Legal Review
NATIVE AMERICAN RIGHTS FUND

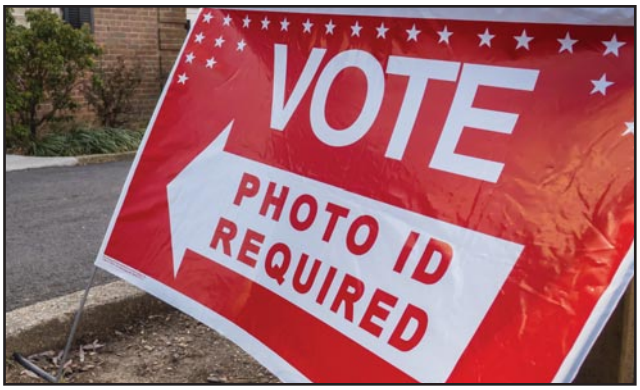
ND Voter ID Law Has
"Discriminatory and Burdensome Impact on Native Americans"

"The State has acknowledged that Native American communities often lack residential street addresses . . . Nevertheless, **under current State law an individual who does not have a 'current residential street address' will never be qualified to vote.** This is a clear 'legal obstacle' inhibiting the opportunity to vote." (emphasis in original)

- Judge Daniel L. Hovland, Order Granting Plaintiffs' Motion for Second Preliminary Injunction in Part (April 3, 2018)

On December 13, 2017, the Native American Rights Fund (NARF) again brought action, in the case *Brakebill, et al. v. Jaeger*, on behalf of Native American plaintiffs impacted by the state of North Dakota's discriminatory voter identification (ID) law. On April 3, 2018, plaintiffs achieved a substantial victory when Judge Daniel L. Hovland of the U.S. District Court of North Dakota issued an order that significantly barred the enforcement of North Dakota's recently passed voter ID law (House Bill 1369) because of its discriminatory effects on Native Americans. The State of North Dakota immediately appealed to the 8th Circuit to keep its disenfranchising law in effect for the upcoming 2018 election.

NARF will continue to fight against these unconstitutional laws that insult the very fiber of our democracy. The government should not create unnecessary obstacles for qualified citizens to vote. And we, as a nation, must fight to ensure that every American, every Native American, is given the opportunity to vote in every election.



The right to vote is a fundamental right in any democracy, and NARF is committed to ensuring that our democratic values are protected.

About the North Dakota Voter ID Law

North Dakota has had a voter ID law since 2004. For years, the law functioned without issue. During that time, the law required voters to show identification, but allowed a voter without ID to cast a ballot if either:

- a poll worker could vouch for the voter's identity as a qualified voter; or
- the voter signed an affidavit under penalty of perjury that he or she was qualified to vote.

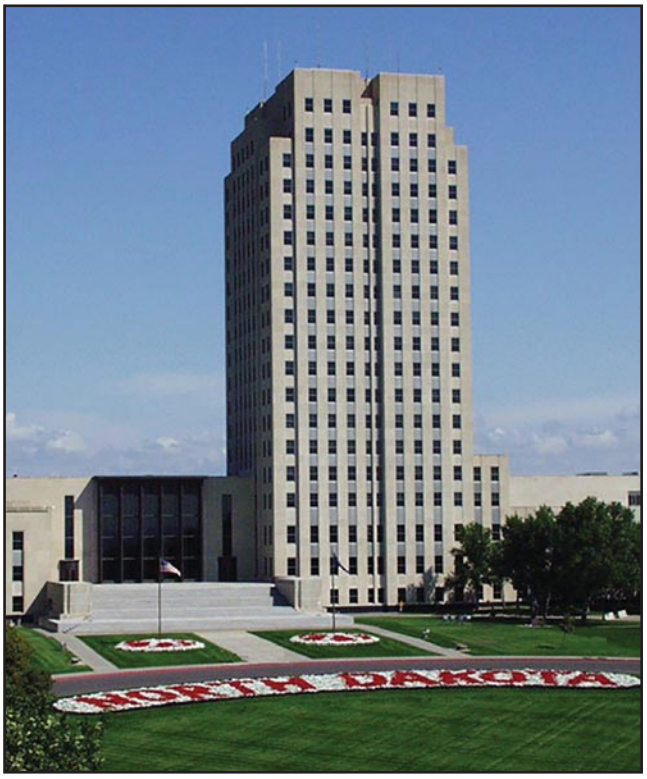
This system worked especially well in small reservation communities where poll workers were familiar with voters. In 2013, following the surprise election of Democrat Heidi Heitkamp to the U.S. Senate the year before, the North Dakota legislature greatly narrowed the law by restricting the acceptable forms of ID and eliminating the voucher and affidavit fail-safes. The following session, the legislature amended the law again to even further restrict the forms of acceptable ID.

