RIP Victoria Adele Santana  
(1944–2009)

This issue of the Native People's Law Caucus newsletter is dedicated to the memory of Vicky Santana who passed away too soon on Friday July 17, 2009. Vicky died of an apparent heart attack. Those of you who knew Vicky will remember her fierce passion for life, her insatiable intellectual curiosity, her determination to put the Blackfeet Nation on a better path, and her impatience with incompetence in all its forms.

Vicky was the first truly Native Law Librarian I ever knew. We met at the 1999 AALL Meeting in Washington DC. Vicky was an enthusiastic member of the NPL Caucus. She loved and supported anything that furthered Tribal Sovereignty. She was an immensely talented woman, she spoke Spanish fluently (having attended school in Puerto Rico as a girl), and had more than a passing knowledge of the Blackfeet language. Vicky used to tell about spending her school years in Puerto Rico and her summers on the Blackfeet Reservation where she recalled "dancing for the tourists."

Vicky graduated from the University of New Mexico Law School in 1973 and worked as a Tribal Attorney for 23 years, before deciding to undertake a second career as a law librarian. In this capacity Vicky graduated from the University of Washington's Law Librarianship program and went on to intern at the University of Arizona and then worked for several years as the American Indian Law Specialist at Oklahoma City University Law School Library. Vicky spent a brief period in Washington DC where she worked as the Librarian of the National Museum of the American Indian. Within the past year Vicky had returned to her beloved Blackfeet Nation in Browning, Montana where she was assisting her tribe with constitutional reform. Vicky, you are gone too soon and you will be sorely missed by those of us who knew you and love you. Godspeed Vicky, rest in peace.
Indian Legal Research Detailed in Seminar

By Judy Nichols

A recent seminar, "Indian Legal Research: Unlocking the Secrets to Researching Indian Law," drew nearly 60 people to the Sandra Day O'Connor College of Law to explore the rich and complex world of Indian law.

Those attending represented nine different Indian nations, members of tribal courts, the Bureau of Land Management, the Bureau of Indian Affairs, the Arizona Governor's Office, and many law firms.

The conference was conceived by Alison Ewing, library liaison for the Indian Legal Program at the College of Law, along with Beth DiFelice, assistant director and head of public services for the Ross-Blakley Law Library, and Tamara Herrera, clinical professor of law. It was encouraged by Rebecca Tsosie, director of the Indian Legal Program and Victoria Trotta, associate dean for Information Technology and the Ross-Blakley Law Library and supported by the staff of the Indian Legal Program.

Tsosie said the seminar was the first of its kind she had seen anywhere. And it is particularly timely as questions about Indian law may soon be on the state bar exam.

"Indian law is notoriously difficult to research because it involves federal and tribal court opinions, not to mention some state court opinions, as well as a great deal of federal legislation and treaties," Tsosie said.

This requires that you know where to look for the exact language as it was enacted by Congress, as well as knowing how to do a legislative history to see what Congress likely intended if there are interpretive issues.

In addition, she said, researchers need to understand federal regulatory rules, that tribal court opinions may or may not be published, or they may be published in different venues and be indexed differently, and that the interdisciplinary nature of Indian law may require looking in non-legal sources.

The idea for the seminar was inspired by an e-mail from ASU President Michael Crow and College of Law Dean Paul Schiff Berman challenging staff members to think entrepreneurially and come up with creative ideas to offset budget cuts.
Ewing said she saw a real need for the program because the Indian Legal Program often gets requests for research but they don't have the resources to fulfill those requests. The seminar raised more than $5,500 for scholarships for the Indian Legal Program.

The seminar also was an outgrowth of the Indian Law Portal set up by Ewing, which serves as a resource for ASU law students, the legal community and Indian Country.

"We wanted to pull everything together in one spot," Ewing said. "Indian law is a very interdisciplinary subject that draws on many disciplines, including environmental, cultural property, genetics, business, economic development, and so on.

"Indian legal materials also exist in a variety of formats, including maps, government documents, case law, oral histories, microforms, print and electronic.

"And the time frame is unusual. In other areas of the law, the most recent thing is the most important. But in Indian legal research, you often start with the oldest documents, like treaties from the 1700s, and work forward."

Ewing said the seminar team's skills complemented each other. Ewing has a strong background in research, having worked for many years as a legal researcher for Brown & Bain focusing mainly on Indian issues, including the Navajo-Hopi land dispute, the longest running lawsuit in U.S. history; Herrera has been a practitioner concentrating on water and Indian law; and DiFelice is a consummate teacher who has taught advanced legal research and Indian legal research at the College of Law.

