

# National Congress *of American Indians*



ANNUAL REPORT  
OCTOBER 1, 2006 – SEPTEMBER 30, 2007



## MESSAGE FROM THE PRESIDENT

As the oldest and largest Indian organization in the country, NCAI works closely with tribes and organizations to share information, and to act as the much needed extra eyes, ears, and voice for tribes in Washington, D.C. NCAI is the leading advocacy organization in the nation's Capital. I am confident our founding fathers would be proud of the accomplishments we have made in the last 64 years.

NCAI has worked extensively to ensure a bright future for generations to come. We have taken the lead to gain consensus on a constructive and promising vision for Indian Country. NCAI is working hard to take charge at the leadership level to promote strong tribal governments and address the many human and safety needs of our Native communities.

NCAI continues to mount an ambitious outreach initiative to educate the mainstream media and the general public on Indian Country issues. It is imperative that there be a strategic, comprehensive media plan in place to facilitate the messaging that will coincide with the ongoing, crucial work of NCAI.

I am pleased to report that NCAI's Native Vote Campaign has proven to be successful, bringing record numbers of Native Americans to the polls in the 2004 and 2006 elections. The Native Vote program will continue to ensure a Native voice at the polls and an influence on policy that will impact America's indigenous people for generations to come. We expect our 2008 campaign to be the strongest yet.

As we move forward with these and other initiatives, we must keep the vision our founding fathers had in mind when they met in Denver in the fall of 1944—to have cohesive unity and cooperation among Indian governments and people, for the security and protection of treaty and sovereign rights and for the betterment of the quality of life for all American Indian and Alaska Native people.

—Joe A. Garcia



## MESSAGE FROM THE EXECUTIVE DIRECTOR

In the more than two decades that I have worked in Indian Country, the accomplishments I have seen achieved by the Native community are monumental.

We have seen improvements in housing, education, improved economies and we are now closer than ever in seeing the reauthorization of the Indian Health Care Improvement Act so that Native people may see sound improvements in health care delivery.

NCAI is committed to these issues, among others, and to improving the lives of Native people by collaborating closely with our issue specific sister organizations and putting forth a visionary, proactive legislative agenda in Washington, D.C.

As you will see in this report, NCAI is actively working on a myriad of issues that will benefit Indian Country two generations from now. This work cannot be accomplished without cooperation from Indian leaders and community members from across Indian Country. We must continue to work together to ensure our visions for Indian Country are achieved.

Obtaining these goals is not easy, but it is feasible as long as we are many tribes with one voice. Congress and the Administration are paying attention to our concerns as we visit Capitol Hill in numbers with one synched message on any particular issue. This must continue in the future as we face legislative challenges. NCAI is happy to be your home during your visits to Washington, D.C. and we look forward to seeing you in the Nation's Capital.

The next two generations must be more successful than ours. We have this obligation and must continue to live up to it everyday in the work we do.

—Jacqueline L. Johnson

## EMBASSY OF TRIBAL NATIONS CAPITAL CAMPAIGN

NCAI's Embassy of Tribal Nations Capital Campaign to establish a tribal Embassy in Washington, D.C. continues to receive strong support from across Indian Country. This support is reflected in the numerous donations and pledges received in the last year.

Over \$330,000 in cash has been donated to the Embassy Campaign since September 1, 2006. In October 2006, the Fort McDowell Yavapai Nation joined the Shakopee Mdewakanton Sioux Community of Minnesota, in becoming the campaign's second eagle donor by pledging a \$1 million contribution to be disbursed over the next five years. Fort McDowell Yavapai Nation President Raphael Bear presented the Fort McDowell contribution during NCAI's 63rd Annual Convention and Trade Show October 3, 2006 in Sacramento, California.

The Embassy campaign's \$2.6 million in donations and pledges shows the enthusiastic response the Campaign has received since the endeavor was launched in 2004. The \$20 million capital campaign's goal is to establish an 'Embassy of Tribal Nations' in Washington, D.C. that will serve as Indian Country's headquarters to the world and establish a permanent home of NCAI.

A building purchase presents many benefits that meet the needs and goals of the organization. Foremost, NCAI will gain long term financial sustainability by reducing its current occupancy costs, building equity and ownership in prime Washington, D.C. real estate. Second, NCAI will increase its available office space to meet the expansion needs of its growing organization. Finally, the building also allows NCAI to house other national Indian organizations and tribes under one roof, thereby enhancing collaboration and coordination.

While the Campaign has received a great response from tribes, the goal of \$20 million is still far from being reached. Now, more than ever, NCAI encourages individual tribal members, businesses, companies, partners and friends of Indian Country to become a part of this monumental effort to create the Embassy of Tribal Nations.

For more information on how to contribute to the Embassy of Tribal Nations Capital Campaign please contact:

**Mellor C. Willie**  
Director of Development  
National Congress of American Indians  
1301 Connecticut Avenue, NW Suite 200  
Washington, D.C. 20036

NCAI Treasurer W. Ron Allen accepted Ft. McDowell Yavapai Nation's contribution to the Embassy of Tribal Nations Capital Campaign from Ft. McDowell Yavapai Nation Treasurer Pamela Mott.

*"We're pleased to be able to assist NCAI with this important project. NCAI's advocacy on behalf of tribes has been of immense benefit to the Fort McDowell Yavapai Nation and other tribal governments. The purchase of its own building will augment NCAI's ability to serve its member tribes while increasing the political presence of tribal nations in Washington."*

*— Fort McDowell Yavapai Nation President Raphael Bear*

*"It's time NCAI has its own home. NCAI has grown and taken on additional responsibilities over the years. A new office and meeting complex will enhance NCAI's presence in our nation's capitol and increase public awareness of the important role it plays on behalf of tribes. We're thankful that we are in a position to help with this important project."*

*— Fort McDowell Vice-President Bernadine Burnette*

*"We collaborate closely with our sister organizations in Washington. Being under all one roof will make us even more accessible to each other as we fight for the rights of Native people in Washington."*

*— NCAI Executive Director Jackie Johnson*

*"When tribal leaders met in Denver 64 years ago and established NCAI to fight termination and assimilation, one can only imagine what they thought the organization would look like in 2007. Their vision for NCAI and sovereign, prosperous Indian Nations still rings true today; and with a place tribes can call home in our nation's capital, we can be even more effective in our collective advocacy work in Washington on behalf of all tribes."*

*— NCAI Treasurer W. Ron Allen*

*"As Indian Country's collective voice in Washington, D.C. for hundreds of years to come, we owe it to future generations to make sound financial decisions today."*

*— NCAI President Joe Garcia*



## COMMUNICATIONS & EXTERNAL RELATIONS

Over the past year, NCAI's Communications Department has continued its expansion and outreach to Indian Country and news media outlets through enhanced communications and increased staff. In 2007, NCAI added a permanent staff member to assist in communications and events planning.

There remains a growing interest in Indian issues among the news media and an ever increasing volume of coverage. Mainstream journalists seem to have a more fundamental knowledge about Indian Country generally and have covered a greater diversity of Native issues. NCAI is more frequently becoming the "go to" organization and contact for reporters doing stories on Native issues. In the last year, NCAI continued to cultivate our relationships with journalists including the Washington Post, the New York Times, the Wall Street Journal, Arizona Republic, Denver Post, HBO Time Warner, ABC News, CBS News, CNN, and Fox News Channel, among others.