In making the changes, the legislature cited the need to eliminate voter fraud, but illegal voting has never been a problem in the state. In fact, Secretary of State Alvin Jaeger declared in a 2006 letter, "[D]uring my fourteen years as Secretary of State and the state's chief election officer, my office has not referred any cases of voter fraud to the United States Attorney, the North Dakota Attorney General, or to local prosecutors. We haven't had any to refer."

In January 2016, eight Native Americans represented by the Native American Rights Fund filed suit to block the North Dakota voter ID law, alleging that it disenfranchised Native American voters and violated both state and federal constitutions as well as the Voting Rights Act.

How did the voter ID law disenfranchise Native American voters?

At the time of the 2016 lawsuit, the North Dakota voter ID law required one of four forms of ID and required that they contain name, residential address, and date of birth. The state claimed that tribal IDs qualified under its law, but most tribal IDs do not have a residential address printed on them. This is due, in part, to the fact that for many years reservation housing did not have addresses; to this day the U.S. Postal Service does not provide residential delivery in some rural Indian communities, causing most tribal members to use a Post Office Box. If a tribal ID has an address, it typically is the PO Box address, which did not satisfy North Dakota's restrictive voter ID law. In the 2014 elections, many qualified North Dakota tribal electors went to vote with a tribal ID, which they believed would be sufficient for voting, but were turned away at the polls.



ND capitol. Source: ND Web Portal

"As a veteran who served this country, I know how important it is to vote," explained plaintiff Richard Brakebill. "But I wasn't permitted to vote in 2014 because my address wasn't listed on my ID. That was very upsetting." Elvis Norquay, another plaintiff who is a veteran added, "I felt bad about being turned away from the polls at the last election. It is my right to vote for whomever I want. I shouldn't be turned away just because I didn't have my address listed."

Native Americans are more than twice as likely as non-Native Americans to lack a qualifying ID. Long distances, lack of transportation, and limited operating hours at licensing centers closest to Native American populations make it more burdensome for Native Americans to obtain a state-issued ID. The required fees are more difficult for Native Americans because of economic disparities. According to one study, more than 72,000 voting-eligible North Dakota citizens lack a qualifying ID. (That is in a total population around 750,000).

"Those that argue that people must present ID to buy alcohol or cigarettes miss a crucial point. Voting is a fundamental, constitutionally protected right. In order for the government to burden that fundamental right, it needs to demonstrate a compelling reason. Here, the Secretary of State and the legislature have done a lot of speculation, but haven't demonstrated why it's necessary to take action that disenfranchises Native American voters," observed NARF Staff Attorney Matthew Campbell, lead attorney on the case.

What was the outcome of the 2016 case?
Before the November 2016 election, Judge Hovland of the U.S. District Court, ND, found the law violated the U.S. Constitution. He wrote, "it is clear that a safety net is needed for those voters who simply cannot obtain a qualifying voter ID with reasonable effort." Accordingly, the court required North Dakota to provide a fail-safe and permit voters without a qualifying ID to vote if they signed an affidavit swearing to their qualifications for the 2016 general election.

