Digitizing The Indian Claims Commission Decisions

By David Maxwell

The Electronic Publishing Center, a branch of the Oklahoma State University Edmon Low Library, is pleased to announce the addition of 14 volumes of the Indian Claims Commission Decisions to its online library. In cooperation with the University of Tulsa’s Mabee Legal Information Center, the Electronic Publishing Center digitized volumes 30-43 of the Indian Claims Commission Decisions. Offering these volumes online provides users quick and free access to all decisions regarding Indian claims from the latter half of the twentieth century.

You can access these volumes in one of two ways. The first is by visiting the online digital collection on the Electronic Publishing Center’s website, at http://digital.library.okstate.edu/, and then selecting the link to the Indian Claims Commission Decisions. The second way is by going directly to the Indian Claims Commission Decisions website, at http://digital.library.okstate.edu/icc/index.html.

The Indian Claims Commission Decisions website is set up to look like a bookshelf. From this bookshelf, select which volume you wish to browse by clicking it. The table of contents for that volume will display, with linked page numbers that will take you directly to that section of the volume when selected.

Once you have clicked a page number, that section of the volume will open in PDF format. In this format, you are presented with an exact image of the page as it is found in the printed text. The Electronic Publishing Center has made this image searchable, however, making it easier for you to search each document and find exactly what you are looking for. To access the search feature, simply click the binoculars icon at the top of the screen. In the Search PDF window that opens, type the word or phrase that you are looking for in the empty field and click the Search button.

The OSU Library Electronic Publishing Center and University of Tulsa Law Library are pleased to present these volumes to you. Visit the Electronic Publishing Center’s website or the Indian Claims Commission Decisions website to find the information you need.
Indian Law Reporter: An Historical Perspective
By Victoria Santana, Law Librarian, Oklahoma City University School of Law

Unknown to many Indian Law researchers, the early volumes of the INDIAN LAW REPORTER [ILR] contain valuable information not easily accessible elsewhere. I was reminded of this when I began my search for “fugitive” Solicitor’s Opinions for a possible future article. I was amazed at the range of other information available there.

The INDIAN LAW REPORTER began in the ferment of the 1970’s, when modern Indian law began its rise to prominence. Funded by the Akbar Fund and the Donner Foundation, the ILR was modeled after the BNA’s CRIMINAL LAW REPORTER. Besides containing court decisions, ILR also had an important informational role in the creation of an Indian law community. In the back of each of the early issues it contains occasional commentary, a variety of administrative decisions (besides the IBIA decisions still contained in current issues), and reports from government agencies, legal services offices and private attorneys.

It is these “back of the book” materials that may prove surprisingly valuable to researchers. Besides providing an invaluable sense of the flavor of Indian litigation during those heady times, there is much historical material there. I was amazed to see a 1975 report by Abby Abinanti, then with California Legal Services, on the administrative procedures on the G-O Road controversy (Vol. 2, Issue 10, page 55, October 1975). This controversy was ultimately decided in 1988 as Lyng v. Northwest Indian Cemetery Protective Association. Abby published a deeply emotional cultural response to that decision last year in “A Letter to Justice O’Connor” in volume 1 of the INDIGENOUS PEOPLES’ JOURNAL OF LAW, CULTURE & RESISTANCE.

The materials also include litigation reports from government agencies which seem to phase out in the 1979 volume. However, litigation reports from private attorneys regarding cases they have filed continue for a few years after that. The government reports are rich with justifications for the (often pro Indian) positions taken, as well as showing just how the particular agency was interacting with other agencies. For example, the Solicitor’s Office’s “Statement” on federal taxation of individual income (not from natural resources) in the Critzer case is in Volume 1, Issue 4, page 70, April 1974.