NCAI convened several national press conferences and other media events. Additionally, NCAI has participated in dozens more events including coupling press events with Native sister organizations.

In October 2006 at NCAI's 63rd Annual Convention in Sacramento, the Communications Department held a breakout session entitled, Indian Country in the Mainstream Media: A Proactive Approach to Responding to the Media. This was the third in a series of breakout sessions NCAI has had in the last two years to address media issues in Indian Country. The session was attended by over 100 people and was an important step in our approach in dealing with the mainstream media. NCAI obtained significant media coverage surrounding our annual meeting in Sacramento including articles in the Sacramento Bee and the San Diego Tribune.

In November 2006, NCAI launched its bi-weekly e-newsletter that keeps Indian Country up-to-date on NCAI initiatives and coverage of NCAI issues in the press.

NCAI's 5th Annual State of Indian Nations (SOIN) Address in 2007 was the most well attended in the history of the address and was covered live by C-SPAN and a number of publications across the country. Coupled with the SOIN, NCAI partnered with The Hill Newspaper in Washington and held a Congressional breakfast. We also placed a full page advertisement in the publication to make Members of Congress more aware of NCAI and Native issues.

During our June 2007 Mid-Year meeting in Anchorage, NCAI saw high profile media coverage throughout the state in radio, print and television mediums.

In September 2007, NCAI along with sister Native organizations in Washington, D.C., held a press conference and rally in the U.S. Capitol to show support for the reauthorization of the Indian Health Care Improvement Act (IHCLIA). The event was attended by a number of Members of Congress and the press. NCAI placed an advertisement highlighting the IHCLIA on the same day in Roll Call, a prominent magazine on Capitol Hill.

## MEMBERSHIP

NCAI membership is comprised of tribes and individuals who have met the eligibility criteria and the payment of dues as outlined in the Article III of the NCAI by-laws. All members are determined to be in good standing upon full payment of dues and having fulfilled the requirements of the Credentials Committee. Annual membership dues shall be payable at the Annual Convention of each year. NCAI's membership is of four classes:

### Tribal Membership

**Definition:** *Recognized as a tribe or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission or a State.*

### Individual Indian Membership including Indian Lifetime Membership

**Definition:** *Recognized as a member by an Indian tribe, or band, or combination of tribes and bands recognized by the U.S. Department of Interior, the Indian Claims Commission, Court of Claims or a State.*

### Individual Associate Membership

**Definition:** *Membership is reserved for individuals not qualifying for membership for lack of Indian ancestry. Non-Indian applicants may be admitted to non-voting associate memberships.*

### Associate Organization Membership

**Definition:** *Organizations shall carry such rights and privileges as are accorded to the individual associate member.*

In 2006, NCAI membership continued at an all-time high representing 72 percent of all enrolled tribal members in the country. This shows the strength and unity of tribes as we continue to work together in protecting tribal sovereignty and advancing the welfare of Indian Country.

### 2006 Top Conference Sponsors

- Tribal Alliance of Sovereign Indian Nations (TASIN)
- Bank of America
- Agua Caliente Band of Cahuilla Indians
- Sault Ste Marie Tribe and the Greentown Casino
- California Nations Indian Gaming Association (CNIGA)
- Table Mountain Rancheria
- Fond du Lac Band of Chippewa Indians
- Key Bank - Native Financial Services
- IBM
- Microsoft Corporation
- The Eagle Group at Morgan Stanley
- Prairie Band of Potawatomi Indians



NCAI First Vice-President Jefferson Keel is interviewed by the media at NCAI's 2006 Annual Convention in Sacramento, California.

## MEETINGS



Former Miss National Congress of American Indians are honored at NCAI's 2006 Annual Convention in Sacramento, California.

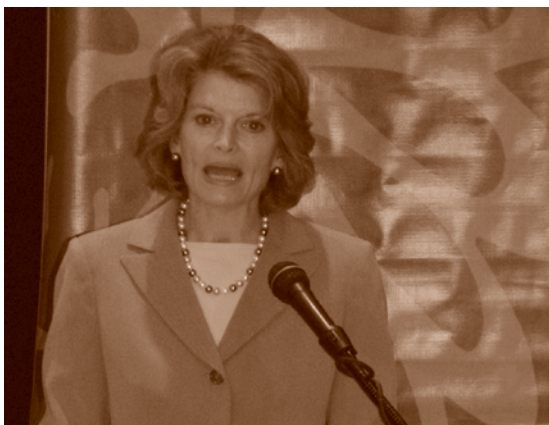
### 2006 Annual

The 63rd Annual Convention held in Sacramento, California was one of the largest non-election-year annual sessions in NCAI history. The theme of the meeting, 'Building Self Sufficient Nations: Connecting Community & Culture', was selected to highlight the increasing need for improved public safety and health and human services in tribal communities while preserving the cultures that define who we are as Indian people.

Tribal leaders participated in discussions on true tribal sovereignty as it relates to issues such as Homeland Security, Trust Reform/Settlement, Native Vote 2006, Indian Health Care and a score of other issues facing Indian Nations today.

In addition, NCAI launched its new Youth Ambassador Leadership Program. Two Native youth (male and female) were awarded scholarships for higher education and became leaders of the NCAI Youth Commission.

The Convention also featured a number of speakers including Secretary of the Interior Dirk Kempthorne, Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs Ruben Barrales, Members of the California Congressional delegation and a number of influential tribal leaders.



Sen. Lisa Murkowski (R-AK) addresses the general assembly session a NCAI's 2007 Executive Council Winter Session in Washington, D.C.

The sold out trade show featured over 100 exhibitors, ranging from Native arts and crafts to federal agencies and tribal enterprises. The Convention culminated in a weeks worth of indispensable knowledge and action plans that will benefit Indian people for generations.

### 2007 Executive Council Session

The Tribal Nations Legislative Summit: 110th Congress Executive Council Winter Session was held in Washington, D.C. on February 26-28, 2007. One of the significant outcomes of this meeting was the attendees voted in favor of a dues increase for tribal membership with NCAI. There were numerous high profile speakers addressing the attendees including Secretaries from the Department of Agriculture, Department of Housing and Urban Development, and Department of Veteran Affairs. Additionally, New Mexico Governor Bill Richardson, Arizona Governor Janet Napolitano; as well as Members of Congress also presented at the Session. NCAI held its 9th Annual Awards Dinner where we honored those individuals that have made great contributions to Indian Country. The honorees this year were: Congressman Tom Cole of Oklahoma, Wade Henderson of the Leadership Council on Civil Rights, National Conference of State Legislatures, and John Echohawk who received the inaugural Native American Leadership Award.



Hattie Kauffman, National News correspondent for The Early Show, addresses the general assembly at the 2007 NCAI Mid-Year Conference in Anchorage, Alaska.

### 2007 Mid-Year Conference

Alaska Tribes and Organizations hosted the 2007 Mid-Year Conference in Anchorage, Alaska on June 11-13, 2007. The theme for the Mid-Year conference was "Strengthening Economies & Culture: Under the Midnight Sun." Anchorage Mayor Mark Begich and Alaska Governor Sarah Palin officially declared June 10-13, 2007 National Congress of American Indian Days for the city of Anchorage and the state of Alaska.

