

TRIBAL SUPREME COURT PROJECT

MEMORANDUM

SEPTEMBER 16, 2005

UPDATE ON RECENT CASES

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 petition for certiorari, prior to the Supreme Court's acceptance of review.

As we look forward to the October 2005 Term, the Tribal Supreme Court Project is evaluating the impact of the current vacancy created by the death of Chief Justice William H. Rehnquist, while reviewing the qualifications and experience of his potential successor, Judge John G. Roberts. The Project has also been evaluating the impact created by the resignation of Justice Sandra Day O'Connor and is reviewing the qualifications of potential nominees to replace her on the Court. The Project remains very busy, monitoring numerous cases at various stages of appeal within both state and federal courts, while directly participating in the preparation of amicus briefs in the U.S. Supreme Court and the U.S. Circuit Courts of Appeals. You can find copies of briefs and opinions on the major cases we track on the NARF website (www.narf.org).

CASES PENDING BEFORE THE U.S. SUPREME COURT

RICHARDS V. PRAIRIE BAND POTAWATOMI NATION (NO. 04-631) – On February 28, 2005, the Supreme Court accepted review in *Richards v. Prairie Band Potawatomi Nation*. In *Richards*, the State of Kansas is seeking to overturn the Tenth Circuit's decision to invalidate the application of the Kansas motor fuel tax on tribal sales to non-Indian motorists. Significantly, the Tenth Circuit held that the Nation was not "marketing a tax exemption" but instead its gas station was an essential part of its on-reservation gaming enterprise – particularly where the Nation charged a tax equal to the state tax and the Nation built and maintained the transportation infrastructure on its rural reservation.

On May 12, 2005, the State of Kansas filed its Opening Brief. The importance of this case to the state's interests is underscored by the filing of amicus briefs in support of Kansas by State of South Dakota, joined by 13 other states (Alaska, California, Connecticut, Idaho, Michigan, Missouri, Nevada, New Mexico, North Dakota, Oklahoma, Pennsylvania, Utah, and Wyoming), the Multistate Tax Commission and the National Association of Convenience Stores, the Petroleum Marketers Association of America and the Society of Independent Gasoline Marketers of America.

The Tribal Supreme Court Project, working closely with the attorneys representing Prairie Band Potawatomi Nation, as well as tribal attorneys from throughout Indian country, coordinated, prepared and filed four tribal amicus briefs: (1) the NCAI brief which focuses on the major tax principles in federal

Indian law, tracing the history of judicial decisions, beginning with the Indian Commerce Clause and moving forward; (2) the National Intertribal Transportation Alliance brief which discusses the importance of motor fuel taxes to Indian tribes due to the poor quality of road systems in Indian country and the disparity in funding between states and tribes for transportation infrastructure, emphasizing the discriminatory application of state motor fuel taxes on reservation, which siphon reservation funding and leave reservations with the worst roads in the country; (3) the National Intertribal Tax Alliance brief which provides the Court with an overview of the numerous tax compacts entered into by tribes and states, arguing that there has been considerable reliance on the balancing test and that a decision supporting the Kansas position will severely upset these effective state-tribal agreements; and (4) the Kansas Tribes' brief which discusses the violation by Kansas of its Act for Admission and its abandonment of prior state-tribal tax agreements. In all, over 30 individual Indian tribes signed on to the tribal amicus briefs.

The Project was also successful in persuading the U.S. Solicitor General's Office to file a brief supporting the Prairie Band Potawatomi Nation and will be sharing time with the Tribe in presenting oral arguments to the Supreme Court on October 3, 2005.

GONZALES V. O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL (NO. 04-1084) – On April 18, 2005, the Supreme Court granted certiorari in *Gonzales v. O Centro Espirita Beneficiente Uniao Do Vegetal* (the “UDV”). The UDV is a religious organization, an outgrowth of a church in Brazil which uses a hallucinogenic called *hoasca* in religious ceremonies. UDV filed suit against the U.S. Attorney General challenging the confiscation of its *hoasca* under the Controlled Substances Act. The UDV claims that (1) the government's interpretation of the Controlled Substances Act violates the Religious Freedom Restoration Act (“RFRA”), and (2) if its members are not allowed access to *hoasca* for religious uses, the U.S. exemption for the religious use of peyote by Indians who are members of the Native American Church (“NAC”) denies their members' constitutional rights to Equal Protection of the laws under the Fifth and Fourteenth Amendments to the U.S. Constitution.

