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John E. Echohawk

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Natalie A. Landreth  
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**ATTORNEYS**  
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Donald R. Wharton

**CHIEF FINANCIAL OFFICER**  
Michael Kennedy

**DIRECTOR OF DEVELOPMENT**  
Donald M. Ragona

**GRANT WRITER/EDITOR**  
Ray Ramirez

# Native American Rights Fund

1506 Broadway, Boulder, Colorado 80302-6296 • (303) 447-8760 • FAX (303) 443-7776

**WASHINGTON OFFICE**  
1712 N Street, N.W.  
Washington, D.C. 20036-2976  
Ph. (202) 785-4166  
FAX (202) 822-0068

**ATTORNEYS**  
Richard A. Guest  
Dawn Sturdevant Baum

**ANCHORAGE OFFICE**  
801 B Street, Suite 401  
Anchorage, AK 99501  
Ph. (907) 276-0680  
FAX (907) 276-2466

**ATTORNEYS**  
Heather R. Kendall-Miller  
Natalie A. Landreth

Website: [www.narf.org](http://www.narf.org)

May 21, 2009

Tracy Toulou, Director  
Office of Tribal Justice  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Re: Traditional American Indian possession and use of eagle feathers and other  
protected bird parts

Dear Tracy:

The undersigned national and regional American Indian organizations – the National Congress of American Indians, the Association on American Indian Affairs, the Montana-Wyoming Tribal Leaders' Council, the Native American Church of North America, Azeé Bee Nahagha of Diné Nation and Dine' Hataallii Association (Dine De'azee' iil'ini Yee da' ahota') – respectfully request your assistance and cooperation in setting and facilitating a meeting as soon as practicable in Washington, D.C., with representatives of the Department of the Interior and its Fish and Wildlife Service (FWS), and possibly representatives of the Department of Justice, in addition to your office. The purpose of the meeting would be to discuss the FWS's ongoing sting operation, and associated law enforcement and prosecution activities taking place in Indian Country.

For approximately two months, there have been numerous media accounts of this operation. See, e.g., the Jodi Rave article entitled "*Traditional Concern - Operation Uncovers Alleged Poaching of Eagles*," in the March 25, 2009, issue of the Missoula, MT, *Missoulian*. Our organizations have been receiving letters, calls and email correspondence describing various specific FWS activities – such as searches, confiscations, prosecutions – some which appear to fall within current federal law, regulation and implementing policies, and some which do not.

Moore to Toulou re: Eagle Feathers

p.2

May 21, 2009

We are, without question, very supportive of the enforcement of federal laws which attempt to prevent the unwarranted killing of eagles and other protected birds for black market commercial purposes. At the same time, however, we do not condone the apparent misinterpretation of federal policy respecting the possession and use of these materials, or the apparent actions of overly aggressive federal law enforcement personnel. Together, these purported abuses can have a very chilling effect on the traditional, legitimate possession of these sacred items, and of their use in ceremonies such as the Sun Dance and annual gatherings such as pow-wows.

We are on the threshold of an important time of year for these traditional activities, and many of our constituent tribes and their members are gravely concerned that federal undercover agents and other law enforcement personnel will continue with their operation in ways that will infringe directly upon our these sacred expressions of Indian culture and religion.

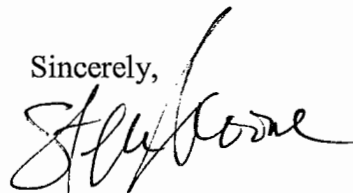
We are enclosing with this letter a copy of a resolution enacted by the Montana-Wyoming Tribal Leaders' Council, which call for improvements in federal law and policy, as well as in the relationship between the FWS/Interior Department and federally recognized tribes over these matters. Tribes and other Indian organizations around the country are in the process of considering and enacting similar resolutions.

In advance of a meeting with federal representatives, we will provide a more specific and concrete set of examples and concerns arising from the sting operation and related activities, to guide our discussions with you. We want to develop an agreed set of short-term and long-term solutions to the current problems we see, problems that have been neglected far too long.

In closing, please contact me to discuss the earliest day and time at which we can meet. With a very active traditional season soon upon us, time is of the essence.

Thank you for your attention to this request.

