Native Peoples Law Caucus Newsletter
2003

Native Peoples Law Caucus (affiliated with AALL)

Native Peoples Law Caucus Meeting
Scheduled for Monday Evening, July 14
By Faye Hadley, Native American Resources Law Librarian,
University of Tulsa College of Law

This newsletter welcomes you to an exciting group that will be meeting in Seattle in conjunction with the AALL Conference this year. The meeting of the Native Peoples Law Caucus is scheduled for Monday evening, July 14 at 5:15-6:15pm (Convention Center, Room 203). You need not be Native American to join, just have an interest in Native law and culture. We will be discussing exciting projects such as a scholarship for a Native student who is interested in pursuing a career in law librarianship, as well as discussing other exciting developments in the area of Native law, such as the new thesaurus that the National Indian Law Library (affiliated with Native American Rights Fund) has built, and the efforts to collect tribal codes and constitutions, whether online or in print. Look for our table in the back of the Exhibit Hall, find out what law schools are doing in the area of Native law, and pick up a copy of our newsletter. Come be a part of an exciting and intellectually stimulating area of law. See you all at the meeting!

National Tribal Judicial Center is Working to Empower Tribal Courts
By Heather Singer (Submitted by Randy Snyder, Librarian, National Judicial College)

The National Tribal Judicial Center at The National Judicial College was established in July of 2002. It is located on the University of Nevada, Reno, campus, and is one of the first institutions to focus on the specific needs of tribal judges. The program is still in its newer stages and Program Attorney Traci Hobson is working hard to develop new course ideas to help enhance the skills, knowledge and proficiency of tribal judges.

"The National Judicial College, as a whole, is well-established and has a great reputation for training judges nationally and internationally," said Traci. "With its expertise, it has a lot to offer tribal courts."

One of Traci's goals is to make members of the tribal judiciary community aware of The National Tribal Judicial Center and what it has to offer. The Center offers unique courses that specifically target tribal judges, Traci explained.

"I would like to make the program more accessible to more tribes on a national basis," she added.

The National Tribal Judicial Center at NJC is funded by a generous grant from the Bureau of Justice Assistance and can be contacted at 1-800-25-JUDGE.
Indian Law Conferences

**American Indian Council Conference**
Sponsored by the Oklahoma Federal Executive Board
April 8-10, 2003 in Oklahoma City.
By Marilyn Nicely, Native American Subject Specialist,
University of Oklahoma School of Law

Marilyn Nicely attended the second annual American Indian Council Conference in Oklahoma City. The American Indian Council strives to initiate and implement projects that promote employment and advancement of American Indians; to identify and eliminate barriers; plan programs in career development and training; network, develop community outreach activities and address other special issues as needed.

The Conference this year and last year was targeted at Federal employees who serve American Indians in their professional roles. However all who are interested in law and cultural issues are welcome. Programs included covered NAGPRA; Trust Responsibility; Tribal Economic Development; Indian Education; Indian Health Issues, State government and tribes; Internal Revenue Service—Office of Indian Tribal Government; Tribal Enrollment; and a panel on Culture. Special events included a Stomp Dance exhibition, a Pow Wow, and an auction. Native American vendors were present for those who enjoy retail opportunities.

It is an excellent offering that includes Continuing Education Credits. Next year the Council hopes to offer Continuing Legal Education Credits. Marilyn is very excited about the work of the Council as well as the Conference and recommends next year’s conference to anyone who would like to attend.

---

**Report from the Federal Indian Bar Conference,**
Albuquerque, NM April 10 & 11, 2003

By Faye Hadley, Native American Resources Law Librarian,

This year the University of Tulsa was very well represented at the Annual Federal Indian Bar Conference in Albuquerque New Mexico. Five faculty members: Judith Royster, Melissa Tatum, Bill Rice, Montie Deer, and Valerie Phillips (plus librarian, Faye Hadley) attended the conference, and five TU students were in attendance as well.

The theme of this year’s conference was “Tribal Self-Determination and the Federal Trust Responsibility: Collaboration or Conflict?” Following the conference theme, many of the presenters discussed the historical roots of the Federal Trust Responsibility as well as the current state of the ongoing Cobell lawsuit (the class action lawsuit for damages that were a result of the United States government’s mismanagement of its trust responsibility to Native Americans). Robert Williams opened the conference with some provocative observations concerning Native peoples and land ownership. Professor Williams challenged the myth that Native people had no notion of land value and price. [cont’d on next page.]
Federal Indian Bar Conference [cont’d]

The luncheon program was very moving as Elizabeth Cook-Lynn talked from her perspective as a Native poet, writer, and professor of Native American Studies (Arizona State University). She addressed genocide of Native peoples along with an ongoing hope for the future of Native Nations.

