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Our Mission

The purpose of the American Association of Law Libraries Native Peoples’ Law Caucus is to encourage and facilitate the analysis, cataloging, collection, dissemination, management, organization, and preservation of native law in accordance with cultural traditions. The Caucus is concerned with the law of all indigenous peoples.

--Adopted by Consensus, 1992 Business Meeting

Cover Engraving: Indians Encamped on the Banks of the Missouri; Engraved expressly for Graham’s Magazine; Other images shown in this issue first appeared in: The aborigines of Minnesota: a report based on the collections of Jacob V. Brower, and on the field surveys and notes of Alfred J. Hill and Theodore H. Lewis; collated, augm, and described by N. H. Winchell; published by the Minnesota Historical Society and The Pioneer Company, 1911.

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Minneapolis—What's there to see? How to get in the mood?

Minneapolis is more than a chance to buy wild rice. It's got great catalogers, a Native Bar Association, and lots of tribal activity. Take advantage of the location and get the Minnesota spirit. At the annual meeting, talk to Joan Howland. Joan is the Director of the University of Minnesota. Ask her about the course she teaches on American Indian Historical Law. Or ask her about her work with the American Indian Librarian's Association. Another interesting person to corner is Claire Stuckey, she’s a great law cataloger, and after hours has assisted with the teaching of a University of Minnesota cultural touring class on Native American culture. Talk to law librarian Amber Schwartz. Amber can tell you about the tribal business enterprises in Minnesota. And if you are lucky, you’ll spot extraordinary cataloger Sanford Berman—a Minnesotan and a notorious changer critic of Library of Congress Subject Headings. Throughout the 1990’s Sanford White would supply our caucus coordinator with monthly packets in unsigned brown wrappers. The packets contained news of the tribal events in the Minnesota area. Sandy worked out of the Hennepin County Law Library for many years. Tell him that you are grateful for his work towards the mission caucus. The American Library Association awarded a citation for milestones in cataloging and classifications. A large part of his work went was dedicated to the formation of accurate tribal subject heading names. He has done a great service toward fulfilling our mission.

In the past, caucus members have raved about the Minnesota American Bar Association ("MIBA") website. Check it out and get the flavor of the Minneapolis legal scene. The site has lots of news on tribal courts, their rules, and hard-to-find admission standards for the tribal courts. See the site at <www.maiib.org>. You will see the wonderful MAIBA—a painting of a bird holding the scales of justice. The bird is a raven, magpie or chickadee. To MAIBA, those birds represent great wisdom. They talked to people of upcoming events, good hunting areas, and foretold the future. Magpies and other winged birds are messengers to the supernatural.

An Early Account of Tribal Governance

in Minnesota

"Every separate body of Indians is divided into bands or tribes; which band or tribe forms a little community with the notice to which it belongs. As the nation has some particular symbol by which it is distinguished from others, for each tribe has a lodge from which it denominated; as that of the Eagle, the Panther, the Tiger, the Buffalo, &c, &c. One band of the Nasudowessies is represented by a snake, another a tortoise, a third a squirrel, a fourth a wolf, and a fifth a buffalo. Throughout every nation they
particularize themselves in the same manner, and the meanest person among them will remember his lineal descent, and distinguish himself by his respective family." (Page 147)

"Each family has a right to appoint one of its chiefs to be an assistant to the principal chief, who watches over the interest of his family and without whose contact nothing of a public value can be carried into execution. These are generally chosen for their ability in speaking; and such only are permitted to make orations in their councils and general assembly." (Page 149)

From: Carver, Jonathan, 1710-1780, Three years travels throughout the interior Parts of North America; for more than five thousand miles, containing an account of the Great Lakes, Printed in Boston, 1802.

