TRIBAL SUPREME COURT PROJECT MEMORANDUM

DECEMBER 3, 2010

UPDATE OF 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 the petition for a writ of certiorari, prior to the Supreme Court accepting a case for review. You can find copies of briefs and opinions on the major cases we track on the NARF website (www.narf.org/sct/index.html).

There has been a significant development in *Madison County v. Oneida Indian Nation of New York,* the second Indian law case which the Court is reviewing this term. On November 30, 2010, the Oneida Indian Nation submitted a letter to the Clerk of the Court which included a "Declaration of Irrevocable Waiver of Immunity". In principal part, the letter and the declaration provides as follows:

> "I am writing to inform you of a recent development in the above-referenced case. The judgments under review are permanent injunctions that prevent petitioners from foreclosing on respondent's land for non-payment of county property taxes. The district court enjoined the foreclosures on account of respondent's sovereign immunity from suit and on three other grounds that were not addressed by the court of appeals. Since certiorari was granted, respondent Oneida Indian Nation (the Nation) has waived its sovereign immunity as to the enforcement of tax liens on its real property. The waiver applies to the pending tax foreclosure proceedings directly at issue in this case and to all future tax foreclosure proceedings involving the Nation's land. It was effectuated through a tribal declaration and ordinance duly enacted by the Council of the Oneida Nation of New York on November 29, 2010. The declaration and ordinance (a copy of which is enclosed) states, in relevant part:
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>> The Nation hereby waives, irrevocably and perpetually, its sovereign immunity to enforcement of real property taxation through foreclosure by state, county, and local governments within and throughout the United States. The Nation does not waive any other rights, challenges or defenses it has with respect to its liability for, or the lawful amount of, real property taxes.
>
> The Nation has taken this step to clarify that, as contemplated by its prior posting of letters of credit covering taxes on all lands at issue in this case, it is prepared to make payment on all taxes that are lawfully due. In view of the foregoing waiver, respondent respectfully suggests that the Court may wish to direct the parties to address how this matter should proceed. Counsel for respondent has informed counsel for petitioners that

respondent would not oppose modification of the briefing schedule in order to provide petitioners an opportunity to address this development in their opening brief."

In *Madison County,* the U.S. Court of Appeals for the Second Circuit held that the Oneida Indian Nation is immune from suit in foreclosure proceedings for non-payment of county taxes involving fee property owned by the Tribe. In a terse concurring opinion written by Judge Cabranes and joined by Judge Hall, two of the three judges on the Second Circuit panel agreed that they were bound by Supreme Court precedent upholding tribal sovereign immunity, but wrote that this decision "defies common sense" and "is so anomalous that it calls out for the Supreme Court to revisit *Kiowa* and *Potawatomi.*" This case is the latest chapter of a lengthy dispute over payment of taxes addressed by the Supreme Court in 2005 in *City of Sherrill v. Oneida Indian Nation of New York.*

On November 30, 2010, in another case involving the doctrine of tribal sovereign immunity, the Colorado Supreme Court issued its opinion in *Cash Advance v. State of Colorado* reversing the state court of appeals which had essentially held that the State's power to investigate violations of state law trumps tribal sovereign immunity. The Colorado Supreme Court held that tribal sovereign immunity applies to judicial enforcement of state investigatory actions, including a state investigative subpoena enforcement action. The court remanded the case back to the trial court to determine whether the tribal enterprises are "arms of their respective tribes such that their activities are properly deemed to be those of the tribe." The court established a three-part test for the trial court to follow: (1) whether the tribes created the entities pursuant to tribal law; (2) whether the tribes own and operate the entities; and (3) whether the entities' immunity protects tribal sovereignty.