In light of this defeat, the North Dakota legislature amended their law in early 2017, purporting to cure its defects. However, the new law kept the parts of the law that disenfranchised Native Americans. Some legislators supporting this new voter ID bill have described it as a way to cure the problems identified by the federal court. H.B. 1369, however, did not contain any fail-safe mechanisms like the one required by the court. The newly minted law completely ignored Judge Hovland's directive to provide a safety net for voters. H.B. 1369 allowed provisional balloting, but it required each voter to present a qualifying ID to an election official within six days in order for the vote to be counted. In this way, the law made an allowance for voters who left their IDs at home, but it did not address the problem of voters who, although qualified to vote, could not obtain one of the narrow set of permitted IDs. Those qualified electors were not allowed to vote.

"The North Dakota legislature had an opportunity to address the real problem with voting in the state—voter disenfranchisement. Instead, it continues to chase the ghosts of illegal voters, an imagined problem that doesn't really exist. In the course of litigation and in the three consecutive legislative sessions where voting bills have been considered, there has simply been no demonstration that people are casting illegal ballots," said NARF Staff Attorney Joel West Williams at the time.

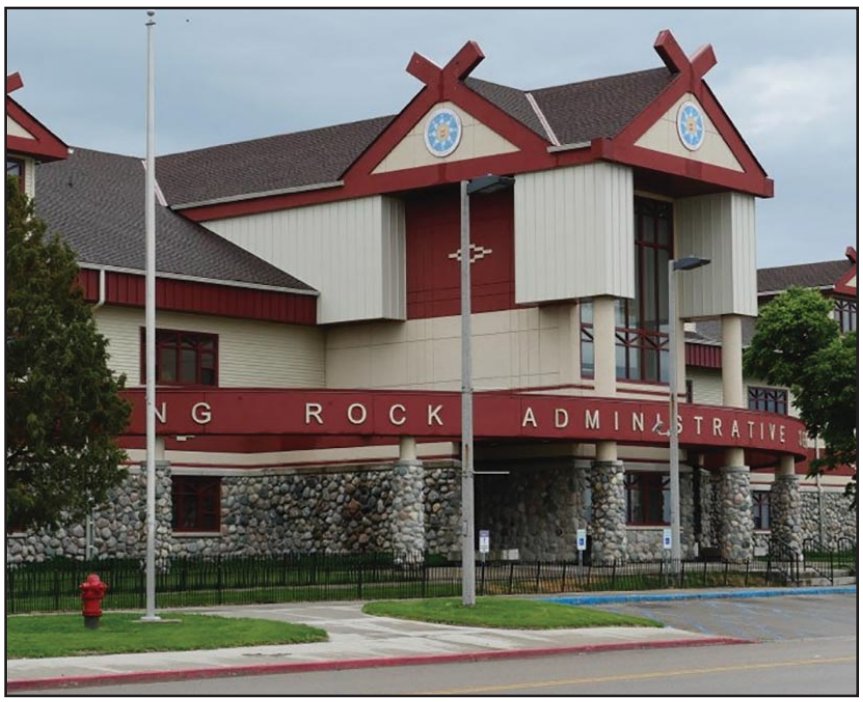
"The Court recognized that without a safety net, this law disenfranchises voters," Campbell added, "and eliminating the votes of poor and minority voters does not ensure election integrity. The North Dakota Legislature's continued failure to provide any safety net in the face of the Court's Order is astounding. "

Native American plaintiffs sue North Dakota - again
On December 13, 2017, the Native American Rights Fund again brought action against the state of North Dakota seeking to overturn North Dakota's newest discriminatory voter ID law. Plaintiffs Richard Brakebill, Dorothy Herman, Della Merrick, Elvis Norquay, Ray Norquay, and Lucille Vivier amended their suit to challenge the most recently enacted voter ID law.

The legislature passed these provisions despite knowing they would suppress the Native American vote. The law was implemented in order to deny qualified Native American voters access to the ballot box. As Campbell explains, "voting is a fundamental, constitutionally protected right, and we intend to protect that right. The North Dakota legislature was fully aware the impact this law would have on the Native population in North Dakota. Yet, they passed the law anyway."