One of the highlights of the Mid-Year Session was the 2<sup>nd</sup> Annual Tribal Leaders/ Scholar Forum. This forum included presentation on cutting-edge research and the implications of research results from local and national policymaking. NCAI made a conscious effort to make this meeting more environmentally friendly. A few of the steps taken were limiting shipping of items, selecting speaker gifts from a local vendor, printing agendas on recycled paper with soy based ink, organic cotton lanyards and conference bags, and utilizing bulk condiments at the coffee breaks.

## NCAI'S POLICY RESEARCH CENTER

In the past year, the NCAI Policy Research Center has achieved a number of significant accomplishments. The staff size has grown from 2 to 5 full-time persons and includes a variety of subject matter experts who are working on numerous projects. The budget has also grown as funding has been secured to gather and analyze data. This information supports tribal leaders in making proactive policy decisions that will positively impact the future of their people. Priorities identified by tribal leaders for our work include: public safety, climate change, institutions of tribal governance, land title processing reform, and Native youth suicide. Addressing this broad range of topics has also necessitated stronger partnerships with many more research centers, intertribal organizations, and scholars.

Detailed information about each of these projects is available on the Policy Research Center website [www.ncaiprc.org](http://www.ncaiprc.org) and some highlights are as follows:

After a series of tribal consultations on study design and data collection instruments, the University of California- Los Angeles and NCAI have begun tribal site visits on a U.S. Department of Justice, National Institute of Justice - funded study to broadly describe and analyze justice administration in tribal communities. A total of twelve site visits, conducted in 2007 and 2008, will capture descriptive and empirical data about the varied models of justice operating in diverse tribal communities.

With support from the U.S. Department of Health and Human Services, Administration for Native Americans, data on the impact of and tribal responses to climate change in Native communities were shared at NCAI's Mid-Year meeting in Anchorage. Articles and resources that highlight these issues were summarized in a literature review available on the Policy Research Center website. Initial interest in these topics are being supported through the development of a "community of practice" - a group of tribal program directors, scholars, and advocates- who are interested in working together to address climate change. An interactive website that allows people to share resources and strategize will be launched in the coming months.

Analysis of data from eleven NCAI intertribal gatherings focused on "Strengthening Tribal Governance" identified four critical components of work: (a) governing systems reform, (b) leadership development, (c) citizenship engagement, and (d) media and public education. With additional support from the W.K. Kellogg Foundation and in partnership with the University of Arizona Native Nations Institute, background papers have been commissioned in each of these areas. Resources and models for strategies to address these four components will be summarized and disseminated through the Policy Research Center website.

Guided by a study committee of experts in the field, First Nations Development Institute and NCAI have been examining tribal options for expediting land title processing. Support from NeighborWorks® America and Stewart Title has allowed the research team to conduct three site visits and schedule an additional three. Preliminary study findings describing the models tribes are using, the infrastructure required, and feasibility of other tribes adopting similar models will be released in November 2007.



NCAI, the National Indian Child Welfare Association, and Georgetown University's National Technical Assistance Center for Children's Mental Health hosted seven tribal delegations for a three day Summit to develop local policy strategies to prevent youth suicide and promote community healing in September 2007. All of the resources compiled for the Summit will be made available on the Policy Research Center website.

The Policy Research Center also convened its 2nd annual Tribal Leader/Scholar Forum in June 2007. From a competitive pool of research proposals, seven scholars were invited to present and discuss their findings. Five of the seven scholars were Native and they represented a diverse range of academic centers and policy organizations across the country. The seven presentations were as follows:

### **Litigation Strategies in Indian Land Claims Cases**

Kathryn Fort, Staff Attorney, Indigenous Law and Policy Center, Michigan State University College of Law

### **Protecting our Citizenship through Tribal Laws and Tribal Courts**

Carrie Garrow, Executive Director, Center for Indigenous Law, Governance, and Citizenship, Syracuse University, College of Law

### **Native Communities and Climate Change: Legal and Policy Approaches to Protect Tribal Rights**

Jonathan Hanna, Research Associate, Natural Resources Law Center, University of Colorado

### **The Impact of Asset Building Strategies in Native Communities**

Michael Roberts, President, First Nations Development Institute

### **Native American DNA: Implications for Citizenship and Identity**

Dr. Kimberly TallBear, Assistant Professor, American Indian Studies and Affiliate of the American Indian Policy and Leadership Development Center, Arizona State University

### **The Community Pulling Together: Preventing Youth Substance Abuse and Promoting Cultural Identity and Belonging**

Dr. Lisa Thomas, Research Scientist, Alcohol and Drug Abuse Institute, University of Washington

### **Where Are Our American Indian and Alaska Native Students?: Using Data and Taking Action to Improve Education**

Malia Villegas, Ph.D. Candidate, Harvard Graduate School of Education and Research Intern, Alaska Native Policy Center

The presenters shared their research findings and the implications of these findings for tribal communities with the more than 1,000 conference participants. Afternoon break-out sessions paired scholars with practitioners to provide tribal leaders and other conference participants with an opportunity for in-depth dialogue about translating research findings into policy. Presenters' abstracts and PowerPoint presentations are available on the PRC website.

The coming year holds significant promise for the work of the Policy Research Center to continue to grow. Guided by our distinguished Advisory Council and prepared to meet the data needs of tribal leaders, we look forward to ongoing and expanded partnerships as we undertake the critical activity of supporting Indian Country in shaping its own future.

### **Census Information Center**

The NCAI Policy Research Center (PRC) was designated a Census Information Center (CIC) in 2006. Designation as a CIC will help facilitate the PRC provide tribal leaders across the United States with the best available knowledge by increasing access to census information and data products to use for research, planning, and decision-making purposes. CIC's are recognized as official sources of demographic, economic, and social statistics produced by the Census Bureau and provide training and technical assistance to interested data users.

Over the past year, the Policy Research Center has attended and arranged training sessions to increase tribal leaders' and advocates' research skills in working with Census data. As a CIC, the PRC assesses how meaningful federal data is for American Indian and Alaska Native communities and builds relationships with other CIC's and the Census Bureau to improve access to meaningful data on Indian Country. The PRC is also conducting a study to analyze the role of Census data on funding formulas.

### **2010 Census Advisory Committee**

NCAI was appointed by the Secretary of Commerce to serve on the 2010 Census Advisory Committee. This Committee reports to the Director of the Census Bureau and provides advice on policy, research, and technical issues related to the design and implementation of the census. Through this position, NCAI recommends ways the Census Bureau can most effectively reach Indian Country and advocates for improvements to Census data collection, reporting, and tabulation procedures. This partnership will ensure that Indian Country has the information needed to address the many social, economic, health, and infrastructure challenges facing our communities.

NCAI President Joe A. Garcia delivers the fifth annual State of Indian Nations at the National Press Club in Washington, D.C.





## HIGHLIGHTS OF THE 2007 STATE OF INDIAN NATIONS ADDRESS BY PRESIDENT JOE GARCIA

"We gather here today with so many things to be proud of as Native people: our history, our cultures, our vast contributions to this great nation, and the great progress we have made in the last century amidst termination policies, assimilation policies and even removal...yet here we stand today, gathered, as sovereign nations."