Just about any issue that had roots in the 1970’s can be found in these early volumes. The recently settled issues surrounding Lake Coeur D’Alene, began with a motion to intervene in State v. Zegke, as reported by the Tribe’s attorneys in Volume 1, Issue 8, page 59, August 1974. The Justice Department’s Office of Natural Resources’ explanation of their brief in the Quinault Allottee case which ultimately led to Mitchell I and II, is in Volume 1, Issue 5, page 64, May 1974. (Cont’d on next page.)
Here are some other tidbits from the first volume in 1974:

Pete Taylor, of the Interior Department’s Indian Civil Rights Task Force, published a report on the legislative history of the Major Crimes Act, proving that the correct position is that the passage of the act resulted in concurrent tribal and federal jurisdiction rather than exclusive federal jurisdiction. (Issue 3, page 53).

A private attorney reports on the oral order from the bench in the Oliphant trial court. (Issue 2, page 90).

The FTC reports on a series of enforcement actions taken by their Seattle Regional Office for misrepresentation of products advertised as hand made by Alaska Natives. (Issue 4, page 87, Issue 6, page 64).

The IRS rules that the Navajo Heritage Center does not need 501 (c) (3) status because it is an instrumentality of the U.S. under 501 (c) (1). (Issue 10, page 81).

The Department of Justice reports on the pretrial conference in Martinez v. Santa Clara Pueblo (Issue 3, page 68) and the settlement with HUD, originally a co-defendant (Issue 11, page 56).

There is a lot of information on Morton v. Mancari, and the myriad of suits filed pending the Supreme Court ruling, including a summary of the brief of Amerind, an organization of Indian employees of the BIA and one of the original plaintiffs (Issue 4, page 78). The National Center for Indian Preference provides an analysis of the Supreme Court’s opinion in Issue 10, page 44 continued in Issue 12, page 49.

I know of no source today that contains such a variety of legal sources. It is obvious that the Federal government agencies were cooperating very extensively with the INDIAN LAW REPORTER. Such government materials today would only be available thru protracted FOIA actions. The historic materials from organizations like NCAI and the short-lived National Chairman’s Association would only be available elsewhere from archives, if at all.

Throughout these early volumes there is a pervasive feeling of positive movement and a firm belief in the efficacy of legal institutions to right the wrongs perpetrated on Indians. It is a spirit that unfortunately no longer lives today.
**SHEILD — New Organization Started**

**Society Honoring Indigenous Economic and Legal Development (SHEILD)**

SHEILD is the brain child of Amanda Proctor, a 2005 graduate of TU College of Law and a member of the Osage Nation. While a law student, Amanda served as president of TU’s NALSA chapter and participated in the National NALSA moot court competition. Amanda saw the need to continue to build relationships between law students and Native attorneys as well as others working to promote Native legal issues. Future plans include a fall PowWow and a Tribal moot court competition. SHEILD’s mission statement reads as follows:

"SHEILD is an organization composed of law students, law practitioners, and tribal peoples who are jointly committed to the advancement of tribal law principles and the practical application of law to Native nation-building."

**NALC Hosts Osage Tribal Government Reform Commission**

Kathy Supernaw, Supervising Attorney, TU Legal Clinic - Muscogee (Creek) Program, arranged a day-long training session for fifteen members of the Osage Nation held at TU College of Law, Thursday, May 19th. The training included a session on Tribal Courts & Codes taught by Professor Melissa Tatum, a session on Tribal Constitutions presented by Professor Bill Rice, along with sessions taught by Associate Dean Vicki Limas and Professor Judith Royster.

**Professor Rennard Strickland spoke at TU**

Professor Rennard Strickland delivered the Buck Colbert Franklin Memorial Civil Rights Lecture at the University of Tulsa College of Law on Monday, March 28 at 7:30pm in the Chapman Auditorium in Kendall Hall on the TU campus. The following evening a dinner was held in Professor Strickland's honor. Cherokee Principal Chief Chad Smith, Osage Chief Jim Gray, and former Cherokee Chief Wilma Mankiller all were in attendance.
Report from Federal Indian Bar Conference, Albuquerque, NM April 2005
By Faye Hadley, Native American Resources/Reference Law Librarian

Faye Hadley, MLIC’s Native Resources Law Librarian, traveled to New Mexico on April 13 to attend the Federal Indian Bar conference that is held in Albuquerque every April. The Federal Indian Bar Conference is the premier Indian law conference in the country; it brings together Native legal scholars and practitioners from many different tribes and regions, including this year a contingent from New Zealand. On the program this year were presentations by TU’s own Associate Dean Vicki Limas who educated the audience about developments in the area of employment law, as well as Professor Judith Royster who gave an excellent presentation on water law.