Fighting voter suppression has never been more timely or important. North Dakota recently reduced the hours of the Driver's License Site (where state voter IDs are issued) closest to the plaintiffs. That location now operates the most restrictive hours of any in the state—*it is open for less than five hours one day each month*. There is not a single Driver's License Site on an Indian reservation in North Dakota. Native Americans on the Lake Traverse Reservation, Fort Berthold Reservation, and Standing Rock Reservations have to travel an average of almost an hour just to access a Driver's License Site, some of which are open for very limited hours.

On April 3, 2018, plaintiffs achieved a substantial victory when Judge Daniel L. Hovland of the U.S. District Court of North Dakota again barred the enforcement of North Dakota's recently passed voter ID. Judge Hovland found that the "public interest in protecting the most cherished right to vote for thousands of Native Americans who currently lack a qualifying ID and cannot obtain one outweighs the purported interest and arguments of the State." Thus, Judge Hovland prohibited enforcement of the discriminatory law. Additionally, the order allows PO Box addresses—prevalent in Native American communities—to be used to prove residency, and dramatically expands the types of ID available to voters at the polls to include any document, letter, writing, enrollment card, or other form of tribal identification issued by a tribal authority to be used in lieu of ID cards, until final resolution of the case.



Standing Rock offices. Credit: U.S. Dept. of Interior

According to NARF Voting Rights Fellow Jacqueline De León, one of the attorneys representing the plaintiffs in the case, "Judge Hovland got it. He detailed the unfair nature of the state's law and again recognized that the law created significant and unnecessary voting obstacles for Native voters in North Dakota. Laws such as these are a direct threat to the functioning of our democracy."

Importantly, Judge Hovland's order also expands the valid forms of voter identification to include documents issued by tribal governments, the Bureau of Indian Affairs, and other tribal agencies. "This distinction is significant because putting that control back in the hands of tribal organizations allows tribal governments to ensure that their citizens do not continue to be disenfranchised," explains Campbell.

With this order, Judge Hovland has prevented the discriminatory voter ID law from disenfranchising Native voters in significant part until final determination is made in the matter. As Judge Hovland explains in his order, "common sense and a sense of fairness can easily remedy the above-identified problems to ensure that all residents of North Dakota, including the homeless as well as those who live on the reservations, will have an equal and meaningful opportunity to vote."

The state continues to show its commitment to disenfranchising Native American voters by immediately appealing Judge Hovland's most recent order to the 8th Circuit. On May 29, 2018, the parties to the case met for settlement negotiations, but no agreement was reached. This fight continues in the 8th Circuit, where NARF is prepared to defend the right of every North Dakotan Native American to vote.

The plaintiffs are represented by the Native American Rights Fund, Richard de Bodo of Morgan, Lewis & Bockius LLP, and Tom Dickson of the Dickson Law Office.

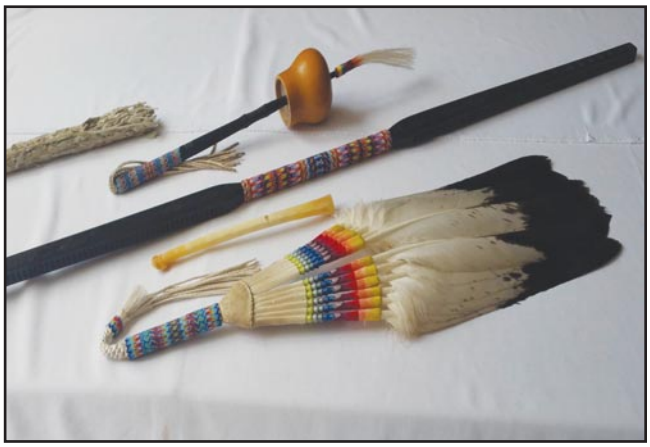
CASE UPDATES

TSA to Improve Handling of Native American Sacred Objects

In February, NARF, Dorsey & Whitney, LLP (DW) and Porter Hedges LLP (PH) announced the settlement of *Native American Church of North America and Sandor Iron Rope v. Transportation Security Administration*, et al.; Case 5:17-cv-00108-OLG; In the United States District Court for the Western District of Texas, San Antonio Division.