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PETITIONS FOR WRIT OF CERTIORARI GRANTED

Currently, a writ of certiorari has been granted in two Indian law cases:

MADISON COUNTY V. ONEIDA NATION OF NEW YORK (NO. 10-72) – On October 12, 2010, the Court granted review of a decision by the U.S. Court of Appeals for the Second Circuit which held that the Tribe is immune from suit under the doctrine of tribal sovereign immunity, thus preventing the County from foreclosing on fee-property owned by the Tribe for non-payment of county taxes. This grant of review was presaged by a terse concurring opinion written by Judge Cabranes and joined by Judge Hall, two of three judges on the Second Circuit panel, who agreed that they were bound by Supreme Court precedent upholding tribal sovereign immunity, but wrote that this decision "defies common sense" and "is so anomalous that it calls out for the Supreme Court to revisit *Kiowa* and *Potawatomi.*" This petition is the latest chapter of a lengthy dispute over payment of taxes addressed by the Supreme Court in 2005 in *City of Sherrill v. Oneida Indian Nation of New York.* In all, five amicus briefs, including an amicus brief on behalf of the State of New York joined by seven other states, were filed in support of the petition. The Project is presently working with the attorneys representing the Oneida Nation in the development of the tribal amicus strategy.

UNITED STATES V. TOHONO O'ODHAM NATION (NO. 09-846) – On November 1, 2010, the U.S. Supreme Court heard oral argument in *United States v. Tohono O'odham Nation,* a case in which the U.S. Court of Appeals for the Federal Circuit found that 28 U.S.C. § 1500 does not preclude jurisdiction in the Court of Federal Claims when a Indian tribe has also filed an action in Federal District Court seeking different

relief (*e.g.* money damages versus historical accounting). The question presented for the Court's review is:

> Whether 28 U.S.C. 1500 deprives the CFC of jurisdiction over a claim seeking monetary relief for the government's alleged violation of fiduciary obligations if the plaintiff has another suit pending in federal district court based on substantially the same operative facts, especially when the plaintiff seeks monetary relief or other overlapping relief in the two suits.

During oral argument, the Justices appeared to struggle with the positions of both parties and the practical implications resulting from a ruling for either side. In particular, the Court appeared hesitant to adopt the broad rule sought by the United States—a rule precluding jurisdiction in the Court of Federal Claims in which a "related" case is pending in another court even if it seeks different relief. A number of Indian tribes have filed identical claims for breach of fiduciary duties in both the Court of Federal Claims and the Federal District Court seeking separate relief. Unlike prior Indian law cases, the Justices did not appear as hostile to the tribal position. Four amicus briefs in support of the Tohono O'odham Nation were filed by the U.S. Chamber of Commerce, the National Association of Home Builders, the Colorado River Indian Tribes and National Congress of American Indians, and the Osage Nation. Justice Kagan is recused in this case.

PETITIONS FOR A WRIT OF CERTIORARI PENDING

Currently, several petitions for a writ of certiorari have been filed and are pending before the Court in the following Indian law and Indian law-related cases:

ATTORNEY'S PROCESS AND INVESTIGATION SERVICES, INC. V. SAC & FOX TRIBE OF MISSISSIPPI IN IOWA (NO. 10-613) – On November 4, 2010, Attorney's Process and Investigation Services, Inc. (API), a Wisconsin corporation which provides security and consulting services to casino operators, filed a petition seeking review of a decision by the U.S. Court of Appeals for the Eighth Circuit which held that the Sac & Fox Tribal Court had jurisdiction over API and the tort claims brought against API by the Tribe under the second exception to the *Montana* test (the conduct of the non-Indian threatens the political integrity, economic security, health and welfare of the tribe). The Tribe's brief in opposition is due on December 8, 2010.

OSAGE NATION V. IRBY (OKLAHOMA TAX COMMISSION) (NO. 10-537) – On October 22, 2010, the Osage Nation filed a petition seeking review of a decision by the U.S. Court of Appeals for the Tenth Circuit which held that the Osage Reservation has been disestablished by Congress. The Osage Nation sued the State of Oklahoma seeking declaratory and injunctive relief: a declaration that the Osage Reservation was "Indian country" within the meaning of 18 U.S.C. § 1151; and an order enjoining state agents from imposing or collecting taxes on members of the tribe who lived within the reservation. Although the Tenth Circuit found that the Osage Allotment Act did not have any specific language indicating Congress's intent to disestablish the reservation, the panel held that such intent is manifested by subsequent events (*e.g.* opening of reservation to non-Indians) and modern demographics (*e.g.* high percentage of non-Indians living within reservation). On November 22, 2010, NCAI filed an amicus brief in support of the petition for writ of certiorari. The state's brief in opposition is due on January 11, 2011.