The federal district court granted and the 10th Circuit upheld UDV's request for an injunction on the basis of its RFRA claims, but denied their equal protection claim. In denying the equal protection claim, the District Court relied on the trust relationship between the United States and Indian tribes, and the government's obligation to protect Indian culture and religion as an attribute of sovereignty and the trust relationship. The Supreme Court has granted review of the issuance of the preliminary injunction at the request of the U.S. Attorney General. Although the equal protection issues are not squarely before the Supreme Court, the Tribal Supreme Court Project is closely following the issue because of concerns that the Court could revisit *Morton v. Mancari* in this context. The Native American Rights Fund is working closely with the attorneys representing the Native American Church and is consulting with the U.S. Solicitor General's Office and U.S. Department of Justice on the equal protection issue. Oral argument is scheduled for November 1, 2005.

CASES RECENTLY DECIDED BY THE U.S. SUPREME COURT

CITY OF SHERRILL V. ONEIDA NATION OF NEW YORK (NO. 03-855) - On March 28, 2005, the U.S. Supreme Court issued its decision in *City of Sherrill v. Oneida Indian Nation of New York*, a case that has been closely monitored by many Indian tribes for its impact on tribal land claims and its application of a number of important principles of federal Indian law. In a difficult loss for Indian country, the Supreme Court ruled against the Oneida Nation, holding that while the Nation maintains a valid claim for damages for reservation lands sold in violation of the Nonintercourse Act, it may not assert tax immunity on

repurchased lands within the reservation boundaries until those lands are placed into trust by the Secretary of Interior.

Justice Ginsburg wrote the opinion in the 8-1 decision against the Nation, stating: “Given the longstanding distinctly non-Indian character of the area and its inhabitants, the regulatory authority constantly exercised by New York State and its counties and towns, and the Oneidas’ long delay in seeking judicial relief against parties other than the United States, we hold that the Tribe cannot unilaterally revive its ancient sovereignty, in whole or in part, over the parcels at issue. The Oneidas long ago relinquished the reins of government and cannot regain them through open-market purchases from current titleholders.”

The Court’s decision invoked the equitable doctrine of laches – that the long passage of time and the Oneida’s inaction during that time prevents the Nation from asserting its tax immunity. The Court made clear that it was not invalidating the land claim, but only one of the remedies available for the claim. The Court’s reliance on this doctrine, which was never presented or briefed by the parties, betrayed a deep lack of understanding of the legal and historical realities that prevented many tribes from being able to vindicate their rights until recent decades. While the decision should be construed as a narrow decision regarding the remedies that are available for land claims under the Nonintercourse Act, it raises concerns that states will try to use the laches doctrine to diminish the remedies available in other tribal claims.

The Court based its decision on concerns of “disruptive practical consequences.” The Court specifically noted that other tribes in New York had already sought to invalidate local zoning and land use laws to build a bingo hall “located within 300 yards of a school.” The decision shows again that the presentation of the facts and equitable issues to the Court is extremely important and often outweighs reliance on longstanding principles of law. Also important to the opinion, the Court found that Congress has provided a mechanism for reasserting tribal jurisdiction over lands through 25 U.S.C. §465, the Secretarial land to trust acquisition process. Essentially, this finding by the Court reaffirms the validity and purposes of the land to trust statute and regulations – a subject of considerable litigation in the lower courts.

CHEROKEE NATION CASES (NOS. 02-1472 AND 03-853) – On March 1, 2005, in a significant victory for Indian tribes, a unanimous U.S. Supreme Court held that Indian self-determination contracts are “legally binding” agreements – enforceable promises by the federal government similar in nature to other procurement contracts. The United States had taken the position that Indian tribes are not entitled to the same protections afforded other government contractors, and self-determination contracts are merely “governmental funding arrangements.”