A Lodge for Holding the Medawe, Rice Lake, Minnesota

Annual Meeting Events

Spotted in the meeting directory is the program entitled "American Indian Law: The New Reality of Native Sovereignty." The speakers are Kirke Kickingbird and Alma Singleton. Kirke is an attorney with Hobbs, Strauss, Dean & Walker, and a noted speaker in the area. Alma (we all call her "Nickie") is the Director and Associate Professor at the University of Oklahoma Law Library, a library that has a large collection in the field. Kirke and Nickie will speak on Federal Indian law and researching Indian law. (Yes, Kirke is the brother of law librarian, Robin Kickingbird. Robin spoke to our caucus a few years ago.)

The Association is recognizing Nancy Carol Carter who wrote a paper on the subject of American Indians and Law Libraries. Nancy won an association-wide writing competition called the "AALL/LEXIS Call for Papers. Nancy will receive an award for the paper at the Association Luncheon, Monday, July 16; noon –1:30 p.m.

Nancy will present her paper at the annual "AALL-Lexis" Call for Papers program. The program will be from 10:30 to 11:45 a.m. on Wednesday 18. Caucus member George Grossman, Professor of Law and Director of the University of California, at Davis Law Library will provide cogent commentary.

Our Business Meeting will be held on Monday, July 16 from 5:15 to 1:15 at the Minneapolis Hilton Hotel.
The Best Law Schools

If *U.S. World & News Report* can do it, so can we. Here is an assessment of the U.S. Law Schools that offer the finest scholastic programs in the areas of Native Peoples; Law including Federal Indian Law, Tribal Law, and Indigenous Peoples' Rights.

I. Great

**University of Arizona:** Offers Masters of Laws (LL.M.) in Indigenous Peoples’ Law and Policy. Includes both a law clinic and clinical placement program, wide array of courses.

**University of California, Los Angeles:** Offers J.D./M.A. in Law and American Indian Studies; faculty casebooks, extern program; wide array of courses.

**University of New Mexico:** Tribal Law Journal, Offers Indian Law certificate, Indian Law Clinic, Extensive Courses.

**University of South Dakota:** Indian Law Symposia, Extensive Courses, Indian Law Externship.

**University of Tulsa:** Offers Certificate in Native American Law and LL.M. Master’s in Law in American Indian and Indigenous Law; Wide Range of Classes

**University of Washington:** Native American Law Center, Extensive Number of Courses, Native American Law Clinic

**University of Wisconsin:** Great Lakes Indian Law Center, Special Summer externships, Widely used Casebooks, has graduated more practicing Indian lawyers than any other school.

II. Very Good

**Arizona State University College of Law:**
Offers Indian Law Certificate, Clinical Indian Program wide array of core and supplementary courses

**University of Kansas School of Law:** Offers certificate internship with tribal legal development, etc.; Tribal Law and Government Center

**University of Montana School of Law:** Indian Law Clinic, specialized curricula, Center for Tribal Attorneys and Advocates

**Oklahoma City University School of Law:** Native American Legal Resource Center; Publications, National Indian Law Center, Clinical Programs

**University of Oklahoma Law Center:** American Indian Law Review, Center for the study of American Indian Law and Policy, Planned Certificate, Offers only course in Indian Land Titles in the nation
Carter Wins Writing Award for A Call to Arms

Nancy Carol Carter, Director and Associate Law Professor at the University of San Diego School of Law won a writing award for her submission, "American Indians and Law Libraries: Acknowledging the Third Sovereign" in the Call for Papers Writing Competition sponsored by AALL and funded by the Reed Elsevier/Lexis. Nancy competed in the open division for seasoned law librarians in the field for five years or longer.

Nancy noted that her paper was not just descriptive in nature. She intended it to: "(1) increase law librarian awareness and understanding of the governmental operations of American Indian tribes; (2) encourage improved law library collections to better support research in American Indian law and on tribal governments and courts; and (3) raise law librarian consciousness about how library management decisions (including subject headings and classification schemes) can be reformed to better reflect the political realities of Indian tribal sovereignty." The paper will appear in a future issue of the AALL Law Library Journal. Nancy is not a stranger to writing on the subject. She has authored "American Indian Law: Research and Sources", 4 Legal Ref. Ser. Q. 1(No.4) 1984/1985 and "American Indian and Tribal Governments Law and Courts", 18 Legal Ref. Ser. Q., No. 2, 2000. She maintains a website featuring links to pages on in the area: www.acusd.edu/nativeamerica.