The next morning Professor Royster made a polished presentation addressing the strategy for Native people to reclaim and/or claim their water rights. She began by outlining the federal trust duty with respect to tribal water rights in three parts: 1) the need to amend the McCarran Amendment of 1952; 2) the question of who represents tribes in water adjudication; and finally, 3) the issue of actions for breach of trust. A quote that summarizes Professor Royster’s excellent talk is: “A reserved right to water is a reserved right.” Professor Royster’s presentation was followed by an equally stimulating discussion presented by Susan Williams who is currently working with the Middle Rio Grande Pueblos in an effort to secure their water rights to the dwindling Rio Grande.

At lunch on Friday the winners of the various raffles were announced along with the host for next year’s NNALSA Moot Court competition. In a very close vote, TU lost out to Denver as next year’s host. University of Oklahoma will host the NNALSA writing competition next year.

As always, it was a great occasion to catch up with old friends and meet new colleagues who are working on the issues that make Native American Law such an exciting field of study.

More Indian Law Conferences...

Continuing Legal Education Seminar a Smashing Success

Report from Okmulgee, OK, Tribal Headquarters of the Muscogee (Creek) Nation by Faye Hadley, Native American Resources Law Librarian

The first annual CLE hosted by the Muscogee (Creek) Nation was held in Okmulgee, OK on Thursday and Friday, April 24 & 25, 2003. The theme of this year’s CLE was “Doing Business in Indian Country,” and it featured several professors from the University of Tulsa College of Law. Principal Chief of the Muscogee Nation, Perry Beaver, kicked off the proceedings with a lively talk about the need for education and economic development in order to promote self-sufficiency, jobs, and health insurance. In his own words the Chief said that “the wheel goes around and the Creek Nation wants to be a big part of the wheel.” University of Tulsa Law Professors Bill Rice, Judith Royster, Melissa Tatum, Vicki Limas, and Montie Deer all gave very informative and polished presentations and added invaluably to the seminar proceedings. Also presenting informative talks were Dennis Arrow, Kirk Kickingbird, Tim Posey, Lindsay Robertson, and Phil Hogen (current Chairman of the National Indian Gaming Commission). The theme of “Doing Business in Indian Country” was addressed in various ways. From Judith Royster’s and Melissa Tatum’s discussion of civil and criminal jurisdiction in Indian country to Bill Rice’s rousing talk concerning tribal sovereignty, to Vicki Limas’ highly informative presentation on employment issues in Indian country, and finally Montie Deer’s knowledgeable forum on gaming in Indian country, the theme was very well-covered. Professors Arrow, Robertson, and Kickingbird also added valuable historical information on the foundations of federal Indian law and Indian land tenure. Attorney Tim Posey presented a practical talk on contracting with Native nations, which included comments on arbitration and dispute resolution.

[cont’d on next page]
Continuing Legal Education Seminar [cont’d]

The inception of this CLE grew out of the inspired idea of Judge Patrick Moore (Muscogee District Court and TU LL.M. student). It was realized with aplomb, thanks to the organizational skills of Professor Shelly Grunstead (University of Oklahoma and TU LL.M. student).

The facilities at OSU-Okmulgee were well-suited to hosting a seminar of this size (approximately 100 attendees), as were the dining facilities. Two outstanding luncheons were prepared and served by the OSU-Okmulgee Culinary Arts students. The conference attendees also enjoyed an evening of delicious bar-b-que at the Tribal Bingo Hall where a few dollars may have been lost, but friends were made. All-in-all, it was an outstanding event, and those of us who were fortunate enough to have attended this inaugural conference look forward to next year’s CLE in Okmulgee.

Re-examining Subject Headings:
The National Indian Law Library Thesaurus Project
By Monica Martens, Assistant Law Librarian, National Indian Law Library, Native American Rights Fund

At the National Indian Law Library (NILL) in Boulder, Colo., we have historically used two subject heading lists to catalog materials: the NILL list and the Library of Congress (LC) Subject Headings. The use of both lists reflects several contextual aspects about the library:

(1) The collection is very specialized.
(2) It contains some materials that otherwise might not have their own catalog records in most libraries (single articles, single cases, etc.).
(3) The collection is not physically browse-able by subject area, since most of the materials are housed in moveable shelving units in file folders (to save space), and these folders are not arranged by subject area.

A year ago, we decided to re-evaluate the NILL list in light of new cataloging policies, future plans for the catalog, and observations made about the list since it has been in use. The process has been both informative and interesting. We have learned a great deal about the Library of Congress terms used to catalog federal Indian law and tribal law materials. And in enhancing our own subject heading list, we have gone through the process of creating a thesaurus for a specialized subject area.