"Indian Country is also made up of everyday warriors and heroes who are part of a modern day Native renaissance where Native pride runs deep through strong tribal governance and flourishing cultures. We are making educational and economic strides that are beginning to close the gap between Native people and our non-native neighbors."

"Education is the foundation for building strong, independent nations. Our youth are the future of our nations and it is critical that we prepare them to govern and to hold these distinguished roles. Our nations must be equipped with the resources needed to ensure that Native children are given the same opportunities in education that are afforded to their non-Native peers."

"We must work together to preserve wildlife and wildlife habitat conservation and be an example to the global community that showing respect and having pride in the environment is something that can no longer be overlooked. We must continue to take advantage of the natural resources our lands have to offer."

"We are a nation of character and profound tradition. As we change tribal governance and make economic progress, we will do so only within our tradition, and as an expression of the character we learned by example from our ancestors. We seek progress, but that is not our only goal. First and foremost, we seek to preserve our way of life, and to send along our ways to the generations that will follow."

## LEGISLATIVE AFFAIRS

### Task Force on Violence Against Native Women

In response to the tragic rates of violence against Native women in many Native communities, NCAI established a Task Force on Violence Against Indian Women. The Task Force brings tribal domestic violence and sexual assault activists and tribal leaders together in a nationwide network committed to finding solutions to the dire situation facing Native women. The NCAI Task Force has worked hard to educate tribal, state, and federal policy-makers about the unique nature of violence against Native women. At the end of 2006, the Task Force was recognized by the Honoring Nations program at the Harvard Project on American Indian Economic Development and Native Nations Institute for its accomplishments and innovative approach to its work.

In 2007, the Task Force focused much of its attention on successful implementation of the tribal provisions included in the reauthorization of the Violence Against Women Act (VAWA) in 2006. The Task Force provided guidance to the Department of Justice Office on Violence Against Women as it implemented the Grants to Tribal Governments program for the first time. The Task Force also helped to coordinate the participation of tribal leaders in the annual consultation with the Department of Justice on violence against Native women. Additionally, members of the Task Force spoke at a number of conferences and events around the country.

In addition to its work on VAWA implementation, the NCAI Task Force devoted considerable time and energy to issues created by the passage of the Adam Walsh Child Protection and Safety Act in 2006. The Adam Walsh Act established a new nation-wide sex offender registration system that included Indian tribes in the national system for the first time. This is critical in several important ways. Most importantly, the law gave tribes the option of electing to participate as a registration jurisdiction or delegating their authority to the state. Tribes had until July 27, 2007 to make this election or their authority would automatically be delegated to the state. This provision in the law was enacted without any input from tribal leaders and caused widespread alarm because of its potentially significant impact on tribal sovereignty and tribal-state relationships.

NCAI worked to ensure that all Indian tribes were aware of the new law and understood their choices. The Task Force traveled across the country doing outreach and organizing a phone bank to survey all Indian tribes in advance of the deadline. To assist in this effort, the NCAI Task Force created a magazine explaining in detail the new requirements under the law and how it would impact Indian tribes. NCAI also worked with the Department of Justice and Congress to try and mitigate the negative impacts of the new law.

### Tribal Homeland Security

In 2007, NCAI created a national Working Group on Homeland Security issues. Since last year, the Working Group has worked with Congress to successfully pass legislation creating a stream of direct funding for tribal governments from the U.S. Department of Homeland Security (DHS). Previous funding streams were only available through application to state governments. Additionally, the Working Group worked to get legislation passed which transferred the elite Native American border security force, the Shadow Wolves, to a department better suited to their unique skill sets. The Working Group provided commentary to the U.S.'s REAL ID proposal, which resulted in a much more positive proposal from DHS regarding the Western Hemisphere Travel Initiative (WHTI). This initiative will require a passport and other documentation for any individual to travel across

international boundaries. NCAI and the Working Group met on a number of occasions to coordinate the tribal response, which resulted in an unprecedented unified Indian Country voice on tribal sovereignty and the appropriate deference to tribal governments and their identification.

### Transportation and Infrastructure Development

NCAI continues to work diligently on the issues of infrastructure, housing, and transportation. We remain diligent and steadfast in our advocacy work to increase tribal funding in these areas and related programs.

#### Housing

In June 2007 during the first session of the 110th Congress, the U.S. House of Representatives introduced H.R. 2786, Native American Housing and Self-Determination Act of 2007 (NAHASDA). NCAI provided testimony before the House Committee on Financial Services on NAHASDA. Additionally, NCAI provided comprehensive and detailed technical housing advice and worked closely with the National American Indian Housing Council to get NAHASDA passed in the House in September 2007. The bill has been marked up in the Senate Committee on Indian Affairs and has been referred to the Senate Committee on Banking, Housing on Urban Affairs. NCAI is now working with the Senate to ensure its success there.

#### Transportation

In 2005, the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) was enacted. This law reauthorized various transportation programs for Indian tribes. NCAI worked diligently with its Tribal Transportation Equity Act (TEA-21) Reauthorization Task Force to ensure that tribal provisions were represented in the reauthorization of the TEA-21 Transportation bill. In June 2007, NCAI resumed the NCAI Transportation Task Force to prepare for the upcoming reauthorization transportation bill in 2009. This Task Force will continue to work with Indian tribes to address many tribal transportation components.

#### Energy

In 2005, the Energy Policy Act was enacted and various components specifically aimed at enabling Indian tribes to develop energy resources were included. However, another provision that was incorporated mandated the U.S. Department of Energy and U.S. Department of Interior to conduct a study on the Indian Energy Rights-of-Way, known as Section 1813. In December 2006, a draft report of this study of Section 1813 was issued. NCAI in coordination with Council of Energy Resource Tribes (CERT) held a series of tribal consultations and forums which resulted in the issuance of a joint comment letter addressing several concerns.

In May 2007, Departments of Energy and Interior released a final report on Section 1813. In the report, the Departments recommended to Congress: 1) the negotiation between tribes and other parties regarding the valuation of energy rights-of-ways on tribal lands should continue; 2) if negotiations fail between the parties over the grant, expansion, or renewal of an energy right-of-way, and the right-of-way has a major impact on regional or national effect on supply, price, or reliability of energy resources, Congress will consider each situation through legislation instead of making a broad sweeping change that would interfere with tribal sovereignty.

NCAI and CERT have been working diligently on this issue. We commend the Departments of Interior and Energy on consulting with tribes as they prepared this report.

## Agriculture

The Farm Bill of 2002 is up for reauthorization in 2007. The bill, which shapes farm policy, deals with a number of areas of great importance to tribes, including: nutrition, conservation, forestry, energy and rural development. Agriculture is a vital part of tribal economies and is the backbone for nearly 230 tribes. With a heightened awareness of natural resource management and development, agriculture policy reaches into many areas of interest to tribes.

NCAI convened a working group to establish tribal priorities for the Farm Bill reauthorization, including the need to improve food distribution programs, access to USDA loans, and USDA outreach on Indian reservations. To broaden the scope of our work, NCAI also partnered with other minority groups as a part of the "Food and Farm Policy Diversity Initiative" to advocate the need for improved service to minority farmers.

NCAI worked closely with the House Agriculture Committee to ensure that the tribal provisions were included in the House Farm Bill, passed in July 2007. Currently, the Senate is considering their version and NCAI is monitoring the progress of the bill and working with appropriate committee members to include tribal provisions.