Sincerely,



Steven C. Moore  
Senior Staff Attorney

For the National Congress of American Indians, the Association on American Indian Affairs, the Montana-Wyoming Tribal Leaders' Council, the Native American Church of North America, Azeé Bee Nahagha of Diné Nation and Dine' Hataallii Association



## **Montana-Wyoming Tribal Leaders Council**

222 North 32<sup>nd</sup> Street, Suite 401 Billings, Montana 59101 Phone (406) 252-2550 Fax (406) 254-6355  
Website <http://www.mtwytlc.com> Email: [belcourt@mtwytlc.com](mailto:belcourt@mtwytlc.com)

**RESOLUTION # 2009-04-22-01**

**A RESOLUTION OF THE MONTANA/WYOMING TRIBAL LEADERS COUNCIL IN RESPONSE TO THE EAGLE STING OPERATION CONDUCTED BY THE U.S. FISH AND WILDLIFE AND OTHER FEDERAL LAW ENFORCEMENT AGENCIES.**

**WHEREAS**, the eagle, both the Bald Eagle, the Golden Eagle and other raptor birds, since time –immemorial have been an integral part and intrinsic to the traditions, culture and religion of many Tribes, pre-dating U.S. colonization; and,

**WHEREAS**, the U.S. Fish and Wildlife, and other federal law enforcement agencies have been conducting raids, confiscations and interrogations on many Indian reservations and Pow-wow events, in at least 14 states of the western United States under what purportedly is referred to as an "Eagle Sting Operation;" and,

**WHEREAS**: the purported desired effect of the "Eagle Sting Operation" by the U.S. Fish and Wildlife is to address the illicit sale of eagles and eagle parts and the poaching of eagles is having a far more devastating impact and sending fear and trepidation into the Tribes culture and religious practices, to the point where the tribal culture and religion may be forced underground once again; and,

**WHEREAS**, despite efforts of cultural suppression whether it is indirect or direct the Tribes as sovereign nations, will continue to use and possess the eagle as an integral and intrinsic part of traditional culture and religion; and,

**WHEREAS**, The Native American Rights Fund (NARF) has agreed to serve as a clearing house for cases appertaining to the "Eagle Sting Operation" being conducted by the U.S. Fish & Wildlife and other federal law enforcement agencies; and,

**WHEREAS**, U.S. congress ultimately holds a special fiduciary trust obligation to federally recognized Tribes and must hold hearings immediately to address the ambiguity of the laws that pertain to the acquisition, possession and use of eagle feathers and eagle parts for members of federally recognized Tribes; and

**NOW THEREFORE BE IT RESOLVED**, that despite efforts of cultural suppression whether it is indirect or direct, the Tribes, as sovereign nations, will continue to use and possess the eagle as an integral and intrinsic part of their culture and traditional religious beliefs and practices; and

**BE IT FURTHER RESOLVED**, that Montana/Wyoming Tribal leaders Council shall submit a draft resolution to the National Congress of American Indians (NCAI) regarding the acquisition, use and possession of eagles for traditional cultural and religious purposes; and

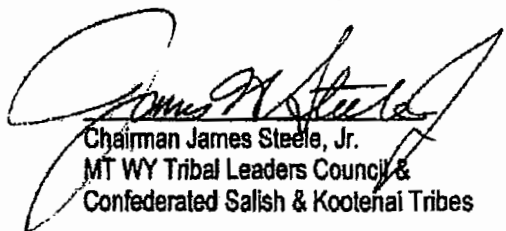
**BE IT FURTHER RESOLVED**, that Montana/Wyoming Tribal Leaders Council shall convene a meeting with U.S. Fish and Wildlife and other federal law enforcement agencies to discuss and seek solutions as to the effects and impacts of the "Eagle Sting Operation;" and


**BE IT FURTHER RESOLVED**, that Native American Rights fund (NARF) shall serve as a central clearinghouse for the cases appertaining to the "Eagle Sting Operation" being conducted by the U.S. Fish and Wildlife and other federal law enforcement agencies; and

**BE IT FINALLY RESOLVED**, that the Montana/Wyoming Tribal Leaders Council supports efforts and encourages U.S. Congress to hold hearings immediately for the purposes of improving and enacting legislation for the traditional cultural and religious acquisition, possession and use of eagle feather and eagle parts by federally recognized Tribes and their members.

Certification

We hereby certify that the foregoing Resolution was adopted and approved by the Montana Wyoming Tribal Leaders Council in a duly noticed and convened Board meeting conducted via Teleconference assembled officially on the 22<sup>nd</sup> day of April, 2009 with a quorum of member Tribes present and providing unanimous support and approval.

  
Chairman James Steele, Jr.  
MT WY Tribal Leaders Council &  
Confederated Salish & Kootenai Tribes

  
Secretary Patricia Enos Bergie  
MT WY Tribal Leaders Council &  
Eastern Shoshone Tribal Council