Lead counsel Forrest Tahdooahnippah (DW), NARF Staff Attorney Steven Moore, and Ray Torgerson (PH) filed the lawsuit on February 14, 2017, in San Antonio federal court asserting Religious Freedom Restoration Act and federal civil rights violations. Following several meetings and conference calls to discuss and informally resolve the matter, a settlement agreement with the Transportation Security Administration (TSA) finally proved successful.

The lawsuit alleged that Mr. Iron Rope, the immediate past president of Native American Church of North America (NACNA), was harassed by TSA agents at the San Antonio airport while passing through security. Iron Rope was returning home to South Dakota after a conference near the peyote gardens located in South Texas. Ignoring his pleas, the TSA agents mistreated several sacred items in Iron Rope's possession.
As part of the settlement agreement, TSA will publish a Job Aid for internal education and a "Know Before You Go" fact sheet to educate about Native American religious items and create a less intrusive method for inspecting those items. TSA Passenger Support Specialists ("PSS") and Transportation Security Managers ("TSM") at the following airports will be directed to review the Job Aid: Denver, Colorado (DEN); Phoenix, Arizona (PHX); Minneapolis-Saint Paul (MSP); Omaha, Nebraska (OMA); and Oklahoma City, Oklahoma (OKC). TSA also agreed, with advance notice, to provide the Job Aid materials to other airport personnel through which NACNA members carrying religious items plan to travel.



Sacred objects. Credit: Native American Church of North America

Additionally, the parties will collaborate on producing an educational webinar in the near future. PSSs and TSMs at the following airports are required to view the webinar: Albuquerque, New Mexico (ABQ); Durango, Colorado (DRO); Farmington, New Mexico (FMN); Great Falls, Montana (GTF); Laredo, Texas (LRD); McAllen, Texas (MFE); Minot, North Dakota (MOT); Rapid City, South Dakota (RAP); Sioux Falls, South Dakota (FSD); and San Antonio, Texas (SAT).

TSA committed to training new or promoted PSSs and TSMs on these matters for four years. In addition, the materials will also be generally available to all TSA employees. Finally, NACNA is invited to join the TSA's Multicultural Branch Coalition and participate in future conferences, meetings, and events.

Plaintiffs and their counsel believe that this settlement lays critical groundwork for improved education, increased sensitivity, and better working relationships between the TSA and Native Americans traveling with sacred items.

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 (NCAI) and the Native American Rights Fund (NARF). The Project was formed in 2001 in response to a series of U.S. 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 on the NARF website (http://sct.narf.org).

Indian Law Cases Decided By the Supreme Court
Patchak v. Zinke (16-498) – The Supreme Court affirmed the U.S. Circuit Court of Appeals for the District of Columbia and held that the Gun Lake Trust Reaffirmation Act of 2014 did not violate Article III of the U.S. Constitution.

This lawsuit was brought by David Patchak, a non-Indian landowner, who successfully argued before the Supreme Court in 2012 (*Patchak I)* that he had prudential standing to bring an APA action and a *Carcieri* challenge to the acquisition of trust land for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians/ Gun Lake Tribe. Subsequently, while summary judgement briefing was underway before the district court on remand, Congress passed the Gun Lake Trust Land Reaffirmation Act of 2014 (the Gun Lake Act), which reaffirmed the Department of the Interior's decision to take the land in question into trust for the Tribe, and removed jurisdiction from the federal courts over any actions relating to that property. Mr. Patchak challenged the Gun Lake Act as an unconstitutional infringement by Congress on the judicial power that Article III of the U.S. Constitution vests exclusively in the judiciary. The district court issued summary judgement for the United States and the court of appeals affirmed.