## Natural Resources/ Environmental Protection

Tribes have a unique relationship with the environment that, in many ways, defines our cultures. Over the course of time, our work to ensure water rights, fishing rights, and the ability to manage our resources effectively have left historic mileposts we continue to learn from today.

As the world begins looking at issues that will affect our collective futures, such as climate change, tribes have begun to look at how to situate ourselves and how to most effectively manage our resources for the future. During the 2007 Mid-Year Convention in Anchorage, instrumental figures Billy Frank and Terry Williams addressed the need for environmental protection to ensure tribes have traditional plants and foods for the next generations.

## Climate Change

NCAI is working with tribes and tribal organizations such as the National Tribal Environmental Council and the Native American Rights Fund to coordinate efforts and information on environmental protection and climate change. A key objective is to present to Congress how tribes are being affected by climate change and how they are also working to be sustainable. Climate change is a real concern for tribes, and Alaska Natives are on the front lines of it. Villages along the coast are experiencing rapid, unprecedented erosion that is forcing them to consider moving inland. Sea ice is coming in later in the year, and thinner, exposing hunters to dangerous conditions and shortening the hunting season. Also, the permafrost that villages were built on is melting and causing irreversible structural damage. Meanwhile, tribes in the southwest are continuing to cope with drought conditions that are affecting water resources.

## Environmental Protection

In 2005, NCAI entered into a cooperative agreement with the Environmental Protection Agency's Environmental Information Exchange Network Program on a project designed to assist tribes in developing accurate environmental data to improve decision making. The project has the potential to help tribes share environmental,

health, geographic and other types of data with other tribes or states and territories for multipurpose uses. NCAI hosted the 2nd Exchange Network Tribal User's Meeting at the Cherokee Nation in March, 2007, as well as helping to coordinate a tribal panel at the Exchange Network National Meeting in New Orleans, LA, in April, 2007.

## Gaming

Despite the lower level of activity on gaming legislation so far this year, the high level of activity in the last Congress can serve as an indicator for the potential of future legislative initiatives. During the 109th Congress, numerous bills arose that would alter the regulatory scheme for tribal gaming. Throughout the 109th sessions, NCAI continued to oppose such legislative proposals, promoting the position that at federal regulatory process and tribal oversight were the most appropriate responses.

NCAI will continue to voice these arguments in the remainder of the 110th Congressional session. Just as in the last Congress, NCAI will provide a forum for deliberation in several parts of the country via the NCAI - National Indian Gaming Association Joint Task Force. These meetings allowed tribes to support one another's efforts to preserve tribal sovereignty and respond with a unified voice to federal proposals.

## Economic Policy

### National Native American Economic Policy Summit

Tribal and business leaders, academic scholars, influential government representatives and topic experts gathered in Phoenix in May 2007 for a unique and highly successful 3-day economic policy summit. The National Native American Economic Policy Summit (Summit), was hosted by NCAI along with the Office of Indian Energy and Economic Development within the Department of Interior.



Participants brainstorm ideas at the National Native American Economic Policy Summit in Phoenix, Arizona.

The Summit placed the front-line experiences of Indian business owners and the community-based experiences of tribal leaders as the influential knowledge experts most suited lead discussion and define current challenges to economic growth. The format and style led to exceptional results.

The hundreds of challenges and barriers were identified by participants and later compiled into a comprehensive economic policy report. The report will serve as a mechanism for developing an achievable and substantive economic policy agenda which will serve as a resource for creating healthy and vibrant local economies throughout Indian Country.



### **Government Contracting – 8(a)**

During this past year, NCAI, along with other national organizations have had to spend a great deal of time and effort defending the tribal and Alaska Native Corporations (ANC) government contracting program. Sole source contracts became a target for some House leaders who successfully passed a bill that would disproportionately affect the way tribes and ANC's receive contracts by placing a yet-to-be-determined limit on sole source contracts received through the Small Business Act's section 8 (a) set-aside program. This effort seemed to be a reaction to large multi-national conglomerates receiving sole source contracts. The bill has a negligible effect on those firms since they are not eligible to receive sole source contracts as small businesses.

Although the bill passed the U.S. House of Representatives, we have continued our work in the U.S. Senate by raising our concerns in the House Committee on Natural Resources and working to educate members of the Senate Committee on Small Business and Entrepreneurship. NCAI has also been proactive in working with the Small Business Administration to address program perceptions and to suggest regulatory improvements to the program.

### **Tribal Government Financing – Tax-Exempt Bond Parity**

It is imperative that tribes have the ability to raise funds with low rates and longer terms to finance much-needed infrastructure and governance projects in the same manner as other governments. Tribes have been held to an ambiguous standard of issuing tax-exempt bonds only for "essential government" functions.

NCAI has placed a priority of raising awareness and addressing this inequity. In late July 2007, the House and Senate introduced legislation, aptly termed the Tribal Government Tax-Exempt Bond Parity Act of 2007. The legislation will allow tribal governments to issue tax-exempt government bonds to finance community development.

NCAI will continue to work with the broad financial community and others to give tribes access to this important financial and governance tool.

### **Health and Human Services**

At the top of our legislative agenda this year has been the Reauthorization of the Indian Health Care Improvement Act (IHCLIA). We have been coordinating our advocacy efforts with the National Indian Health Board and the National Steering Committee for IHCLIA. This year, our collaborative efforts have reached levels never achieved in the past. While we have made great strides, we will continue to work to modernize and improve the health care services delivered throughout Indian Country.

NCAI also collaborated with the National Indian Health Board to ensure that tribal provisions would be included in Reauthorization of the State Children's Health Insurance Program (SCHIP), the federally and state-funded program which provides health care to low-income children whose family income is too high to qualify for Medicaid but is insufficient to afford private health insurance.

NCAI is committed to promoting healthy living; and, in doing so, devotes time at our conferences to addressing these issues. At our Annual Convention, there was a presentation on the Indian Health Service National Health Promotion Initiative. NCAI also held the 4th Annual Healthy Lifestyles Walk/Run and Rally to unite our membership on healthy living. At both the Annual Convention and the Mid-Year Session, NCAI provided time to discuss Native youth suicide with our body.

The most recent initiative that NCAI has undertaken is the Native Children's Agenda. The Native Children's Agenda, a vision that was first developed by Dr. David Beaulieu, the 2004-2005 President of the National Indian Education Association. The Agenda sets a vision for Indian Country for tribes and tribal organizations to work together to promote the holistic well-being of our children by coordinating efforts in health, education, social welfare, and community and family involvement.

With the support of the W.K. Kellogg Foundation, NCAI organized a meeting for our Board of Directors and the Boards of the National Indian Child Welfare Association, the National Indian Education Association, the National Indian Health Board, and the National Council of Urban Indian Health. The meeting, held in September 2007, provided a forum for the leadership of these organizations to strategize on avenues for addressing the needs of Native children through policies, legislation, and grassroots community action. The initiative's work will continue throughout the next year with each organization providing opportunities for their respective memberships to generate ideas for addressing the needs of Native children.



Participants walk during the NCAI's Annual Health and Fitness Walk at the 63rd Annual Convention in Sacramento, California.