This was the first opportunity for the U.S. Supreme Court to review and consider the enforceability of the Indian Self Determination Act. In the first case, *Cherokee Nation of Oklahoma and Shoshone-Paiute Tribes of the Duck Valley Reservation v. Thompson*, the Tenth Circuit Court of Appeals had held that the federal government was immune from any liability for its failure to pay full contract support costs to Indian tribes, during a period in the mid 1990's in which Congress did not place a statutory cap on the amounts the Indian Health Service (IHS) could pay tribal contractors. In the second case, *Thompson v. Cherokee Nation of Oklahoma*, the Federal Circuit Court of Appeals had reached the opposite conclusion, awarding the Cherokee Nation \$8.5 million in damages for the failure to fully pay contract support costs. NCAI, through the Tribal Supreme Court Project, prepared an amicus brief in support of Cherokee Nation and Shoshone Paiute.

The Supreme Court affirmed the judgment of the Federal Circuit, reversed the judgment of the Tenth Circuit and remanded the cases for the further proceedings consistent with their opinion. Justice Breyer, delivering the opinion for the unanimous Court, accepted the view of “the Tribes and their *amici* . . . that as long as Congress has appropriated sufficient legally unrestricted funds to pay the contracts at issue, the government cannot normally back out of a promise to pay on the grounds of ‘insufficient appropriations,’ even if the contract uses language such as ‘subject to the availability of appropriations,’ and even if an agency’s total lump-sum appropriation is insufficient to pay *all* the contracts the agency has made” (emphasis in original). In usual fashion, Justice Scalia, while largely joining the opinion, wrote separately to repeat his dislike for the use of legislative history, but the other seven Justices (Rehnquist did not participate in the proceedings) found the legislative history, which was the subject of our amicus brief, worth of note. A copy of the opinion is available at <http://doc.narf.org/sc/okvthompson/opinion.pdf>.

PETITIONS FOR A WRIT OF CERTIORARI PENDING

Below is a sample of petitions for a writ of certiorari which have been filed and are being monitored by the Tribal Supreme Court:

Wyoming Sawmills, Inc. v. U.S. Forest Service (No. 04-1175) (whether the U.S. Forest Service’s decision to manage the Medicine Wheel National Historic Landmark as an important traditional cultural property, in recognition of its cultural, historic and religious importance of the to many Native Americans, violates the Establishment Clause of the First Amendment);

Wagnon v. Prairie Band Potawatomi Nation (No. 04-1740) (whether federal law bars Kansas from refusing to permit the use of motor vehicle registrations and titles duly issued by an Indian tribe located within the State, when Kansas permits the use of registrations and titles issued by other states, foreign countries and even out-of-state Indian tribes)

PETITIONS FOR A WRIT OF CERTIORARI DENIED

EASTERN SHOSHONE CASES (NOS. 04-731 AND 04-929) – On April 18, 2005, the Supreme Court denied review in *Shoshone Tribe of the Wind River Reservation, et al. v. United States*, a case which considered impact of Public Law No. 108-7 on the Tribes’ claims (dating back to 1946) against the United States for mismanagement of the Tribes’ natural resources and the income derived from those resources. Public Law No. 108-7 provides in pertinent part:

[N]otwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss.

In interpreting this law, the Federal Circuit held that the “clear intent of the Act is that the statute of limitations will not begin to run on a tribe’s claims until an accounting is completed.” In a mixed decision for Indian country, the Federal Circuit held that the Supreme Court’s decision in *United States v. Navajo Nation* moots the Tribes’ claims relating to a breach of trust for asset mismanagement under the Indian Mineral Leasing Act of 1938. However, the United States is liable for mismanagement of trust funds after collection and for losses to trust funds resulting from the failure to collect. Finally, the Federal Circuit held that the Tribes are entitled to interest on the amounts of funds that the government was

obligated to collect or delayed in collecting. After consulting with the attorneys representing the Tribes, the Tribal Supreme Court Project stayed with its strategy of discouraging tribal amicus briefs at the opposition to cert stage.

HAMMOND V. COEUR D'ALENE TRIBE OF IDAHO, ET AL. (NO. 04-624) -- On February 28, 2005, the Supreme Court denied review in *Hammond v. Coeur d'Alene Tribe of Idaho, et al.*, but accepted review in *Richards v. Prairie Band Potawatomi Nation* (see above). Both cases involve each state's attempts to impose its motor fuel tax on gasoline supplied to and sold by Indian tribes at tribally owned gas stations.