Delphi.com Discussion Group

Many of us have lurked or contributed to the on-line discussion group "Native-L" for many years. There is another valuable internet discussion group that is similar in nature, but slanted toward the subjects of litigation and current events. That group is called the American Indian Law Discussion Group. It started out on "Counsel Connect," the large scale internet host that courted discussion about law, and geared itself to those in the legal community who were largely new to the internet.

With the demise of Counsel Connect, the group migrated to Delphi (www.delphi.com). Delphi hosts all sorts of discussion groups, not all of them legal in nature. The co-founder and moderator, Thomas P. Schlosser of the American Indian Law Discussion Group, is committed to running it as a free service. Schlosser is a Seattle lawyer specializing in American Indian law and litigation.

This site is recommended when you need the opinions of others interested in current law; it is not recommended for concepts like tribal cultural history or explanation of basic Federal Indian law. Conversations remain in the discussion group for at least a year, so there is no push to "comment" contemporaneously. It is common for a participant to post a notice in the group looking for counsel or citations about a particular immediate litigation issue. Our Native Peoples' Law Caucus has at least a few law librarians active on Delphi. Other Delphi discussion groups are: the American Indian Movement, race and racism in Native America and NAGRA.
Native Peoples Law Curricula in U.S. Law Schools

Compiled by Maria Protti

Listed below are the names of law schools and any classes they offer on the subject of Native Peoples' Law. This listing only shows the subjects of classes that are offered currently; classes that have been offered long ago are not included. Most courses are on basic Federal law or a broad seminar on "Native American Law." Notable exceptions are the courses of American Indian History Seminar at the University of Minnesota, Indian Gaming at the University of North Dakota, and the Human rights Seminar on the Protection of Minorities at the University of Cincinnati Law School.

The accrediting organization for law schools, the Association of American Law Schools has long had an interest group of subject teachers. That group used to label the subject as Native American Law. Last year, the interest group renamed the subject area of law. The AALS changed the name from "Native American Law" to the "Law of Indigenous Nations and Peoples." The new name better recognizes the sovereignty of tribes and international and abandons a term "Native American" that was not entirely embraced by tribal members. That new name also reflects a growing interest in tribal law all over the world.

A-B

Arizona State University College of Law
Clinical Indian Law Program
Federal Indian law, supplemental courses in Natural resources law, and in water law; Special Topics: Advanced Indian Law & Tribal law, Indian Water law, tribal common law, International Indigenous Rights, Indian Cultural Property, Tribal Environmental Policy

University of Arizona College of Law

University Brigham Young, J. Reuben Clark Law School
Federal Indian Law and Race Relations & Law

C-D

California Western School of Law
Elective Course in Indian Law
Including the dispossession of Native Americans;
**University of California at Los Angeles School of Law**
Indian Law and Tribal Legal Systems. Indian literature, sacred geography, architecture, theater, linguistics and linguistic anthropology, macrosociology, history, ethnomusicology, and public health, as well as Indian law. Indian law, a seminar in Indian law, Advances in Historiography: American Indian Peoples; Cultural World Views of Native America, Contemporary Issues of the American Indian, a linguistics or linguistic anthropology course on American Indian languages and communicative practices; courses outside of law in Indian Studies (e.g. American Indian Literature, Repatriation, Native American Music); two elective Law courses related to Indian Law, (e.g. semester-long externship in Indian Law with a nonprofit organization, government agency, or tribal court for which students receive course credit; an independent studies course
**University of Cincinnati College of Law**
Human Rights Seminar, including drafting a petition for submittal to the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities

- **Cleveland State University, Cleveland-Marshall College of Law**
  - Federal Indian Law
- **University of Colorado School of Law**
  - Advanced Indian Law.
- **Columbia University School of Law**
  - American Indians and the Law
- **University of Connecticut School of Law**
  - American Indian Law
- **Detroit College of Law at Michigan State University**
  - Native American Law Seminar.