As in past years, NCAI worked with the Department of Health and Human Services to coordinate the Annual Tribal Budget Consultation Session. This year, through guidance from Indian Country, the Department chose to provide workshops to have individual agency budget discussions with high level Department employees. The new format was well-received and provided a great opportunity for tribal leaders to have more intimate discussions with the Department leadership.

NCAI continues to maintain a partnership with NIKE, Inc. and Indian Health Service to promote healthy lifestyles as a measure to prevent diabetes in Native children through the Boys and Girls Clubs of America. The program aims to reduce the onset of diabetes among Native youth by weaving together the importance of teamwork, self-esteem and community service. The curriculum incorporates traditions and history to learn about nutrition, food choices and the impact of diabetes. Additionally, the program encourages the participation of families and communities at large in an effort to promote healthy lifestyles community-wide.

### **NCAI's National Indian Country Methamphetamine Initiative**

At the request of tribal leaders in 2006, NCAI President Joe Garcia formed NCAI's National Indian Country Methamphetamine

(Meth) Initiative. Since the formation of the initiative, NCAI leadership and staff have taken steps to fight the spread of meth in Indian Country. Some initiative highlights are listed below.

**NCAI Tribal Meth Task Force.** NCAI created a Tribal Meth Task Force to help increase communication and coordination between tribal communities on anti-meth efforts. The Task Force is comprised of tribal leaders and members dedicated to preventing the further spread of this devastating drug in Indian Country. The Task Force met at the last three NCAI conferences to discuss, exchange and share information relating to Indian Country's efforts to combat and heal from the harms of meth. The Task Force has met with government leaders such as Scott Burns, the White House's Deputy Drug Czar, heard from successful tribal anti-meth campaigns in Alaska and provided valuable input for NCAI's National Media Campaign and the Tribal Meth Toolkit. The Task Force will hold a meeting at the Annual Conference in Denver and will continue communication away from meetings through an email forum.

**National Media Campaign.** NCAI is proud to work with the Partnership for a Drug Free America (PDFA), the Office of National Drug Control Policy (ONDCP), Health and Human Services (HHS) and the Bureau of Indian Affairs (BIA) to produce the National Media Campaign. The goal of the campaign is to create a professional advertisement campaign consisting of radio public service announcements and print advertisements that have been methodically researched and targeted specifically for an Indian audience. The campaign will be completed in December when advertisements will be ready for distribution.

**Tribal Meth Toolkit.** NCAI leadership and the Tribal Meth Task Force recognized the need to disseminate basic information to increase awareness and education on meth. They decided to create an easily portable toolkit containing basic information on meth with a focus on impacts in Indian Country. The Meth Tribal Toolkit contains basic information aimed at audiences such as: tribal leaders and council members, educators, housing authorities, and children. It is available to order at a subsidized cost of \$135; additionally, the majority of components are available to download free of charge at [ncai.org](http://ncai.org).

**Meth Grants Bill.** In February 2007, the U.S. House of Representatives unanimously passed a bill to make Indian tribes eligible to apply for certain grants to fight methamphetamine. NCAI helped coordinate advocacy for this bill, H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007. The bill allows tribes to apply directly to the federal government for grants which support prevention, treatment, and tribal law enforcement agencies in their fight against methamphetamine trafficking. In the Senate, Senator Kyl (R-Ariz) currently has a hold on the bill and is preventing its passage out of an unwarranted concern that a grant program could confer jurisdiction to tribes over offenses committed in Indian Country. NCAI will work to have this hold lifted so the legislation will pass and tribes will gain access to some of the resources needed to fight meth.

### **Child Welfare**

NCAI has been working on the issue of foster care for several years. The issue is the lack of direct access to federal funding for foster care and adoption services that states currently receive. In the last year, NCAI worked towards a federal funding stream for tribes to administer and operate foster care programs. NCAI helped to secure the support of leading members of Congress as co-sponsors for the Tribal Foster Care and Adoption Act of 2007.



NCAI's No Meth Toolkit.

This legislation amends the Social Security Act to allow tribes to receive direct reimbursement for eligible costs related to foster care services, adoption assistance services, employee training and education, administrative costs related to case planning and case management, and establishment and operation of required data collection systems.

### **Cultural Concerns/Sacred Sites**

The Native American \$1 Coin Act of 2007, H.R. 2358, will issue a coin each year with a new design honoring a different Native American individual or contribution, while keeping the image of Sacagawea, who is currently on the dollar coin, on the front of the coin. This Act will improve the circulation and marketing of the current Sacagawea dollar coin. Each coin's new image honoring a Native American individual or contribution would be chosen by the Secretary of the Treasury in consultation with the Senate Indian Affairs Committee, the Congressional Native American Caucus and NCAI.

For several years, NCAI has been at the forefront in the effort to preserve Native cultures and protect our sacred sites. Discussions began this year concerning cultural and intellectual property. Tribes are seeking to develop their own definitions of these types of property and codes to protect that property.

Efforts continue to establish a federal statute to protect our sacred sites from encroachment and misuse. Congressman Nick Rahall (WV) will be introducing a bill this session that incorporates the input of traditional spiritual leaders as well as tribal leaders. NCAI believes that this legislation stands a strong chance of passage due to the united support of tribes.

### **Disability**

NCAI, in collaboration with the National Indian Health Board and Indian Health Services, organized the Tribal Summit for Young Adults with Disabilities in 2007. This disabilities summit is directly related to the Department of Health and Human Services' Young Adult Program, and the New Freedom Initiative. The Summit assisted tribal, state, and local leaders to address methods for developing a more comprehensive system of care for health, education, employment, housing, transportation, assistive technology, caregivers and other service needs of American Indian and Alaska Native (AI/AN) young adults with disabilities between 16 and 30 years of age.

The Summit addressed methods for developing a more comprehensive system of care for health, education, employment,

housing, transportation, assistive technology, caregivers and other service needs of AI/AN young adults with disabilities between 16 and 30 years of age. This Summit provided an opportunity for tribal representatives, including young adults with disabilities and other key partners to address and explore new approaches, best practices, and dialogue with youth. Further, the activities of this program will enhance implementation of the Americans with Disabilities Act (ADA) and/or the adoption of ADA principles by more Tribal governments.

Tribal leaders, educators, and advocates identified youth with disabilities to attend this Summit. The event was an excellent opportunity for these youth to develop important leadership skills in a nurturing, culturally-relevant environment.

### **Veterans**

NCAI is continuing its efforts to pass legislation to honor all Tribal Code Talkers. Previous efforts stalled in the House. This year, tribes are more unified concerning the provision of medals to tribes who had Code Talkers and the soldiers who served as Code Talkers. There is an increasingly stronger chance that the proposed bill will make it to the President's desk this Congressional session.

### **Budget and Appropriations**

The federal budget process reflects the nation's priorities as a whole, symbolizing deeper debates on morality, values, and justice. However, historically, this process has failed to reflect tribes' priorities, from budget formulation and President's budget requests to the final appropriation of dollars, despite the well-established federal trust responsibility. NCAI works with Congress, tribes, and the Administration in advocating for the honorable fulfillment of the federal trust responsibility to Indian Country through appropriations.

NCAI continued its commitment on several fronts to advocating for tribal priorities and adequate funding to tribes, key to the goals of self-determination and self-sufficiency in Indian Country. NCAI provides analysis of budget and appropriations relevant to tribes, educates Congress and the Administration on the needs of Indian Country, assists in tribal consultations, offers technical assistance, coordinates strategy development and messaging with tribal leaders and Indian organizations, and fosters alliances with national organizations.

