and sacred places protections all use language not centered in Indigenous thinking. "American religious freedom law frequently harms the free exercise of Native religions by constricting interpretation to beliefs only and excluding the exercise of religious liberties and the protection of religious edifices and locations, which all other segments of society have," Shelton explained.

Advancing sacred places protection requires creative, strategic, and collaborative rethinking of fundamental language and practices. To guide and

lead this work, NARF formed a team of Native traditional knowledge bearers and intellectual leaders whose lives are devoted to this work. That team includes Senior Policy Advisor Suzan Harjo (Cheyenne & Hodulgee Muscogee), and project Advisory Circle members Joe Garcia (Ohkay Owingeh), Tina Kuckahn (Lac du Flambeau Ojibwe), Hon. Delbert Smutcoom Miller (Skokomish), and Lois Risling (Hoopa).

The Advisory Circle will direct NARF's Sacred Places Project towards developing a common approach to the defense of Native sacred lands, waters, and place-based ceremonies. "With the leadership of traditional knowledge bearers, Native intellectuals, and cultural rights specialists, the Sacred Places Project will create model consent agreements, best practices papers, and other tools to ensure Native peoples can continue to use their sacred places and have measures ready to effectively respond to emergencies that threaten and endanger them," said Shelton.

Support from the Henry Luce Foundation will allow the Sacred Places Advisory Circle and project staff to encourage new scholarship by convening Native and non-Native thought leaders on the topic of sacred site protections. The funding will also allow the project to begin conducting professional development activities and producing outreach materials on sacred places protection, later in 2022. 



RECORDED WEBINARS FROM THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

The Implementation Project is a joint initiative of the Native American Rights Fund and Colorado Law to advance education and advocacy regarding the United Nations Declaration on the Rights of Indigenous Peoples. Visit un-declaration.narf.org to learn more.

The United Nations Permanent Forum on Indigenous Issues held its Twenty-First Session from April 25 through May 6, 2022, at the UN headquarters in New York City. The theme of the session was “Indigenous peoples, business, autonomy and the human rights principles of due diligence including free, prior and informed consent.” The Implementation Project attended the session to support tribes and others engaging with the United Nations, national governments, and other Indigenous Peoples regarding human rights.

The Project also held several online events, open to anyone who wanted to learn more about the Forum, implementation of the UN Declaration on the Rights of Indigenous Peoples in the United States, and the International Decade of Indigenous Languages.

Recordings of those events are now available from <https://un-declaration.narf.org/upcoming-webinars-on-the-united-nations/>

RECORDED ZOOM EVENTS

Recorded April 20, 2022
Permanent Forum Preview: Indigenous Peoples & Access to the United Nations

Recorded May 3, 2022
Implementing the UN Declaration on the Rights of Indigenous Peoples in the U.S.

Recorded May 5, 2022
Language Rights are Human Rights: Participating in the International Decade of Indigenous Languages

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 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 on the NARF website: <https://sct.narf.org>.

Since the last update, the Court has granted two additional cases: *Oklahoma v. Castro-Huerta* (21-429) (state criminal jurisdiction in Indian country), and *Haaland v. Brackeen* (21-376) (Indian Child Welfare Act). *Castro-Huerta* was argued on April 27, 2022, and we expect the Court to hand-down its decision before it departs for its summer recess. *Brackeen* will be argued sometime in the October Term 2022. We are also awaiting decisions in *Denezpi v. United States* (20-7622) (Double Jeopardy) and *Ysleta del Sur Pueblo v. Texas* (20-493) (Indian gaming). These cases are detailed further below.

PETITIONS FOR A WRIT OF CERTIORARI GRANTED

The Court has granted review in the following cases:

***DENEZPI V. UNITED STATES* (20-7622):**

Petitioner Merle Denezpi is a Navajo Nation citizen and was convicted of a tribal law assault-and-battery charge by the Court of Indian Offenses of the Ute Mountain Ute Agency and served 140 days of imprisonment. Six months later, a federal grand jury indicted him on one

count of aggravated sexual abuse in Indian country. He moved to dismiss the indictment, claiming that it violated the Double Jeopardy Clause because he was convicted of the same offense in the Court of Indian Offenses. The district court denied the motion to dismiss, and he was convicted after a trial. The Tenth Circuit affirmed, holding that the Double Jeopardy Clause was not violated because the “ultimate source” of Mr. Denezpi’s prosecution in the Court of Indian Offenses was the tribe’s inherent sovereignty. The court reasoned that Congress’s creation of the court provided a forum through which the tribe could exercise its power of self-governance.