In a plurality opinion written by Justice Thomas (and joined by Justices Breyer, Alito, and Kagan), the Supreme Court held that the Gun Lake Act did not violate the separation of powers. The Court explained that while Congress may not exercise judicial power, it may make laws that apply retroactively to pending lawsuits, even when that legislation ensures that one side will win. The dividing line is that Congress acts impermissibly when it "compel[s] . . . findings or results under old law," while it acts permissibly when it simply "changes the law." The Court then explained that Congress has authority to change the law to withdraw the jurisdiction of federal courts by enacting a "jurisdiction-stripping statute," and it may do so with regard to a specific class of cases. The Court concluded that Congress had enacted such a jurisdiction-stripping provision in § 2(b) of the Gun Lake Act, which requires any lawsuit "relating to" the specific tract of property at issue in this case "shall be promptly dismissed."

Three Justices authored concurring opinions. Justice Breyer's concurrence emphasized the broader context prompting passage of the Gun Lake Act and that in § 2(a) Congress reaffirmed, ratified, and confirmed the Secretary of the Interior's actions in taking the Tribe's land into trust. Thus, Justice Breyer concluded, Congress "used its jurisdictional power to supplement, without altering, action that no one has challenged as unconstitutional." The concurring opinions of Justices Ginsburg and Sotomayor agreed that the decision of the court of appeals should be affirmed, but on the grounds that the Gun Lake Act restored the federal government's sovereign immunity, thus barring Mr. Patchak's suit.

Chief Justice Roberts authored a dissenting opinion, which was joined by Justices Kennedy and Gorsuch. The dissent would have found the Gun Lake Act unconstitutional on the grounds that it "dictates the disposition of a single pending case" – authority they contend is vested solely in the judiciary.

The full opinion is available at: https://sct.narf.org/documents/patchak_v_jewell/opinion.pdf.

Upper Skagit Indian Tribe v. Lundgren (17-387) – The Supreme Court reversed and remanded the case to the Washington Supreme Court. In a majority opinion authored by Justice Gorsuch, the Court held that the Washington Supreme Court erred when it relied on *County of Yakima v. Confederated Tribes and Bands of Yakima Nation*, 502 U.S. 251 (1992), for the proposition that Tribes lack sovereign immunity in an *in rem* action. Justice Gorsuch wrote: "Yakima did not address the scope of tribal sovereign immunity. Instead, it involved only a much more prosaic question of statutory interpretation concerning the Indian General Allotment Act of 1887." However, the Lundgrens also advanced a new argument at the U.S. Supreme Court, asserting that at common law, sovereigns enjoyed no immunity from actions involving immovable property located in the territory of another sovereign. The majority pointed out that this line of argument "appeared only when the United States filed an amicus brief in this case—after briefing on certiorari, after the Tribe filed its opening brief, and after the Tribe's other amici had their say." Accordingly, the Court remanded to the Washington Supreme Court to decide this issue in the first instance.

Chief Justice Roberts filed a concurring opinion, joined by Justice Kennedy, which expressed concern over a property owner's lack of a remedy in a case such as this. "I do not object to the Court's determination to forgo consideration of the immovable-property rule at this time. But if it turns out that the rule does not extend to tribal assertions of rights in non-trust, non-reservation property, the applicability of sovereign immunity in such circumstances would, in my view, need to be addressed in a future case."

Justice Thomas filed a dissenting opinion, joined by Justice Alito. The dissent argues that the case should not be remanded because the immovable property exception is a "predicate to an intelligent resolution of the question presented," which the Court is obliged to resolve. The dissent then explains why, in its view, the immovable property exception should bar the Tribe from asserting sovereign immunity in this case.

The full opinion is available at: https://sct.narf.org/documents/upper_skagit_v_lundgren/opinion.pdf.

Petitions for a Writ of Certiorari Granted

Royal, et al. 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 accused 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 did not indicate a Congressional intent to disestablish the Muscogee (Creek) reservation, nor a contemporaneous understanding by Congress that it 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 parties have asked the Court to adopt an agreed briefing schedule, which would set July 23, 2018, as the due date for the Petitioner's brief.

Wrapping Up the October 2017 Term

The Court has completed oral arguments for the October 2017 Term. It will continue announcing opinions in non-argument sessions throughout June 2018 and *Washington v. U.S.* (17-269) (the "Culverts Case"), which was argued on April 18, 2018, will be among those decided before the Court recesses at the end of June. It will also continue considering petitions for review during its June conferences and we anticipate one or more Indian law petitions will be scheduled for conference in June. However, any petitions granted at this point will be argued in the October 2018 Term.