UNITED STATES V. JICARILLA APACHE NATION (NO. 10-382) – On September 20, 2010, the United States filed a petition seeking review of a decision by the U.S. Court of Appeals for the Federal Circuit which held that the federal government "cannot deny an Indian tribe's request to discover

communications between the United States and its attorneys based on the attorney-client privilege when those communications concern the management of an Indian trust and the United States has not claimed that the government or its attorneys considered a specific competing interest in those communications." The Federal Circuit adopted the fiduciary exception to the attorney-client privilege in tribal trust cases which permits a beneficiary to discover information relating to fiduciary matters (including trust management). The Tribe filed its brief in opposition November 19, 2010, and the petition has been scheduled for conference on January 7, 2011.

SCHWARZENEGGER V. RINCON BAND OF LUISENO INDIANS (NO. 10-330) – On September 3, 2010, the State of California filed a petition seeking review of a decision by the U.S. Court of Appeals for the Ninth Circuit which affirmed the district court's holding that the State of California negotiated in bad faith based on its finding that the State's repeated demands that the Tribe pay a portion of its net revenues to the State's general fund was an attempt to impose a tax on the Tribe in violation of the Indian Gaming Regulatory Act. The Tribe filed its brief in opposition on November 11, 2010, and the petition has been scheduled for conference on December 10, 2010.

EAGLE V. PERINGTON PAIUTE TRIBE (NO. 10-5764) – On August 2, 2010, Leslie Dawn Eagle filed a petition seeking review of a decision by the U.S. Court of Appeals for the Ninth Circuit which held that her Indian status, although a requirement of tribal jurisdiction, is not an element of the crime which must be proven beyond a reasonable doubt. Ms. Eagle had argued that the she was denied due process when the Tribe failed to allege or prove that she was "Indian." The petition was scheduled for conference on December 10, 2010, but the Court has requested a response from the Tribe by December 30, 2010.

UNITED STATES V. EASTERN SHAWNEE TRIBE OF OKLAHOMA (NO. 09-1521) – On June 15, 2010, the United States filed a petition seeking review of a decision by the U.S. Court of Appeals for the Federal Circuit which held that, based its recent decision in *Tohono O'odham,* 28 U.S.C. § 1500 is not a bar to the Tribe in seeking relief in the Court of Federal Claims where it seeks different relief and the relief sought could not be awarded in the Federal District Court. Although the Tribe filed a waiver of its response, the Court has requested and the Tribe filed its response on September 15, 2010. The petition was scheduled for the conference on October 15, 2010, and is likely being held pending the Court's decision in *United States v. Tohono O'odham Nation*.

THUNDERHORSE V. PIERCE (NO. 09-1353) – On December 1, 2010, the U.S. Solicitor General filed a brief in response to the Court's invitation for the views of the United States in relation to a case involving religious freedom and Native American shamanism. Iron Thunderhorse, a Native American incarcerated in the Texas Department of Criminal Justice, is seeking review of a decision by the U.S. Court of Appeals for the Fifth Circuit which held that the prison's enforcement of its grooming rules, including the prohibition of long hair on men with no exception for Native American religious practitioners, does not violate the Religious Land Use and Institutionalized Person's Act. The U.S. Solicitor General recommended that the petition be denied, or in the alternative, "be granted and the decision below summarily reversed and remanded for application of the correct legal standard."