***YSLETA DEL SUR PUEBLO V. TEXAS* (20-493):**

The State of Texas sued the Ysleta del Sur Pueblo (Pueblo), seeking to enjoin it from engaging in certain gaming as a violation of Texas law. In 1987, Congress passed an act restoring federal recognition of the Pueblo, which provided that the Pueblo may not conduct gaming that is prohibited under Texas law. Congress subsequently passed the Indian Gaming Regulatory Act (IGRA), which is more permissive of tribal gaming operations than the Pueblo’s restoration act. Texas and the Pueblo have disagreed ever since about whether the restoration act or IGRA control the Pueblo’s gaming operations. In 1993, the Fifth Circuit sided with Texas and held that the restoration act controlled. In the instant lawsuit, Texas argued that the Pueblo’s games violated Texas law. Relying on its 1993 case, the Fifth Circuit agreed and held that “the Restoration Act ‘govern[s] the determination of whether gaming activities proposed by the [] Pueblo are allowed under Texas law, which functions as surrogate federal law.’”

***OKLAHOMA V. CASTRO-HUERTA* (21-429):**

Castro-Huerta, a non-Indian, was convicted in Oklahoma state court of offenses stemming from the neglect of an Indian child. His conviction was on appeal when the U.S. Supreme Court decided

McGirt v. Oklahoma, and the Oklahoma Court of Criminal Appeals remanded to the trial court for a determination of whether Oklahoma possessed jurisdiction over the crime. The trial court concluded that it did not because there was an Indian victim and the crime occurred within the Cherokee Nation reservation. The Oklahoma Court of Criminal Appeals affirmed, and the U.S. Supreme Court granted review on the question of whether a state possesses concurrent jurisdiction over crimes that the United States may prosecute pursuant to 18 U.S.C. § 1152. Several petitions that raise the same or related questions are listed below under “Petitions for a Writ of Certiorari Pending.”

***Brackeen v. Haaland* (21-380); *Texas v. Haaland* (21-378); *Cherokee Nation v. Brackeen* (21-377); *Haaland v. Brackeen* (21-376):**

A Texas couple wishing to adopt an Indian child, and the State of Texas, filed suit against the United States and several of its agencies and officers in federal district court claiming that the Indian Child Welfare Act (ICWA) was unconstitutional. They were joined by additional individual plaintiffs and the States of Louisiana and Indiana. Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians (collectively the Four Tribes) intervened as defendants, and Navajo Nation intervened at the appellate stage. The district court held that much of ICWA was unconstitutional, but the Fifth Circuit, sitting en banc, reversed much of that decision. However, the Fifth Circuit did affirm the district court on some of its holdings that specific sections of ICWA violated the Fifth Amendment’s equal protection guarantee and the Tenth Amendment’s anti-commandeering principle. Specifically, the Fifth Circuit by an equally divided court affirmed the district court’s holding that ICWA’s preference for placing Indian children with “other Indian families” (ICWA’s third adoptive preference, after family placement and placement with the child’s tribe) and the foster care preference for licensed Indian foster homes violated equal protection. The Fifth Circuit also concluded that the Tenth Amendment’s **anti-commandeering** principle was violated by ICWA’s “active efforts,” “qualified expert witness,” and record keeping requirements,

and an equally divided court affirmed the district court’s holdings that placement preferences and notice requirements would violate the anti-commandeering principle if applied to State agencies. Finally, the Fifth Circuit also held that certain provisions of the ICWA Final Rule, specifically those related to the provisions that the Court had found to be unconstitutional, violated the Administrative Procedure Act.