The advocacy of NCAI and our member tribes has led to improved relationships with the Department of Interior, the Office of Management and Budget, and Congress. The President's FY 2008 budget, released in February 2007, included more of Indian Country's priorities than in previous years. The Secretary of Interior, for instance, included a \$16 million Safe Indian Communities initiative and \$15 million Indian Education initiative, which made up two of his four Secretarial initiatives in the proposed FY 2008 budget. These proposed moderate increases are just a first step in reversing the historic trend of declining federal funding for tribes. Although the FY 2008 budget process is unfinished as this report goes to print, appropriations committees in the 110th Congress have included increases above inflation for many priority Indian programs in their markups of spending bills. NCAI will work to build upon these successes as the FY 2008 process concludes and throughout FY 2009.

### **Tribal State Relations**

Recognizing the importance of establishing government-to-government relationships at the federal, state, and local level, NCAI maintains a partnership with the National Conference of State Legislatures (NCSL) to promote the relationship between

state and tribal governments. With support from the W.K. Kellogg Foundation, NCAI and NCSL hold regional training sessions to provide support to tribal and state staff members working on Indian issues. The sessions allow for tribal staff and state staff to work one-on-one and to build a relationship that will carry their work forward in a collaborative manner.

The partnership also provides support to the National Native American Caucus of State Legislators, a body of American Indian and Alaska Native state legislators. In the past year, both organizations have institutionalized the project's objectives - enhancing quality relationships and improving the intergovernmental agreements that impact so many aspects of life for tribes' and states' citizens.

### **Youth**

NCAI remains committed to promoting the leadership development of Native youth. This year has been one of exciting changes and improvements. NCAI expanded the Miss NCAI Scholarship to include an opportunity for all Native students to compete for scholarship monies. The inaugural NCAI Youth Ambassador Leadership Program was held at the 2006 Annual Convention. One male and one female leader were chosen to promote NCAI nationally and to receive a scholarship of \$2,500 to be used at the educational institution of his and her choosing.

Quintin Lopez, a member of the Tohono O'odham Nation, and Patricia Carter, a member of the Nez Perce Tribe, are the first Youth Ambassadors for NCAI. Nick Stanger of the Confederated Colville Tribes and Marris Corpuz of the Central Council of Tlingit and Haida Indian Tribes of Alaska serve as the Under-Ambassadors. In addition to the newly instituted scholarship program, the NCAI Youth Commission convened at both the Annual Convention and the Mid-Year Session under new leadership - Brian Poncho (Bishop Paiute Tribe), Daryl Lynn Jay (Gila River Indian Community), Michael Lewis (Gila River Indian Community), Cynthia Biro (Little Traverse Bay Band of Odawa Indians), and Alicia Nowell (Little Traverse Bay Band of Odawa Indians). Both the Youth Ambassadors and the Youth Commission leadership will serve two year terms.

### **Education**

NCAI remains committed to advocating on behalf of our most precious resource - our children. In doing so, we maintain very close working relationships with the National Education Association, the Tribal Education Departments National Assembly, the American Indian Higher Education Consortium, the National Indian Head Start Directors Association, and other various non-Indian education organizations. The National Indian Education Association (NIEA) has led Indian Country in developing policy recommendations for the upcoming reauthorization of the No Child Left Behind Act. NCAI fully supports the work of NIEA and has provided forums for advocating for these recommendations at the tribal, state, and federal level.

Both our Annual and Mid-Year conferences this past year allowed for a significant amount of discussion on Indian education issues. At the Annual Convention, NCAI partnered with the NIEA to convene the Tribal Leaders' Task Force on Indian Education. The meeting provided an opportunity for tribal leaders to discuss the upcoming reauthorization of the No Child Left Behind Act and to develop strategies for advocating for Native students across America. In addition to this forum, NCAI held a workshop dedicated to discussing the No Child Left Behind reauthorization allowing for our general membership to provide us with directives on addressing this legislation. This workshop included experts in



Christian Gomez, Tingit, performs at the Smithsonian's National Museum of the American Indian in celebration of Native American Heritage month.

the field from NIEA, TEDNA, the Department of Education, and the Bureau of Indian Education in the Department of Interior. The Indigenous Language Institute presented on the importance of Indigenous languages to the success of our students.

Our Mid-Year Session dedicated time to our research agenda and featured a presentation and workshop on using data to drive action in improving education for Native students.

NCAI continues to work with the Department of Education and the Bureau of Indian Education. This collaboration included input for the Agencies' education conference held in July of 2007 and attendance at the meetings of the Department of Education National Advisory Council on Indian Education.

### **International Indigenous Law and Policy**

In addition to our work on critical domestic policy issues, NCAI represents the interests of American Indian and Alaska Native tribal nations in international policy-making bodies, including the United Nations (UN) and the Organization of American States (OAS). Engaging in policy-making that extends beyond the borders of the United States is an important expression of tribal sovereignty. It also has the potential to shape the development of international law in a way that will enhance the legal status of tribes domestically. 2007 was a landmark year in the development of international indigenous law and policy.

On September 13, 2007, more than two decades of work came to fruition when the United Nations General Assembly adopted the historic Declaration on the Rights of Indigenous Peoples. The Declaration is the product of intense and, at times, difficult negotiations between Indigenous Peoples and nation-states, in which NCAI actively participated for years. The member tribes of NCAI have repeatedly adopted Resolutions calling on the United Nations General Assembly to adopt a strong statement on indigenous peoples' rights.

NCAI, represented by our attorney the Native American Rights Fund, has advocated strongly during negotiation sessions to

ensure that any Declaration adopted by the United Nations would strengthen the legal status already guaranteed to tribes under domestic law. The Declaration that was adopted addresses a number of issues critical to Indigenous Peoples including the protections of cultural property; recognition of tribal governments' right to self-determination; and acknowledgment of indigenous rights to lands, territories and natural resources.

Along with the historic developments in the UN, NCAI continues to participate in a similar process at the OAS to develop a declaration on indigenous rights. Related to our work with the UN and OAS, NCAI also works to facilitate indigenous-to-indigenous relationships and collaborations between American Indians, Alaska Natives, Native Hawaiians and indigenous peoples from across the globe.

## **SUPREME COURT AND JUDICIARY**

### **NCAI Project on the Federal Judiciary**

Most federal judges have never taken an Indian law course, and only three states currently include Indian law on the bar examination. Yet, federal judges often make critically important decisions about tribal sovereignty that have a real impact on the daily lives of Indian people. Through the generous support of the Open Society Institute, NCAI established the NCAI Project on the Federal Judiciary to ensure that the individuals sitting on the federal bench are knowledgeable about tribal courts and the unique legal status of Indian tribes, and will approach Indian issues from an informed, unbiased perspective. The Project is a national effort with three core components: (1) educating members of the federal judiciary about tribal governments; (2) educating tribal governments about the role of the federal judiciary; and, (3) increasing tribal participation in the federal judicial selection process.