This project received funding from the American Association of Law Libraries – http://www.aallnet.org/press/press030207_a.asp – and will be presented at the annual meeting and conference of the American Association of Law Libraries as part of a panel presentation titled “Access to American Indian Law Information: Options Today, Envisioning Tomorrow,” at 10:15 on Tuesday, July 15th. This article provides a prelude to the presentation by briefly summarizing the process we have gone through thus far.

The Process
We began our project by developing goals for the revision of the list. We drew on written and mental notes made while cataloging library materials, and we decided to focus on the following goals:

[cont’d on next page]
(1) To remove terms from the list that could be found in the Library of Congress Subject Headings (or for which similar terms could be found), and to identify terms in our list that we could not find LC counterparts for,

(2) To create free-floating subdivisions to improve flexibility, and to consider how we might use certain groups of LC free-floating subdivisions with our own terms,

(3) To explore the use of various phrases to describe native peoples, their land, and their politically sovereign areas,

(4) To develop guidelines for creating new controlled vocabulary based on existing LC patterns, and

(5) To format the list into a thesaurus, with cross-references, scope notes, genre terms, authority files, and other helpful information.

Next, we sought information about constructing and evaluating controlled vocabulary, thesauri, and authority files. We will post a complete bibliography of the material we have consulted at our web site in July, but a brief list of the materials includes:


Once we had completed some preliminary reading, we began the process of evaluating each word and phrase in our list of subject headings to see if it had a counterpart in the Library of Congress Subject Headings. We repeated this process at least four times until we felt we had removed all redundant terms and were now left with a unique set of words and phrases. During this process, we used:

The online authority file of subject headings from the Library of Congress, at http://authorities.loc.gov/.

The Library of Congress Subject Heading volumes, and

Online library catalogs of various law libraries.

During this part of the project, we also began to solicit help from our colleagues to review the draft thesaurus. We have consulted with those who work in the fields of federal Indian and tribal law, and those who catalog or do reference work with federal Indian law or tribal law materials. We plan to continue this consultant process for two months after the annual meeting. If you would like to provide feedback on this project – either by (1) providing anecdotal information about searching for these types of materials or (2) by reviewing the thesaurus – please feel welcome to contact me at mmartens@narf.org or 303-447-8760.

At the end of this process, we plan to have created a thesaurus for cataloging federal Indian law and tribal law materials that will be used by our library in conjunction with the Library of Congress (LC) Subject Headings. Later, we plan to retrospectively catalog our library materials using these new subject headings. Although the thesaurus has been revised with our specific library’s needs in mind, we hope that others will find both the process we have gone through and the product useful. Information about both will be available at our web site starting in July.
Film Review

Review of Muscogee (Creek) Nation Film Festival

(Okmulgee, OK, November 15 – 16, 2002)
Faye Hadley, Native American Resources Law Librarian, University of Tulsa College of Law

I received a notice in the mail in late October announcing that the Muscogee Creek Nation would once again be hosting a Film Festival – the 5th Annual. This time the Festival would be held at Muscogee (Creek) Tribal Headquarters in Okmulgee, OK (last year it was held at the Gilcrease Museum as the Tribal Headquarters were undergoing renovation).

The Festival opened with two brief music videos, one entitled “Indian Girl” and another entitled “Eagle Song.” The first video featured the songwriter Jared Rains, but I preferred the second video that featured Joy Harjo, an enrolled member of the Muscogee Nation, because it didn’t seem to perpetuate stereotypical images of Indians as the first video did. Then we went into the feature presentations. Unfortunately there was a sound problem with the first feature film, “The Homecoming of Jimmy White Cloud,” which made it difficult to understand the dialogue. The second feature was the much-anticipated and the Oklahoma premiere of Sherman Alexie’s directorial debut, “The Business of Fancy Dancing.” It starred Evan Adams (playing the director’s alter ego Seymour Polatkin) of Smoke Signals fame. Juxtaposed against the backdrop of an old high-school friend’s funeral the story unfolds as Seymour returns to the Spokane Reservation to attend the funeral. During his visit, he encounters the less-than-positive attitudes of another old high school buddy (Aristotle played by Gene Tagaban) and Agnes (played by Michelle St. John). It reflects Mr. Alexie’s level of self-absorption that both of the main characters seem to be versions of the director/author; nevertheless it was an engaging film with a poetic quality and unusual cinematic techniques.

The Film Festival continued the next day, starting off at 2:00pm. It began with another local premiere, a screening of “Rocks with Wings,” an excellent documentary that told the story of the 1989 Shiprock Girls’ Basketball team that won the New Mexico Girls’ State AAA Basketball Championship. Following this great documentary, we were treated to a 1925 silent film “The Vanishing American” which starred an Anglo actor in the leading role of Navajo Headman Naphaie. It was an interesting blast from the past in terms of viewing Hollywood’s earlier depictions of Natives in film.