The United States, the Four Tribes, Texas, and the non-Indian individuals each filed petitions for review at the U.S. Supreme Court. The United States and the Four Tribes seek review of the Fifth Circuit’s finding of unconstitutionality based on Equal Protection and anti-commandeering and the corresponding findings of APA violations, and assert that the individual plaintiffs lack standing. In its petition, Texas asserts that Congress acted beyond its Indian Commerce Clause power in enacting ICWA and that ICWA creates a race-based child custody system in violation of the Equal Protection clause. Texas claims that ICWA violates the anti-commandeering principle and that its implementing regulations violate the nondelegation doctrine by allowing individual tribes to alter the placement preferences enacted by Congress. The individual plaintiffs focus their petition more narrowly on equal protection and anti-commandeering claims.

CONTRIBUTIONS TO THE TRIBAL SUPREME COURT PROJECT

NCAI and NARF welcome contributions to the Tribal Supreme Court Project. Please send any general contributions to:

NCAI, attn: Accounting
1516 P Street, NW
Washington, DC 20005

Please contact us if you have any questions or if we can be of assistance:

Melody McCoy | NARF Senior Staff Attorney
303-447-8780 or mmccoy@narf.org

Colby Duren | NCAI Policy and Legal Director
202-446-7767 or cduren@ncai.org

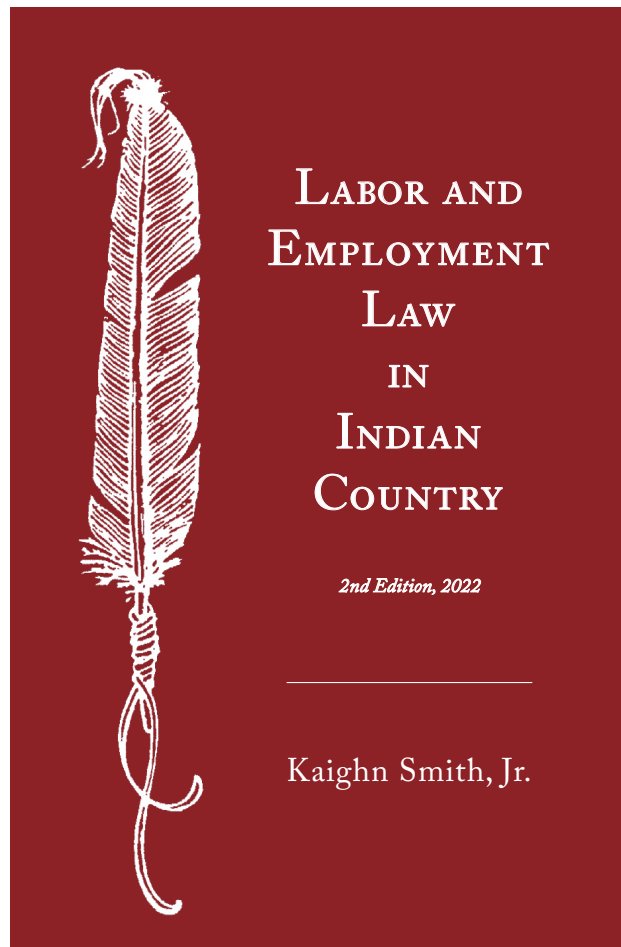
National Indian Law Library (NILL)

Forthcoming Indian Law Publications


The National Indian Law Library (NILL) is a law library devoted to American Indian law. It serves both NARF and the public by developing and making accessible a unique and valuable collection of Indian law resources and providing direct research assistance and delivery of information. To that end, the library would like to highlight three 2022 publications focused on federal Indian law.

Landmark Indian Law Cases (Second edition) presents 54 ground-breaking federal Indian law decisions made by the U.S. Supreme Court. This edition adds five cases that were either decided or gained elevated significance since the last edition, released twenty years ago. Conversely, five cases with waning prominence are no longer included in the text. The subject index, which includes all the cases under one or more subject headings, provides a quick reference aid. Additionally, each case now includes a summary that explains why it is a landmark Indian law case and the key holding(s) of the decision. The book is edited by NARF Staff Attorney Joel West Williams is being published by William S. Hein & Co., Inc. The National Indian Law Library assisted with gathering cases as well as formatting and editing the manuscript. The book will be available for purchase on the publisher's website at <https://www.wshein.com/>

