The aim of the Native Peoples Law Caucus is to provide a forum in which Native law and other issues that impact Indigenous Peoples worldwide can be discussed, ideas shared, information exchanged, and education offered. The Caucus encourages and facilitates the analysis, cataloging, collection, dissemination, management, organization, and preservation of Native law in accordance with cultural tradition.

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**AALL ANNUAL MEETING**

St. Louis --2006

**Caucus Meeting:** Sunday, July 9, 11:45-1:00

**Featured Program:** Tuesday, July 11, 10:15

G-5: 100 Years: A Look at the Federal Indian Trust Relation Through the Cobell Case
Learn the background of the federal-tribal trust relationship and meet the lead plaintiff in the one of the most significant Indian law cases in American history.

**Featured Program:** Wednesday, July 12, 3:00

L-2: Rez Adjudicata: Building Indian Nations Archives
Learn how to compile a federal legal history for a tribe using a new Web-based template.
Teaching Native American Law

In the 1970s only a handful of law schools offered courses in American Indian law. There were few law faculty experts and the subject was viewed as exotic in most jurisdictions.

Today, law schools across the nation teach a variety of courses on Native American law and the law of indigenous peoples. More than 140 American law teachers now claim a Native American law speciality.

Graduate law programs in Native American and worldwide Indigenous law are the latest development, along with increased undergraduate attention to the study of Native American history, culture, religion, and literature.

Cataloged Tribal Codes

The law library at the University of Arizona has cataloged individual Tribal Codes and Constitutions in the 1980 and 1988 editions of the University of Washington Gallagher Law Library Indian Tribal Code collections (on microform). (See also Codes, p. 4)

Educating Indian and Native Lawyers

In 1967, there were just 25 lawyers in the United States identifiable as Native Americans. Today the number exceeds 4,000. About one-fourth of these practitioners got their start at the Pre-Law Summer Institute administered by the American Indian Law Center at the University of New Mexico School of Law.

Arizona NativeNet Launched

A new Web site aims to provide Native American communities "access to the most up-to-date, cutting edge research, executive education, and distance learning resources and other Web-based nation building databases and information."

Offering resources on Native Nations governance, law, health, education, language and culture, the site is for the use of tribal leaders, policymakers, students, educators, the media, and the general public.

A multi-disciplinary team at the University of Arizona designed the site and consider it a work in progress. The address is: <www.arizonanativenet.com>.

Census Report on Indian Businesses

The U.S. Bureau of the Census remains one of the most reliable sources for a wide variety of factual data on the Native American population.

It recently documented 201,387 Indian and Alaska native-owned businesses (individual, not tribal businesses). Most were in California, Florida, New York, Oklahoma, and Texas.
A SMASHING SUCCESS . . .

**NPLC Co-Sponsors Tribal Book Bank at Indian Law Conference**

The Tribal Book Bank collects donated law books and gets them into the hands of those who can use them. Co-sponsored by the Native American Law Center at the University of Tulsa College of Law and the Native Peoples Law Caucus, this year’s distribution at the Federal Bar Association Indian Law Conference in Albuquerque, New Mexico was a smashing success.

According to University of Tulsa’s Faye Hadley, who organized and executed the project, the Book Bank table at the conference was a wonderful way to introduce the AALL Native Peoples Law Caucus to tribal attorneys and the larger tribal legal community.

More than 150 law books were given out to tribal attorneys, tribal judges, and law students. The most popular items were books published after 2000 on constitutional law, family law, property law, probate, and estate planning. The most frequently asked question about the project was “What’s the catch?” Attorneys had a difficult time believing that the books were all free for the taking. Feedback at the Book Bank table was overwhelmingly positive.

With thanks for past support, Faye Hadley has started collecting books for next year. In addition to general law books, she is seeking books that specifically address Native legal issues.

“If you’d like to make a contribution,” Faye states, “I think that William C. Canby’s *American Indian Law in a Nutshell* or Steven L. Pevar’s *Rights of Indians and Tribes* would be both be highly appreciated titles.”

Contact: m-hadley@utulsa.edu

*Browsing the Book Bank table*
NATIONAL INDIAN LAW LIBRARY TRIBAL CODE SURVEY

The “Tribal Law Collaborative Collection Development Project” (TLCCD), sponsored by the Native Peoples Law Caucus and coordinated by the National Indian Law Library (NILL), responds to the difficulty researchers encounter when attempting to locate tribal laws.

While NILL collects the current laws of many federally-recognized tribes and Alaska Native villages, it is conducting a survey to identify other collections of tribal codes as an "action step" in the TLCCD Project. For a survey form, contact: mmartens@narf.org.

WHAT DOES A TRIBAL CODE CONTAIN?