An Update on Bears Ears National Monument

Bears Ears cultural site. Credit: Tim Peterson

President Trump's action to revoke and replace the Bears Ears National Monument is not only an attack on the five sovereign nations with deep ties to the Bears Ears region, it is a complete violation of the separation of powers enshrined in our Constitution. No president has ever revoked and replaced a national monument before because it is not legal to do so. Only Congress may alter a monument. In light of this blatant violation of law, the Native American Rights Fund, representing the Hopi Tribe, Pueblo of Zuni, and Ute Mountain Ute Tribe filed a lawsuit on December 4, 2017, to protect Bears Ears.

At the end of January, the courts consolidated the three cases dealing with the Bears Ears monument in to one case and consolidated the two cases addressing Grand Staircase-Escalante in to a separate case. The judge had given the government until March 16, 2018, to file a response to the original complaints.

In the meantime, the Trump administration sought to transfer the case to a Utah court. The Tribes filed a motion in opposition to transferring the case to Utah since the case affects more than one state's residents and has nationwide importance. The case is now stayed pending the court's decision on transfer.

The lawsuit may take a while to litigate, so NARF continues to monitor activity on the ground to ensure that there is no irreparable harm to this important place. If there is any activity that would cause harm, we will ask the court to put a stop to it.

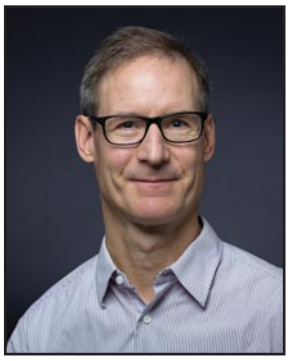
On January 16, federal agencies initiated a public comment process on the issues related to the environmental analysis and planning criteria for the revised monument boundaries.

In legislation, bills were introduced in Congress to shrink and replace Bears Ears, codifying President Trump's actions, as well as to expand Bears Ears. The Tribes are unified in support of the bills that would expand Bears Ears, and they unanimously oppose the bills that would shrink and replace Bears Ears. Tribal representatives have commented on legislation under consideration in Congress.

National Indian Law Library (NILL)

Strengthening Sovereignty by Promoting Tribal Law

One of the major undertakings of the National Indian Law Library (NILL) is the Access to Tribal Law Project (ATLP). ATLP provides tribal leaders, legal practitioners, and the public with convenient access to current and accurate tribal law, which enhances the power of tribal courts and strengthens tribal sovereignty.



Library Director David Selden

Access to tribal law—which includes the codes, constitutions, intergovernmental agreements, and legal opinions of Native governments—strengthens tribal sovereignty and promotes justice in Indian Country. We work daily to collect and make these often elusive documents available to legal researchers.

Locate a Tribe's Laws

Researchers requiring access to tribal law need look no further than NILL's Tribal Law Gateway (https://www.narf.org/nill/triballaw/). The Gateway is an alphabetical list of all federally recognized tribes in addition to several state-recognized tribes. Each tribe's page includes contact information for the tribe and their tribal court, as well as information related to the tribe's code, constitution, and court opinions.

When possible, links are provided to the laws on the tribe's website or on the NILL website. When the full-text is not available online, NILL provides a table of contents for materials in our print collection. Researchers can use the table of contents to identify the specific sections they would like to review and request them via the AskNILL section on our website (https://narf.org/nill/asknill.html).

Identify Tribal Laws on a Topic

Researchers or tribal leaders looking for sample code provisions also will find the Tribal Law Gateway useful. A search box on the Tribal Law Gateway page offers the ability to find tribal codes on any topic. For example, a search for "probate" or "peacemaking" will turn up a variety of codes of interest to someone drafting or comparing tribal codes on that topic, allowing them to leverage tribal law rather than state or federal law as a model. The librarians at NILL can assist with locating the full-text of codes not available online through our AskNILL service.