Labor and Employment Law in Indian Country (2022 edition) by Kaighn Smith, Jr. of Drummond Woodsum, with NARF Staff Attorney Joel West Williams as executive editor is scheduled to be released in summer of 2022. This guide will be especially of use to tribal government elected officials; managers and officers of tribal enterprises; human resources staff; attorneys representing Indian tribes and their enterprises; attorneys representing non-Indian interests doing business in Indian country; and judges in tribal, state, and federal courts. Ten years after the first edition of this book, labor and employment law in Indian country remains



a critical battle ground for tribal sovereignty. For more information or to purchase a copy of the book, see the Drummond Woodsum website: <https://dwmlaw.com/labor-and-employment-law-in-indian-country/>

Restatement of the Law, The Law of American Indians also will be published in 2022. This Restatement will cement the foundational principles of American Indian law. Topics include tribal authority, federal/tribal relations, state/tribal relations, tribal economic development, criminal jurisdiction in Indian Country and natural resources. More information and draft versions of the Restatement can be found on the American Law Institute's website: <https://www.ali.org/projects/show/law-american-indians/> 



CALL TO ACTION

It has been made abundantly clear that non-Indian philanthropy cannot sustain NARF's work. Federal funds for specific projects also have been reduced. To provide legal advocacy in a wide variety of areas such as religious freedom, the Tribal Supreme Court Project, tribal recognition, human rights, trust responsibility, voting rights, tribal water rights, Indian Child Welfare Act, and tribal sovereignty issues, NARF looks to the tribes to provide the needed funding. 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 that we serve.

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 so far in the 2022 fiscal year (October 1, 2021 to April 30, 2022):

To join these tribes and organizations and support the fight for Native rights and tribal sovereignty, contact Don Ragona at ragona@narf.org

Alabama Indigenous Coalition

AISES

American Indian Services

AMERIND

Chickasaw Nation

Confederated Tribes of Siletz Indians

Cow Creek Band of Umpqua Tribe of Indians

First Nations Development Institute

First Peoples Fund

Four Directions, Inc.

Jamestown S'klallam Tribe

Muckleshoot Indian Tribe

National Congress of American Indians

National Indian Gaming Association

Native Hawaiian Legal Corporation

Nisqually Indian Tribe

Nome Eskimo Community

Poarch Band of Creek Indians

San Manuel Band of Mission Indians

San Pasqual Band of Mission Indians

Santa Ynez Band of Chumash Mission Indians

Seminole Tribe of Florida

Shakopee Mdewakanton Sioux Community

United South and Eastern Tribes, Inc.

United Tribes of Bristol Bay

Yocha Dehe Wintun Nation

The Native American Rights Fund

The Native American Rights Fund (NARF) is the oldest and largest nonprofit legal organization defending and promoting the legal rights of Indian people on issues essential to their tribal sovereignty, natural resources, and human rights.

Since 1970, we have provided specialized legal advice and representation to Native American tribes and organizations on issues of major importance. Our early work was instrumental in establishing the field of Indian law. NARF—when very few would—steadfastly took stands for Indian religious freedom and sacred places, subsistence hunting and fishing rights, as well as basic human and civil rights. We continue to take on complex, time-consuming cases that others avoid, such as government accountability, voting rights, climate change, and the education of our children. We have assisted more than 300 tribal nations with critical issues that go to the heart of who we are as sovereign nations.

NARF's first Board of Directors developed priorities to guide the organization in its mission to preserve and enforce the legal rights of Native Americans. Those five priorities 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 preserving tribal existence, NARF works to construct the foundations that empower tribes to live according to their traditions, enforce their treaty rights, insure their

independence on reservations, and protect their sovereignty. 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 that protect the rights of Native Americans to practice their traditional religion, use their languages, and 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 laws and regulations applicable to Indian peoples. Because such laws impact virtually every aspect of tribal life, NARF is committed to holding governments accountable to Native Americans. 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 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.

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. 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.

www.narf.org

Boulder, CO (Main)

1506 Broadway
Boulder, CO 80302-6217
(303) 447-8760; FAX (303) 443-7776

Washington, DC

1514 P Street, NW (Rear) Suite D
Washington, DC 20005-1910
(202) 785-4166; FAX (202) 822-0068

Anchorage, AK

745 W. 4th Avenue, Suite 502
Anchorage, AK 99501-1736
(907) 276-0680; FAX (907) 276-2466

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