**E-J**

- **University of Georgia School of Law**
  - Indian Law
- **Gonzaga University School of Law**
  - American Indian Law
- **Harvard University**
  - Federal Indian Law
  - Tribal Clinic
- **University of Idaho College of Law**
  - Indian Law
  - Federal Indian Policy and Law.
  - Tribal Clinic

**K-M**

- **University of Kansas School of Law**
  - Tribal Law and Process; Federal Indian Law Seminar; Comparative Law;
  - Sovereignty, Self-determination and the Indigenous Nations; three electives chosen from a list of prescribed courses, and internship with a tribal legal
department or a private or public interest law firm specializing in Indian law. Sovereignty, Self-Determination, and the Indigenous Nations. 

**Lewis and Clark Northwestern School of Law**


**Loyola Law School, Los Angeles**

American Indian Law Seminar.

**University of Maine School of Law**

American Indian Law

**Marquette University Law School**

Federal Indian Law

**The University of Michigan Law School**

First Year Elective. Contemporary Issues in Native American Law; Federal Indian Law

**University of Minnesota Law School**

American Indian History Seminar

**University of Montana School of Law**

The Indian law clinic Special curricula offerings Indian law Tribal-state relations course Tribal courts/tribal law Water law, environmental law and agricultural law Advance independent study projects in Native American water rights and Indian taxation; Advanced Problems in Indian Law; Federal Indian Law Tribal Courts/Tribal Law Tribal/State Relations The Indian Law Clinic

**University of Nebraska College of Law**

Native American Law is offered as an “upperclass” course.

**New England School of Law**

Indigenous Peoples’ Rights American Indian Law

**University of New Mexico School of Law**

Tribal Government Indian Law Federal Jurisdiction

The southwest Indian Law clinic Senior thesis requirement Indian Law Native American Rights Indian Child Welfare Law and Economic Development in Indian Country State-Tribal Relations Tribal Courts Southwest Extern Law Clinic Law Office Externship Judicial Externships Graduate Level Non-law Courses

**University of North Dakota School of Law**

Indian Gaming Indian Law

**Northwestern University School of Law**

Native American Law

**Oklahoma City University School of Law**

Clinical program the Native American Legal Assistance Clinic Native American Externship With paper American Indian Law

**University of Oklahoma Law Center**

Indian Land Titles

**University of Oregon School of Law**

Indian Law

**University of San Diego School of Law**

Native American Law

**University of South Dakota School of Law**

Course in Indian Jurisdiction Indian Law Administrative law (Indian Law topic) Environmental law (Indian Law topic) Independent Study (Indian Law topic) Indian Jurisdiction Natural Resources Law (Indian Law topic)
Secured Transactions (Indian Law topic)
Externship (Placement in Indian Law)
Southern Methodist University,
Dedman School of Law
Native Americans in Western Legal Thought
Suffolk University Law School
Indigenous Peoples Rights and U.S. Law

T-Z

Temple University School of Law
Federal American Indian Law
University of Tulsa College of Law
Protection of Minority and Indigenous Cultures
International Law or Native American and Ingenous Rights
Federal Indian Law
Tribal Government
Native American Natural resources
American Indian Law Seminar
Vermont Law School
Native American and the Law
University of Virginia School of Law
Indian Law (Federal)
Washburn University School of Law
Native American Law
University of Washington School of Law
Northwest Indian Law clinic
Supervised practice

Client Counseling, research, negotiation, community education, written & Oral Advocacy in tribal courts, state and federal courts, and administrative forums
American Indian Law
Indian Law clinic
Indian Law Seminar
Land, American Culture and the Law: Perspectives on the Use and Ownership of the Natural Environment
Whittier Law School
Gaming Law that includes Indian Gaming
Native Americans and the Law (Federal and tribal agreements etc, includes state of California Native American "rancherios").
Willamette University College of Law
American Indian Law
University of Wisconsin Law School
Federal Law and Indian Tribes
Law Externship
Two advanced seminars on topics of Indian
University of Wyoming College of Law
Indian Law (Mainly tribal sovereignty and federal law)
Yale Law School
Federal Indian Law

Anyone Want a Wooden Nickel?