An extra bonus this year was an additional symposium hosted by the American Indian Law Center/AILC (University of New Mexico) that was held the Saturday following Fed Bar. The theme of Saturday’s symposium was “Moving beyond the Current Paradigm: Redefining the Federal-Tribal Trust Relationship for this Century.” It was a wonderful follow-up to some of the discussions started at Fed Bar, in that it addressed the very broken state of the trust relationship that exists between the federal government and Native nations - it brought together great legal minds to tackle an ongoing problem that desperately needs attention. Hats off to Sam Deloria, Director, AILC, for his foresight and efforts to make this symposium a reality.

Pictured here are Professors Melissa Tatum & Judith Royster, and librarian, Faye Hadley, at TU’s booth at Fed Bar.

Member News: Alcatraz is Indian Land!

OKC NALSA Chapter sponsors talk by Law Librarian, Victoria Santana

Thursday evening, February 3rd, Victoria Santana, a fellow law librarian and active member of NPLC gave a lecture on her experience during the 1969 occupation of Alcatraz Island by Natives from all over the country and ultimately the world. Vicky described in wonderful detail how she came to spend over four months on the island. Her story began with her experience as a burnt out young social worker who was looking for adventure and drove to San Francisco in 1969 with a friend and ended up working at the Indian Center in San Francisco answering phones. She later took a boat to Alcatraz with other Indians who were reclaiming the island as surplus property from the federal government. She talked about the lay-out of the island and exploring the old prison complex including dark dungeons, and, more importantly, the sense of camaraderie that was fostered by the experience of Indians from all over the world gathering to take a stand for their rights, their future, and their identity as Native Peoples. It was a fascinating lecture. If you would like to learn more about the Indian occupation of Alcatraz Island, there are several books on the topic: American Indian Activism: Alcatraz to the Longest Walk, edited by Troy Johnson, Joane Nagel, and Duane Champagne; The Occupation of Alcatraz Island: Indian Self-Determination and the Rise of Indian Activism, by Troy R. Johnson; You are on Indian Land!: Alcatraz Island, 1969-1971, edited by Troy R. Johnson; Alcatraz, Indian Land Forever, edited by Troy R. Johnson; Alcatraz! Alcatraz!: the Indian Occupation of 1969-1971, by Adam Fortunate Eagle.
NARF’s National Indian Law Library Redesigns Web Site
by David Selden

On June 6, the National Indian Law Library launched a totally re-designed web site as part of the Native American Rights Fund web site re-design project. Goals of the entire re-design project included improving organization, accessibility, navigation and designing the site so that NARF/NILL can maintain the site in-house. Specific goals relating to the NILL web pages relate to the Indian law researcher and included better organization of web pages with cross links to NARF’s work, the library catalog and related resources. (See our new "Resources by Topic" link.) Visitors to our site can now expect to enjoy a new story about our work or activities every month, pages that load faster and print properly, better organization of web pages for easy access to information, a functional web site search engine and site map to help locate information, and web pages that display well to almost any user.

The web site re-design project was a team project that involved Studiovertex.com and many members of NARF. Studiovertex developed the graphical design and layout and NARF staff modified, re-organized, and transferred content from the old site. Thanks to everyone for their contribution and patience and especially to Chris Pereira, Monica Martens, Lorna Babby, and Mereille Martinez and the National Indian Law Library support staff for their efforts -- Donna Gilliland, Jordan Howard, Jennifer Young, Harry Need, and Jill Herbert. -- David Selden, Web Site Committee.

Meet NPLC in St. Louis 2006!