PETITIONS FOR WRIT OF CERTIORARI DENIED/DISMISSED

The Court has denied or dismissed the following petitions for writ of certiorari:

GLACIER ELECTRIC COOP V. ESTATE OF SHERBURNE (NO. 10-408) – On November 19, 2010, the Court denied review of an unpublished one-page memorandum decision of the U.S. Court of Appeals for the

Ninth Circuit which held that under the doctrine of issue preclusion Glacier Electric Cooperative, Inc., ("GEC") could not challenge the subject matter jurisdiction of the Blackfeet Tribal Court. In an earlier stage of this seventeen-year litigation, the Respondents sought enforcement as a matter of comity in the federal courts of a $2 million money judgment against GEC entered by the tribal court after a jury trial. (Comity requires a finding of jurisdiction and due process.) The federal district court ruled that the tribal court had subject matter jurisdiction, that GEC was accorded due process, and that "the underlying tribal court judgment is entitled to recognition and enforcement in the federal courts." GEC appealed the district court's ruling regarding due process to the Ninth Circuit, but did not appeal its ruling regarding tribal court jurisdiction. The Ninth Circuit reversed the district court, finding that GEC had been denied due process based on inflammatory statements made during closing arguments, thus not entitling respondents to enforce the tribal court judgment through the federal courts. Respondents returned to tribal court to seek enforcement of the money judgment against the assets of GEC located within the Reservation, and GEC unsuccessfully challenged the tribal court's jurisdiction to enforce the judgment.

MICCOUSUKEE TRIBE V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (NO. 10-252) – On November 29, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Eleventh Circuit which upheld the Environmental Protection Agency's regulation adopting the "unitary waters" theory. The Miccosukee Tribe had argued that the "unitary waters" regulation is contrary to the unambiguous language of the Clean Water Act which prohibits the transfer or discharge of a pollutant from one meaningfully distinct body of water to another without a NPDES permit.

TRUCKEE-CARSON IRRIGATION DISTRICT V. UNITED STATES AND PYRAMID LAKE PAIUTE TRIBE (NO. 10-396) – On November 29, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Ninth Circuit which held that, under the provisions of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990, the United States can pursue all claims against the Irrigation District for past excess diversions of water in favor of farmers.

COTTIER V. CITY OF MARTIN (NO. 10-335) – On November 15, 2010, the Court denied review of an en banc decision of the U.S. Court of Appeals for the Eighth Circuit which upheld Ordinance 122, which established boundaries for three voting wards within the City. The American Civil Liberties Union filed a petition on behalf of Native voters who alleged that Ordinance 122 was enacted with a racially discriminatory purpose and dilutes the votes of Indians in each ward in violation of Section 2 of the Voting Rights Act, and in violation of the Fourteenth and Fifteenth Amendments of the U.S. Constitution.

MORRIS V. U.S. NUCLEAR REGULATORY COMMISSION (NO. 10-368) – On November 15, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Tenth Circuit which upheld the license issued by the U.S. Nuclear Regulatory Commission (NRC) to Hydro Resources, Inc. (HRI). The New Mexico Environmental Center had filed a petition on behalf of Eastern Diné Against Uranium Mining seeking review of a license which will allow HRI to conduct *in situ* leech mining for uranium on four sites in northwestern New Mexico impacting a number of Navajo families.

SUQUAMISH INDIAN TRIBE V. UPPER SKAGIT INDIAN TRIBE, ET AL. (NO. 10-33) – On October 18, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Ninth Circuit which held that the Suquamish Indian Tribe's usual and accustomed fishing grounds ("U&A") do not include Saratoga Passage and Skagit Bay on the eastern side of Whidbey Island. This case is a sub-proceeding of *U.S. v. Washington,* a case decided in 1974 where Judge Boldt determined the U&A grounds for the Puget Sound Indian tribes.

<u>GOULD V. CAYUGA INDIAN NATION (NO. 10-206)</u> – On October 4, 2010, the Court denied review of a decision by the Court of Appeals of New York which held that the Tribe's convenience stores are located on a "qualified reservation" (as defined under state tax law) and are thus exempt from the collection of state cigarette sales taxes.

<u>FORT PECK HOUSING AUTHORITY V. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (NO. 10-195)</u> – On October 4, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Tenth Circuit which held that the regulation adopted by HUD implementing the block grant funding formula does not violate the provisions of the Native American Housing Assistance and Self-Determination Act of 1996.

<u>HOFFMAN V. SANDIA RESORT AND CASINO (NO. 10-4)</u> – On October 4, 2010, the Court denied review of a decision by the Court of Appeals of New Mexico which held that the doctrine of tribal sovereign immunity barred a non-Indian's claims related to a $1.5 million jackpot payout from a slot machine that "malfunctioned." The Court of Appeals held that the limited waiver of immunity within the tribal-state gaming compact for physical injury to persons or property did not apply to his claims.