In *Hammond*, the Ninth Circuit held that the incidence of the Idaho motor fuel tax impermissibly falls on the Tribes, notwithstanding the state legislature's declared intent to shift the incidence of the tax to the non-Indian distributors. Further, the Ninth Circuit held that the Hayden Cartwright Act, which authorizes states to tax motor fuel sales on "United States military or other reservations," does not manifest sufficiently clear congressional intent to abrogate tribal immunity and allow states to tax gasoline sales on Indian reservations. The Tribal Supreme Court Project worked closely with the attorneys representing the Coeur d'Alene Tribe, the Nez Perce Tribe and the Shoshone-Bannock Tribe to coordinate resources and to prepare the opposition brief.

SOUTH DAKOTA V. CUMMINGS (NO. 04-74) – In an excellent result for tribal sovereignty, early this term the Supreme Court denied review of *South Dakota v. Cummings*, a case where the South Dakota Supreme Court held that a county sheriff may not exercise criminal jurisdiction over an Indian in Indian country, even when in hot pursuit for a crime committed off-reservation. The State of South Dakota had asked the U.S. Supreme Court to overturn the case and expand the *Nevada v. Hicks* decision to increase the jurisdiction of states to enter Indian reservations. It was a great team effort in Indian country on this issue. Mr. Cummings was represented by Rena Hymans in the lower courts, and through the Supreme Court Project, she teamed up with Ian Gershengorn, a respected Supreme Court expert, on the opposition to cert. We received a lot of help from attorneys for the Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe, and our thanks go out to everyone who pitched in with information and advice. The result in this case emphasizes once again that the certiorari stage is where we have our best opportunity to influence the course of Supreme Court decisionmaking.

Even with this good result, it would be a mistake to believe that the issue of "hot pursuit" is resolved. It is certainly possible that this issue will make its way back to the Supreme Court, and if it does it will be a tough challenge to tribal sovereignty. Moreover, it is in the interests of tribes to minimize incentives for high speed chases to the reservation border. We thus urge tribes to consider developing reciprocal hot pursuit agreements with surrounding jurisdictions. Jurisdictional rules vary from place to place, and your tribe may have a hot pursuit or cross-deputization agreement in place already, but nevertheless this is a good time to review the issue. Please contact us if you would like more information.

CASES BEFORE THE U.S. COURTS OF APPEAL

SKOKOMISH V. UNITED STATES (NO. 01-35028) – On March 9, 2005, a majority of an en banc panel of the Ninth Circuit issued a disastrous opinion in *Skokomish Indian Tribe v. United States, et al.* The Skokomish Indian Tribe had sued the United States, Tacoma Public Utilities and the City of Tacoma ("Tacoma") for monetary damages based on the harm caused by the construction and operation of the Cushman Hydroelectric Project. The district court dismissed the Tribe's claims by summary judgment. On appeal, a three judge panel affirmed the district court by a 2 to 1 vote, with a strong dissent, and the Ninth Circuit granted the Tribe's request for rehearing en banc.

Judge Kozinski, writing for a majority, held that a Northwest Tribe, whose members depended upon fishing for their livelihoods since treaty times, possessed no reserved water rights for fishing because, according to the court, agriculture, not fishing, was the primary purpose of the Reservation. In addition, the court established a new and unsupported precedent that courts may disallow federal reserved water rights for fishing if the fishing clause of the treaty did not expressly guarantee an “exclusive” right. Next, the court denied the Tribe a federal common law right to monetary relief against any party except a treaty signatory. According to the majority opinion, only injunctive relief is available against state, local governments, or private individuals who violate treaty protected property rights.

The Tribe filed a petition for rehearing by the en banc panel or review by the full panel of the en banc opinion, which was supported by a tribal amicus brief prepared by the the Tribal Supreme Court Project and was signed on to by over 30 Indian tribes, the NCAI and 12 highly regarded law professors. On June 3, 2005, the Ninth Circuit issued an amended opinion and order in which the Court declined to reconsider the portion of the opinion addressing the availability of money damages for treaty violations by third parties. However, the Court completely deleted the portion of the opinion that radically limited tribal reserved water rights. The Tribe is currently working with the Project to evaluate a possible petition for certiorari to the Supreme Court.