The past year has been an exciting one for the Project. In addition to continuing to share information with tribal leaders through the judicial vacancy tracking system launched in 2006, the Project brought tribal leaders and federal judges together at several significant events. First, at the 2006 Annual conference, Judges Alex Kozinski and Consuelo Callahan, both of whom sit on the Ninth Circuit Court of Appeals, met with tribal leaders to discuss a proposal to split the Ninth Circuit, which is home to more than 75% of the nation's Indian tribes, into two Circuits. Following the discussion, NCAI adopted a resolution opposing the split. Judge Kozinski also addressed the General Assembly and spoke about how tribes can best work with the federal judiciary. This important conversation opened the lines of communication between tribal leaders and what is arguably the most important appellate court in the nation for Indian law issues. We anticipate that this successful conversation will be replicated with the judges of the 10th Circuit Court of Appeals at the 2007 Annual conference in Denver.

In April of 2007, NCAI partnered with American University to host the Navajo Nation Supreme Court for oral arguments in Washington, D.C. A number of federal judges from the Court of Claims and the DC Circuit Court and their law clerks attended the argument and a luncheon with the Navajo Justices. The Navajo Justices and representatives of the Project also met with Supreme Court Justice Ruth Bader Ginsburg and toured the Supreme Court.



Over the past year, the Project also worked to educate tribal leaders, the public, and Congress about the records of two of the nominees to the federal bench: William Myers, nominated to the Ninth Circuit, and Robert Jonker, nominated to the Western District of Michigan. Myers eventually withdrew his name from consideration and Jonker was confirmed by the Senate.

### **Tribal Supreme Court Project**

The Tribal Supreme Court Project is part of the Tribal Sovereignty Protection Initiative and is staffed by NCAI and the Native American Rights Fund. The purpose of the Project is to promote coordination and improve strategy on litigation that may affect the rights of all Indian tribes.

Since its inception in 2001, one of the primary goals of the Tribal Supreme Court Project has been to reduce the number of tribal sovereignty cases that are heard by the Supreme Court by actively addressing cases at the certiorari stage and by encouraging tribes to carefully evaluate their cases. During its 2006-2007 term, the U.S. Supreme Court decided no cases relating to federal Indian law or tribal sovereignty. We view this as a sign of success for the Tribal Supreme Court Project, and it is the result of significant effort and coordination among tribes and their attorneys.

This year we were particularly pleased that the Supreme Court did not review two cases that upheld the Secretary of Interior's authority to take land into trust for Indian tribes – *South Dakota v. United States* (8th Cir.) and *Utah v. Shivwitz Band of Paiute Indians* (10th Cir.). In a related case, NCAI and the Tribal Supreme Court Project submitted amicus briefs and argued before the First Circuit in winning the decision in *Carcieri v. Kempthorne*, a similar challenge to land to trust authority. The State of Rhode Island has indicated that it plans to challenge the Supreme Court, and the case will be a focus of our efforts in the upcoming term.

Also important for tribal sovereignty, the Supreme Court declined review of *Means v. Navajo Nation* (9th Cir.) and *Morris v. Tanner* (9th Cir.) – two cases that challenged the authority of tribal governments to exercise criminal jurisdiction over non-member Indians. The Project coordinated with the Department of Justice in defending these cases as a follow up to our successful arguments in *U.S. v. Lara* in 2004. The Project will continue to monitor and support similar cases in the future.

The Project continues to work with tribes on cases in the federal appellate courts. The predominant case this year has been *San Manuel Indian Bingo v. NLRB*. In a disappointing result, the DC Circuit Court of Appeals ruled that a gaming enterprise was an employer within the scope of the National Labor Relations Act and the Band must not interfere with a union's efforts to organize tribal casino employees. In response to this decision, the Tribal Sovereignty Protection Initiative, the National Congress of American Indians, the National Indian Gaming Association, the Council of Tribal Employment Rights and the Native American Rights Fund have formed the Tribal Labor Ordinances Workgroup as a cooperative effort among Indian tribes and tribal organizations to share information and coordinate our efforts in relation to tribal labor and employment issue.

The Project is currently working with tribal attorneys on *Texas v. Dept. of the Interior and Kickapoo Tribe of Texas*. In August 2007, the Fifth Circuit issued a 2-1 opinion which held that the Secretarial Procedures, which established an alternative process for Class III tribal-state gaming compacts, were invalid and an unreasonable interpretation of the Indian Gaming Regulatory Act.

The Kickapoo Tribe is preparing a petition for rehearing and NCAI is urging the Secretary of Interior's continued support.

These are just a few of the important cases that the Project addressed this year and will continue working on in the coming year. We would like to thank all of the tribes and tribal attorneys for their generous assistance and gracious cooperation. We encourage tribes to consult with the Project at any stage of litigation, and particularly at the certiorari stage in the Supreme Court.

### **Trust Reform**

There was a surge of legislative activity toward the end of 2006, centered on S. 1439, the Indian Trust Reform Act. Although progress was made on trust reform measures, a resolution could not be reached between the plaintiffs and the Administration to settle the Cobell litigation.

The Senate Committee on Indian Affairs circulated a discussion draft of S. 1439. The draft would have settled all claims of Individual Indian Money account holders for \$8 billion. The bill also created a voluntary process for Indian Tribes to take over greater control of the trust assets on their reservations, phased out the Office of Special Trustee, and create a single line of authority under an Under Secretary for Indian Affairs. The bill would have given the Secretary new authority to consolidate fractionated Indian lands, and add incentives for sale of fractionated lands. The Senate Indian Affairs Committee staff held consultations with Tribal leaders and with the Administration.

In general, tribal leaders responded very negatively to the Administration's responses to the legislation, particularly the proposal to eliminate all federal liability for the trust responsibility. As it was clear that a consensus could not be reached, NCAI and tribal leaders asked the Senate Committee leadership to proceed no further with S. 1439 in 2006. In the 110th Congress, no legislation has yet been introduced, but NCAI has passed a resolution and is urging Congress to move forward with trust reform.

NCAI has also been active on the Department of Interior's Trust Regulatory Initiative, coordinating comments and discussion on the probate related regulations, and urging the Department not to take up the Land to Trust regulations. The probate regulations are awaiting final publication, and to date, the Department has not begun consultation on any other of the land and trust related regulations.

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Red Circle Agency, located in Minneapolis, is one of the world's only Native American-owned advertising agencies. Founded in 2001 by Chad Germann, an enrolled member of the Mille Lacs Band of Ojibwe, Red Circle specializes in providing marketing services, strategic planning, creative development, and public relations for Native American business enterprises.

As a Native American-owned agency, Red Circle has a special interest in helping Native American businesses succeed. We recognize that their success allows sovereign tribal nations to serve Native peoples both economically and culturally by providing the resources necessary for community rebuilding and revitalization. We are proud to be part of this revival.



## ABOUT THE ARTIST

Born in Skagway, Alaska, Lance Twitchell is from the Tlingit and Haida Indian Nations of the Northwest Coast, and the Yup'ik Native Nation of Western Alaska. Twitchell is an artist, Tribal leader, musician, and traditionalist.

He is proficient in the Tlingit language, has begun studying Haida, and is competent in many computer programs, audio-visual equipment, and in Tribal business operations. In his works and daily life, Twitchell searches for a common ground which will help the well being of his people; will share knowledge to foster Native cultures; and will improve the lives and potential of future generations. Lance's Haida name is K'eijáakw, and his Tlingit names are X'unei and Du Aani Kawdinook.



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