<u>METLAKATLA INDIAN COMMUNITY V. SEBELIUS (NO. 09-1466)</u> – On October 4, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Federal Circuit which held that the filing of a class action against the government does not toll the statute of limitations for asserted class members to exhaust their administrative remedies. The underlying class action lawsuit was filed in 2001 against the Indian Health Service for failure to pay contract support costs to tribal contractors.

<u>MAYBEE V. STATE OF IDAHO (NO. 09-1471)</u> – On October 4, 2010, the Court denied review of a decision by the Idaho Supreme Court which held that an enrolled tribal member's on-line sale of unstamped cigarettes, shipped from his business located on the Seneca Reservation to consumers in Idaho, was in violation of state law as adopted pursuant to the Master Settlement Agreement with the four largest tobacco manufacturers in the United States.

<u>SCHAGHTICOKE TRIBAL NATION V. KEMPTHORNE (NO. 09-1433)</u> – On October 4, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Second Circuit which rejected the Tribe's argument that the Reconsidered Final Determination, denying federal acknowledgement, resulted from undue (and improper) political influence and was issued by an unauthorized decision-maker in violation of the Vacancies Reform Act.

<u>HOGAN V. KALTAG TRIBAL COUNCIL (NO. 09-960)</u> – On October 4, 2010, the Court denied review of a decision by the U.S. Court of Appeals for the Ninth Circuit which upheld the authority of the Kaltag Tribal Court over a tribal member-child placement proceeding. The Ninth Circuit held that under ICWA, the State is required to extend full faith and credit to the Tribal Court's adoption judgment.

<u>PENDING CASES BEFORE THE U.S. COURTS OF APPEAL AND OTHER COURTS</u>

<u>PATCHAK V. SALAZAR (D.C. CIR. NO. 09-5324)</u> – On September 14, 2010, the U.S. District Court for the District of Colombia heard oral argument in an appeal from the district court's dismissal of a challenge to the Secretary's decision to take land in trust for the Match-E-Be-Nash-She-Wish Tribe. Mr. Patchak filed his lawsuit three years after the Secretary's decision to take the land in trust was published in the Federal Register, and after the Supreme Court granted review in *Carcieri v. Salazar.* The suit claimed that the Secretary lacks authority to take the land in trust under the provisions of the Indian Reorganization Act

(IRA) since the Tribe was not a "federally recognized tribe" in 1934. The district court never addressed the merits of the lawsuit, holding that Mr. Patchak's alleged injury does not fall within the "zone of interests" protected by the IRA and, therefore, he lacks standing to challenge the Secretary's decision. The district court also observed that its subject matter jurisdiction was "seriously in doubt" after the land was taken in trust and the waiver of immunity by the United States under the Quiet Title Act does not apply to Indian trust or restricted lands. The Project prepared and filed an amicus brief in support of the United States and the Tribe on behalf of the National Congress of American Indians.

WATER WHEEL CAMP RECREATIONAL AREA, INC. V. LARANCE (9TH CIR. NOS. 09-17349; 09-17357) – On September 23, 2009, the United States District Court for the District of Arizona issued a decision in a case involving non-Indian holdover tenants of tribal lands on the California portion of the Colorado River Indian Reservation who sought a declaration that the Tribal Court had no jurisdiction over an eviction suit filed by the Tribe. The district court judge denied relief to Water Wheel holding that there was a consensual relationship between the Tribe and its corporate tenant sufficient to meet the first exception to the rule in *Montana v. United States.* But the district court held that Tribe did not have jurisdiction over Robert Johnson, the President of Water Wheel under the Montana test, and enjoined Judge LaRance from exercising jurisdiction over Mr. Johnson. The Tribal Court had sanctioned Mr. Johnson, holding him individually liable to any judgment against Water Wheel, for his refusal to comply with discovery requests and tribal court orders compelling compliance with discovery requests. Parts of the judgment were, in effect, sanctions against the defendants for violation of court orders. The Tribal Court of Appeals affirmed the judgment evicting Water Wheel and Johnson, and awarded over $3 million for unpaid rent, trespass damages, and attorney fees. The Tribal Court has now appealed the federal district court's decision with respect to jurisdiction over Mr. Johnson and Water Wheel has cross-appealed the denial of relief as to it. The Tribal Court filed its opening brief on May 14, 2010. The Project helped develop and coordinate the filing of several amicus briefs in support of the Tribal Court which were filed on May 21, 2010, including a brief on behalf of the Colorado River Indian Tribe; a brief on behalf of the National Congress of American Indian and individual Indian tribes; and a brief on behalf of the National American Indian Court Judges Association.