The film screenings concluded with a personal appearance from Dan Bigbee, director of “The Great American Footrace,” another excellent documentary that chronicles the cross-country footrace that took place in 1928 and was won by Cherokee Andy Payne from Foyle, Oklahoma. The test of endurance took 86 days to complete and included some days of covering over 75 miles on foot. It was shown on OETA (local PBS station) during November in honor of Native American Heritage month. The Festival concluded with a second showing of “Stumbling Bear,” a very short film directed and produced by Dan Bigbee that shows a puppet fancy dancing and having trouble staying on his feet. It was hilarious.

The Festival finished up with a traditional Muscogee Feast that included corn soup, fry bread and a delicious grape dumpling pudding. The Film Festival organizers are already planning the 6th Annual Film Festival. The proceeds go to fund a scholarship that is presented to a Muscogee tribal member to assist him/her in pursuing a career in the film industry. I recommend it to film lovers and anyone who has an interest in finding out more about Natives and their work, both current and historical, in films and videos.
Words from a Native Perspective: The LL.M. at T.U. Law
By Bruce K. Gordon, Recent Graduate of the University of Tulsa’s LL.M. Program in Native American Law.

One of the largest hurdles that any group of people have to overcome when they are not part of the majority society is that they must be able to deal with the majority society on the majority’s terms. The ability to bridge the gap between cultures falls disproportionately on the society that does not make the rules. As a result of this social problem, one of the most important things that a minority political entity can do is to understand the rules and regulations of society as practiced by the majority. This does not mean that they have to accept the majority’s ideal as the truth or even as a good fix for their own society, but it does mean that the minority society must be able to deal on a level playing field with the majority culture.

The goal of the LL.M at the University of Tulsa School of Law is to help lawyers (Native and non-Native) understand the rules and regulations of the American society and still not lose the intimacy of an individual’s Native culture. The purpose of having an LL.M. is to allow the individual to teach other Natives how the laws of the dominate culture interact with the cultures of the Native peoples, but more than that, the LL.M. is additionally designed to ensure that Natives understand their own culture and their place in the mosaic of world law. There is a great need for Natives to codify and synthesize their laws to meet the changing needs of their culture in a changing and more interactive world. If Natives expect to take their place among the nations of the world then we must understand our own culture well enough to explain it to outsiders, and we must understand their culture well enough to explain our culture in terms the outsider can understand.

The age when Natives can isolate themselves and dismiss the outside world is at an end and Native people must either become world players in the free exchange of ideas and become contributing members in good standing to the world at large, or they must pass away into history as an anomaly and be no more than a marginal curiosity to the governments of the world. There are many things that can be done for the Native communities if someone is willing to take this road for his/her people. There is a huge need to tell the story of the people in a voice that is respected for legal analysis and by doing this, Natives explain their own nations’ laws and how those laws deal with the same problems and solutions that other people have. Natives may become teachers, teaching the laws of the dominate culture to their people and teaching the laws of their people to the dominate culture, because one of the best ways of maintaining our culture and growing is to be able to dispel the myths that the dominate culture has about our people. Education to our people will help us deal in the dominant society, educating members of the dominant society will extol tolerance for different cultures.

There are needs of many nations which go beyond the immediate need of acceptance by the dominate culture, notice that I say acceptance and not submission; there is no need to present our cultures as anything other than carefully developed alternatives to the dominate culture. The ability to understand one’s own culture leads to the ability to pass that culture along to the next generation, so there is a critical need to understand ourselves, and the best way to do this is by understanding our culture in comparison to other cultures. For those who think that this might be a ploy to sell out to the dominate culture, I must say that in all truth when cultures interact both change and that a changing culture is not bad as long as it changes on our terms and in a way that we want rather than by the dictates of the dominate culture. But more than that, I would remind people that the empire that was the most successful in the history of the world was the Byzantine Empire and the reason that they were so successful was because they knew everything that they possibly could about their neighbors including the similarities they had with their neighboring empires and their differences. Peace for all Peoples: Bruce
NPLC Membership Information
(Please fill out if you would like to be on an e-mail list to receive subsequent issues of NPLC Newsletters online).

<table>
<thead>
<tr>
<th>NAME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-MAIL:</td>
</tr>
<tr>
<td>TITLE:</td>
</tr>
<tr>
<td>INSTITUTION:</td>
</tr>
<tr>
<td>ADDRESS:</td>
</tr>
<tr>
<td>PHONE:</td>
</tr>
<tr>
<td>FAX:</td>
</tr>
</tbody>
</table>

Please submit membership information to:
M. Faye Hadley
Native American Resources Law Librarian
Mabee Legal Information Center
University of Tulsa College of Law
3120 East 4th Place
Tulsa, OK 74104
Phone #: 918-631-2457
FAX #: 918-631-3376
E-mail: m-hadley@utulsa.edu