Support the National Indian Law Library

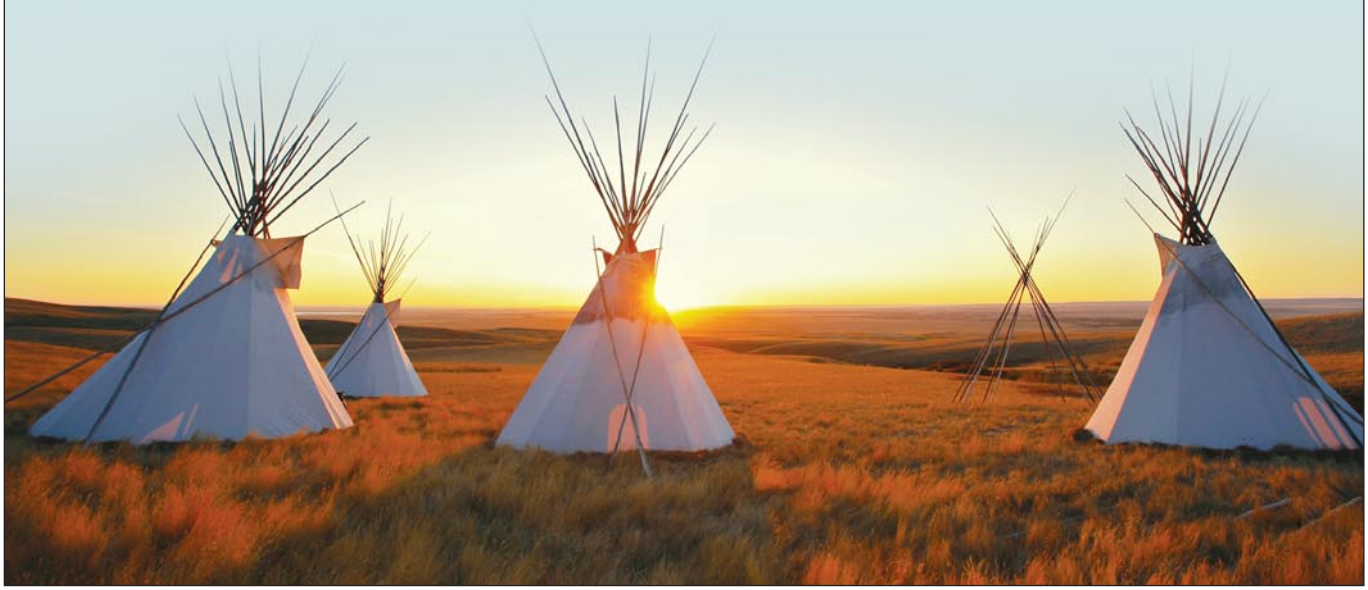
Your contributions help ensure that the library can continue to supply free access to Indian law resources and that we have the financial means necessary to pursue innovative and groundbreaking projects to serve you better. We are not tax-supported and rely on individual contributions to fund our services. Please visit https://www.narf.org/nill/donate.html for more information on how you can support *justice through knowledge*.

CALL TO ACTION

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects have also been reduced. Our ability 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, tribal water rights, Indian Child Welfare Act, and Alaska tribal sovereignty issues is 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 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-to-date (October 1, 2017 to May 31, 2018):

Amerind Risk
Cabazon Band of Mission Indians
The Chickasaw Nation
Cow Creek Band of Umpqua Tribe of Indians
Fort McDowell Yavapai Nation
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Miccosukee Tribe of Indians
National Indian Gaming Association
Native American Church
Pala Band of Mission Indians
Pechanga Band of Luiseno Indians
Poarch Band of Creek Indians
Ponca Tribe of Nebraska
Quapaw Tribal Gaming Agency
San Manuel Band of Mission Indians
Santa Rosa Band of Cahuilla Indians
Seminole Tribe of Florida
Suquamish Indian Tribe
Yavapai-Prescott Indian Tribe
Yocha Dehe Wintun Nation



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 to *preserve 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.

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 educate 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.

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