Many tribes do not publish or distribute their codes. In some instances, written codes may be very skeletal or tribes may rely on oral traditions and customary law. The Muscogee (Creek) Nation recently published a very complete tribal code of laws, containing the following titles:

Title 1: Agriculture
Title 2: Attorneys and Tribal Bar
Title 3: Corporations
Title 4: Burial / Cemeteries
Title 5: Ceremonial Grounds / Churches
Title 6: Children and Family relations
Title 7: Citizenship / Census
Title 8: Banking
Title 9: Bureau of Indian Affairs
Title 10: Definitions and General Provisions
Title 11: Communities
Title 12: Reserved
Title 13: Federal Claims
Title 14: Crimes and Punishments
Title 15: Cultural Affairs / History / Museum
Title 16: Executive Branch
Title 17: Economic Development
Title 18: Education
Title 19: Elections
Title 20: Elderly Services
Title 21: Gaming
Title 22: Health and Safety
Title 23: Hunting and Fishing
Title 24: Housing
Title 25: Inter-Gov’t and Inter-Tribal Relations
Title 26: Judicial Branch / Courts
Title 27: Judicial Procedures
Title 28: Lands and Minerals
Title 29: Library
Title 30: Nat’l Council / Legislative Branch
Title 31: Tribal Officers
Title 32: Procurement
Title 33: Reserved
Title 34: Prisons
Title 35: Social Services-Public Assistance
Title 36: Taxation and Revenue
Title 37: Tribal Government
Title 38: Tribal Entities
Title 39: Tribal Towns
Title 40: Reserved
Title 41: Animals
Title 42: Motor Vehicles
Title 43: Oil and Gas
Title 44: Railroads
Title 45: United States
Title 46: Water Rights
Title 47: Probate
Title 48: Reserved
BOOK REVIEW


Reviewed by Marilyn K. Nicely, Technical Services Librarian and American Indian Law Subject Specialist University of Oklahoma School of Law Library

The book describes the events and legal decisions during the early 19th century leading to the creation of an American legal system which effectively dispossessed Native Americans of their lands. Central to the book are the papers of the Illinois-Wabash Companies. These two land companies (which merged) purchased huge areas of land for speculation in what is now Indiana and Illinois. The business records of the Illinois-Wabash companies have been preserved for over two hundred years by the Britton family of Pennsylvania (descendants of the last secretary of the company). The papers are now on loan to the University of Oklahoma Law Library. (O.U. Law Library plans to digitize the documents).

The efforts of the land companies to acquire legal title to their lands spanned fifty years, culminating in the *Johnson v. M’Intosh* case. The book chronicles the history of the political maneuverings and even collusion over the five decades.

Underlying the account in this book, are the devastating consequences for indigenous peoples caused by the application of the Discovery Doctrine as posited by Supreme Court Chief Justice John Marshall. The European immigrants turned to the law as a tool of conquest with the arrogance of belief that their institutions and culture made them much superior to the original owners of the lands of North America. The Illinois-Wabash companies brought forward the case which we now know as *Johnson v. M’Intosh* (1823), and lost their claim to the title of the lands through the Court after having previously failed to obtain it through repeated petitions to Congress. *Johnson v. M’Intosh* decided that the underlying title belonged to the discovering sovereign.

The book gives a thorough and detailed account and provides fascinating insights into the history of the people and events during the early formation of American legal institutions.

PUBLICATION NOTICE


The long anticipated new edition of *Cohen’s Handbook of Federal Indian Law* was published this past year. The prior edition dated back to 1982. The new edition of the treatise, which is regarded as “the Bible” of American Indian law, was produced by an editorial board of leading scholars headed by Nell Jessup Newton, Dean and Professor of Law at the University of Connecticut.
SOVEREIGNTY SYMPOSIUM PANEL FEATURES LAW LIBRARIANS

By Faye Hadley, Native American Resources Law Librarian, University of Tulsa College of Law

The Sovereignty Symposium was established by the Oklahoma Supreme Court to provide a forum in which ideas concerning common legal issues can be exchanged in a scholarly, non-adversarial environment.

The 29th Annual Symposium in June 2006, brought together tribal leaders, tribal judges, law professors, attorneys, librarians, and other interested participants to learn and share information about strengthening and promoting tribal sovereignty, particularly in Oklahoma.

This year’s Sovereignty Symposium included a panel entitled “Indian Country Online.” The panel featured law librarians Vicky Santana, Marilyn Nicely, Elaine Bradshaw and Joan Howland. The panel was moderated by Faye Hadley.

Presentations given by panel speakers included Cokie Anderson’s roll-out of the complete Indian Claim Commission decisions that are now available online,* along with a report on an ongoing project that Marilyn Nicely and Elaine Bradshaw are working on that will digitize the Illinois-Wabash Companies papers that provided the basis for Lindsay Robertson’s new book, Conquest by Law (reviewed in this Newsletter). Also included on the panel were reports by Professor Douglas Lind, Cherokee Councilperson Cara Cowan Watts, and Terri Calloway, librarian at the Oklahoma State Court Network.

*http://digital.library.okstate.edu/icc/index.html

2006 Sovereignty Symposium panelists, left to right: Douglas Lind, Joan Howland, Elaine Bradshaw, Marilyn Nicely, Faye Hadley, Terri Calloway, Vicky Santana, and Cokie Anderson.