Caucus members have been talking about wooden copies of a nickel that has a regular exhibiter has been handing to law librarians. This has been going on for many years at the AALL meeting. Our Caucus has been shaking our collective heads, and taken to calling the nickel a "trinket." The nickel is impressed with a drawing of the profile of an Indian man. An inscription on the wood advertises a work on the law of U.S. taxes. Someone must have thought that the wooden nickel is an enticement to buy tax books.
Senator Select Committee on Indian Affairs

A diligent researcher of National Indian Affairs will want to track the activity of the *U.S. Senate Select Committee on Indian Affairs*. A good researcher will not only monitor that activity; he will consider the Committee as a source of information about pending matters of Federal Indian Law.

By law, the duty of the member Senators is "to conduct a study of any and all matter pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States." The Committee reports to the entire Senate and recommends law, messages, petitions, and memorials.

Pursuant to its duties, the Committee keeps records on all Senate consideration of legislation bearing on Indian Country. All matters relating to Indian affairs to be considered by the Senate are referred to the Committee.

The Committee has authority to investigate and hold hearings. It can call on and consider the views of experts. It can request executive agencies to report. The Committee recommends amendments to legal text. It can report on pending changes to the law, predict legal outcome, and comment on its perceived outcomes. In short, the Committee helps to shape law.

The Committee's website, <www.senate.gov/~scia/nsindex.html>, is extremely useful. The site features an extensive legislative guide to pending bills, and the latest associated pertinent Senate action. It is very current with links to the full text of bills. A bill number is given with descriptions showing when any bill was introduced to the Committee, and calendar items including markup and hearing dates, companions bills, and alternative titles. Contents include bills referred to Senate Committee on Indian Affairs, bills of interest referred to other Committees, House bills, Indian related GAO (government accounting reports), and the current status of FY2001 appropriations bills. The legislative update is archival in nature including bills relevant to Federal Indian Law from the 103rd through the 106th Congress.

Also included here are past hearings (some with opening statements and transcripts) and notice of further hearings. There are press releases from the Chair, featuring explanations about bills, and newly signed public law. There is a section on briefings, and linkages to related governmental, NGO, and newspaper sites. There is a helpful listing of the Committee staff.

In short, easily, one can find almost any Committee related document. For example, a researcher could find a letter from the committee to the Senate Budget committee concerning budget requests for Indian programs.

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1 The select committee consists of eighteen Senators, ten from the majority party, and eight from the minority party. The committee selects its own Chair from its members. The Committee has its own rules.

2 S.Res.4, Sec. 1045, 95th Cong, 1st session (1977) provided for the establishment of the committee. The Committee became permanent in 1984 pursuant to S. Res. 127, 98th Cong. 2d Sess. (1984). The Committee had been in existence since the early 19th century, but in 1946, the government abolished it. Between 1946 and 1977, a subcommittee of the Interior and Insular Affairs Committee of the House of Representatives and the Senate overviewed the subject area. This arrangement reflected the "Termination Policy" of the day, whereby the federal relationship with Indian tribes diminished.
Statistical Data on the
American Indian/Alaska Native Population

The results of the U.S. Census of the year 2000 are now available. A major part of the figures garnered is statistical data on the American Indian/Alaska Native Population. The collected facts and figures include social characteristics, economic business indicators, and profiled of tribal populations. Much of the data can be found at www.census.gov/publino/www/aninhotl.htmlinkes.

A little known but powerful group, the Census Advisory Committee on the American Indian and Alaskan Native Populations, is calling for more reporting and analyses of the netted data, and follow-up discussion with the Tribes. The committee is also pushing for the government to conduct ethnographic research on the undercount and consequent responses of the Tribes. It is asking the Department of Commerce for the creation of a modern atlas showing the geography of the Tribes, and a series of thematic maps showing the U.S./tribal (government-to-government) relationships.

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