CARCIERI V. NORTON (NO. 03-2647) – On September 13, 2005, the U.S. Court of Appeals for the First Circuit announced its decision in response to the State of Rhode Island’s petition for rehearing or rehearing en banc. The court had directed the parties to provide supplemental briefing on two issues: (1) whether the provisions of the Indian Reorganization Act apply to the Narragansett Tribe (federally recognized in 1983); and (2) if additional land were taken into trust on behalf of the Narragansetts, whether the trust must be restricted to preserve Rhode Island’s civil and criminal laws and jurisdiction.

The First Circuit granted the petition for rehearing and issued a new panel opinion in which the court, once again, rejected the state’s argument that the IRA does not apply to any tribe was not “now under federal jurisdiction” in 1934. A significant number of tribes could have been hurt by the opposite ruling. Second, the court, once again, rejected the broad arguments that Section 5 is an unconstitutional delegation of legislative authority and that taking land into trust diminishes state sovereignty in violation of the Tenth Amendment, the Enclave Clause, and the Admissions Clause, and exceeds the authority of Congress under the Indian Commerce Clause of the U.S. Constitution. The new panel opinion included a limited dissent by Judge Howard who concluded that, pursuant to the Rhode Island Settlement Act, the Secretary can only take land into a “restricted” trust for the Narragansett Tribe that provides for the state’s continued criminal and civil jurisdiction over the land.

The Tribal Supreme Court Project coordinated the writing of amicus briefs in the case with the attorneys for the Narragansett Indian Tribe and the United States throughout the appeals process. This case is an important victory for Indian tribes because of the significance of the IRA and the Secretary’s land to trust authority.

DOE V. MANN (NO.04-15477) – On July 19, 2005, a unanimous 3-judge panel of the Ninth Circuit issued a 60-page opinion affirming the district court’s opinion denying tribal exclusive jurisdiction over a child custody decision involving an Indian child within the boundaries of an Indian reservation. The Ninth Circuit held that under the Indian Child Welfare Act, tribes that fall under Public Law 280 do not have the “exclusive jurisdiction” provided by ICWA Section 1911(a). The Tribal Supreme Court Project worked to encourage the preparation of several amicus briefs in support of the tribal position and continues to

monitor new developments in this case. On August 23, 2005, attorneys representing Mary Doe, the mother of the Indian child, filed a petition for rehearing or rehearing en banc.

NARRAGANSETT TRIBE V. RHODE ISLAND – On May 12, 2005, the 1st Circuit issued its decision on the Narragansett Tribe’s request for relief from the State’s violent efforts to close down a tribal smoke shop – forcibly serving a search warrant, seizing unstamped cigarettes, and arresting tribal officials. Narragansett is subject to a unique federal statute that gives full civil and criminal jurisdiction to the State. The 1st Circuit held that the Narragansett Tribe is obligated to comply with the State’s cigarette tax laws as they apply to non-Indian consumers. However, the State exceeded its authority in imposing a warrant on the Narragansett tribal government because the Tribe retains its sovereign immunity and the State had less intrusive means available to enforce its laws. On June 6, 2005, the State of Rhode Island filed a petition for rehearing en banc.

On July 14, 2005, the First Circuit issued an order granting the state’s petition for rehearing en banc on the questions of whether, to what extent, and in what manner the state may enforce its civil and criminal laws with respect to the operation of the tribal smokeshop. The order vacated the May 12, 2005 judgment and directed the parties to submit supplemental briefs on the enforcement questions, “including the effect (if any) of tribal sovereign immunity.” The Project has been working with the attorneys representing the Tribe and is helping prepare an amicus brief in support of the Tribe. The First Circuit will hear oral arguments on December 6, 2005.

MEANS V. NAVAJO NATION – In *U.S. v. Lara*, the U.S. Supreme Court upheld tribal criminal jurisdiction over nonmember Indians, holding that the Duro amendment is an affirmation of tribal inherent authority. However, the *Lara* Court expressly declined to answer the question of whether the tribal criminal prosecution of a nonmember Indian would violate the Due Process and Equal Protection clauses of the Fifth Amendment of the U.S. Constitution.