CASH ADVANCE V. STATE OF COLORADO (COLORADO SUPREME COURT NO. 2008SC639) – On November 30, 2010, the Colorado Supreme Court issued its opinion holding that tribal sovereign immunity applies to judicial enforcement of state investigatory actions, including a state investigative subpoena enforcement action. In this case, the Santee Sioux Nation and the Miami Nation of Oklahoma own and operate pay-day loan companies doing business in Colorado. The State had received complaints from consumers and sought to enforce administrative subpoenas against the tribal enterprises. The state court of appeals had held that the State's power to investigate violations of state law trumps tribal sovereign immunity. The Tribal Supreme Court Project worked with the attorneys representing the Tribe and the attorneys representing *amici* Colorado Indian Bar Association, Ute Mountain Ute Tribe, American Indian Law Center and the University of Colorado School of Law American Indian Law Clinic in the preparation of amicus briefs and moot court oral argument.

A.A. V. NEEDVILLE INDEPENDENT SCHOOL DISTRICT (5TH CIR. NO. 09-20091) – On July 9, 2010, the U.S. Court of Appeals for the Fifth Circuit issued its decision. In a split decision (2-1), the Fifth Circuit held that the school district's requirement that A.A., a Native American boy in kindergarten, either cut his braided long hair, wear it in a "bun," or wear a single braid tucked inside his shirt offends his sincere religious belief and is invalid under the Texas Religious Freedom Restoration Act. The Fifth Circuit upheld the district court's issuance of a permanent injunction enjoining the school district from enforcing its grooming policy against A.A. Judge Jolly, in dissent, contends that the school district's "off the

collar" policy would not impose a substantial burden on A.A.'s belief that he should not cut his hair. The Fifth Circuit issued its mandate on August 2, 2010. To date, no petition seeking review by the U.S. Supreme Court has been filed.

ONEIDA INDIAN NATION V. ONEIDA COUNTY (2ND CIR. NOS. 07-2430-CV(L); 07-2548-CV(XAP); 07-2550-CV(XAP) – On August 9, 2010, the United States Court of Appeals for the Second Circuit issued its decision. In a split decision (2-1), the Second Circuit affirmed the district court's dismissal of the possessory land claims (*e.g.* trespass damages) filed by the Oneida tribes and the United States based on the equitable considerations (*i.e.* "indisputably disruptive" nature of the claims) discussed in *Cayuga Indian Nation v. Pataki* and the Supreme Court's opinion in *City of Sherrill v. Oneida Indian Nation.* The Second Circuit reversed the district court and held that the Oneida tribes are also barred from pursuing their non-possessory claims for fair compensation based on the State's payment to the Oneidas of far less than the true value of the land. Judge Gershon, in dissent, finds that the tribes and the United States are not foreclosed from pursuing their non-possessory claims. In particular, the United States should be allowed to pursue its claim against the State for violation of the Non-intercourse Act based on the State's failure to pay a fair price for the tribes' lands. At present, the Tribes are considering their options, including whether to seek rehearing en banc before the Second Circuit, or to seek review before the Supreme Court.

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, 1516 P Street, NW, Washington, DC 20005.

Please contact us if you have any questions or if we can be of assistance: John Dossett, NCAI General Counsel, 202-255-7042 (jdossett@ncai.org), or Richard Guest, NARF Senior Staff Attorney, 202-785-4166 (richardg@narf.org).