On August 28, 2005, the Ninth Circuit issued its decision holding that under the 1990 amendments to the Indian Civil Rights Act (the *Duro* amendments), the Navajo Nation may exercise misdemeanor criminal jurisdiction over a person who is not a member of the tribe, but who is an enrolled member of another Indian tribe. First, relying on *Morton v. Mancari*, the court concluded that “the weight of established law requires us to reject Means’s equal protection claim” on the basis that Indian tribal identity is political rather than racial. Second, the court found that Means’s “facial due process challenge has no force” in light of the fact that the Indian Civil Rights Act confers all the protections Means would receive under the U.S. Constitution except the right to grand jury indictment (which is not available in a misdemeanor prosecution) and the right to appointed counsel (which is provided in the Navajo Bill of Rights).

In a related case, *Morris v. Tanner*, the Ninth Circuit issued an unpublished memorandum opinion affirming the district court’s grant of summary judgment in favor of the Tribe, simply relying on the holding of *Means*. The issue of tribal criminal jurisdiction over nonmember Indians is of critical importance to Indian country. We anticipate that both Means and Morris will file petitions for rehearing or rehearing en banc.

SMITH V. SALISH KOOTENAI COLLEGE – This case addresses whether an Indian tribe has civil jurisdiction over tort action that arose as a result of a traffic accident on a public highway within the Reservation which involved a non-member Indian who was a student at the tribal college and who was driving the vehicle as part of a vocational program at the college. The Ninth Circuit held that, under these facts, neither of the two *Montana* exceptions applies, and the tribal court did not have adjudicatory

authority over this matter. On May 13, 2005, the Ninth Circuit issued an order granting en banc review. The Tribal Supreme Court Project prepared and filed an amicus brief in support of the college and the Tribe. Oral arguments were heard on June 23, 2005.

FORD MOTOR CO. V. TODECHEENE – This case involves the scope of tribal civil jurisdiction over a products liability action arising out of an accident on the Navajo Reservation on a road wholly owned by the Nation. The family of Todecheene filed an action in Navajo tribal court, and Ford filed a complaint in US District Court challenging the Navajo court’s jurisdiction. In an expansion of Strate v. A-1 Contractors, the 9th Circuit ruled that the Montana analysis applies even when on Indian land and ruled against tribal jurisdiction. On February 10, 2005, the Navajo Nation, in coordination with the Tribal Supreme Court Project, filed a petition for rehearing or rehearing en banc. On February 15, 2005, the court issued an order directing Ford Motor Company to file a response to the petition for rehearing.

ATKINSON TRADING COMPANY V. MANYGOATS – This case involves the scope of tribal civil jurisdiction over non-Indian employers located on the Navajo Reservation. In this case, Manygoats filed a wrongful termination complaint with Navajo Nation Labor Commission. Atkinson filed a complaint in US District Court claiming that the Navajo Nation lacks civil regulatory jurisdiction over its employment practices. The U.S. District Court granted summary judgment in favor of Atkinson, finding that neither Montana exception applied. Currently, the case has been appealed to the Ninth Circuit and referred to a mediator.

U.S. V. BECERRA-GARCIA; U.S. V. TERRY – In *Becerra-Garcia*, the 9th Cir. refused to suppress evidence found by tribal rangers who detained a non-Indian, ruling that inherent tribal sovereignty includes the power to exclude trespassers and “necessarily entails investigating potential trespassers.” Similarly in *U.S. v. Terry*, the 8th Cir. similarly upheld the tribal arrest and detention of a non-Indian while waiting to turn the defendant over to state authorities. On July 27, 2005 the court denied the petition for rehearing and the petition for rehearing en banc.

CONTRIBUTIONS TO SUPREME COURT PROJECT

As always, NCAI and NARF welcome general contributions to the Tribal Supreme Court Project. Please send any general contributions to NCAI, attn: Sharon Ivy, 1301 Connecticut Ave., NW, Suite 200, Washington, DC 20036.

Please contact us if you have any questions or if we can be of assistance: John Dossett, NCAI General Counsel, 503-248-0783 (jdossett@ncai.org) or Richard Guest, NARF Senior Staff Attorney, 202-785-4166 (richardg@narf.org).