Unlike other legal disciplines, many of the primary Indian resources are not available in standard resources, Ewing said. The portal includes a chart, "Arizona Tribal Law Resources," that lists each of the federally recognized tribes in Arizona and where their legal information can be found, for example, if their tribal code, constitution, or tribal court opinions are online or owned by ASU. If the resources are online, the Indian law portal links to them.

Faraz Khan, principal systems developer for the College of Law's Information Technology Department, created the technical framework for the portal, and Ewing said many of the College of Law librarians helped identify content.
Indian Legal Research (cont’d from page 3)

The Sandra Day O’Connor College of Law, renamed for the retired U.S. Supreme Court Justice in 2006, is creating a model for legal education in the future tense. The College is the only fully accredited law school in the Phoenix area, boasts an Indian Legal Program that is arguably the best in the nation, and houses the Center for the Study of Law, Science, & Technology, the oldest, largest and by far the most comprehensive law and science center in the country. In addition, a new Center on Transnational Regulatory Governance will begin in the fall. Beyond the traditional J.D., the College offers several joint degrees, including a J.D./M.D. program with the Mayo Medical School and a J.D./M.B.A. with the W. P. Carey School of Business at ASU. It also offers graduate degrees in Biotechnology and Genomics and in Tribal Policy, Law and Government. A Master of Legal Studies program gives non-lawyers an opportunity to develop needed legal skills to help students advance in their professional careers. The College of Law is at the beginning of a five-year period in which the school will become a larger-scale legal studies center, serving law students, professionals from other fields, and undergraduates seeking broad-based exposure to legal issues. At the core of this expansion is a dedication to making the law school a valuable, multifaceted resource for addressing major regional, national, and international problems of law and public policy.

Tribal Libraries’ Visibility Grows in Oklahoma

By M. Faye Hadley

In October 2007, I attended my first National Tribal Archives, Libraries, and Museums Conference in Okla. City, OK. The following year I attended and presented a program at a regional institute sponsored by the Tribal Archives, Libraries, and Museums that focused on training for American Indian Library Services - a meeting that was held in Catoosa, OK at the Cherokee Casino and Resort.

In late summer of 2008 a group of tribal librarians and other librarians who have an interest in the development, promotion and success of tribal libraries met in Oklahoma City at the OK Dept of Libraries and formed an Ad Hoc Committee under the auspices of the Oklahoma Library Association... We have met 6—8 times over the course of the last year and have hosted several programs for tribal librarians throughout the state of Oklahoma. A few of the many projects that this newly-formed committee is interested in advancing are making sure that all tribal libraries in the state are aware of the IMLS Basic Grant program and learning how to apply for other grants that support library services to Indian Country. With the support of the new OLA President, Charles Brooks, the Tribal Libraries Ad Hoc Committee will continue to grow and promote the role of libraries in advancing the Sovereignty of Native Nations.
Kevin Gover Gives Keynote Address at Gilcrease Conference

The director of the Smithsonian National Museum of the American Indian, Kevin Gover, delivered the keynote address at the conference, "Exhibiting Culture: Museums and Indians," hosted by the TU College of Law.

Gover’s lecture provided a highlight to an all-day conference sponsored by the TU College of Law’s Native American Law Center. The conference, held at the Gilcrease Museum, explored the rights of museums and Native American tribes regarding historically significant artifacts and cultural property.

Mr. Gover is a former professor of law at the Sandra Day O’Connor College of Law at Arizona State University in Tempe. He currently is affiliate professor for ASU’s American Indian Studies Program and co-executive director of the university’s American Indian Policy Institute. A native of Lawton, Okla., Gover is a member of the Pawnee and Comanche tribes. He received his bachelor’s degree from Princeton University and his law degree from the University of New Mexico. He was awarded an honorary doctor of laws degree from Princeton University in 2001.

Gilcrease Museum is home to the world's largest, most comprehensive collection of art and artifacts of the American West. The Gilcrease is recognized as one of the country's premier facilities for the preservation and study of American art and history. In 2008, the City of Tulsa and The University of Tulsa entered into a historic public-private partnership to manage the city-owned museum, providing unparalleled opportunities to preserve and advance the museum’s collection.

Joseph Henry Sharp, Studio Visitors (detail), oil on canvas, courtesy of Gilcrease Museum
Art Museum Image Gallery

By Maria Protti, Deputy City Attorney and Library Director, San Francisco

Looking for images? Want to find maps and pictures of art, architecture, cultural artifacts, tribal leaders, or traditional dress dealing with Native Peoples? Want to view works by Native artists? A valuable source for you is the Art Museum Image Gallery Special Collection. This collection has more than 62,000 color pictures from distinguished museums and libraries. It serves as a one-stop finding aid for works drawn from more than 1800 institutions all over the world. The web-based collection holds more than 62,000 color images; and, of course, numerous images within relate to the interests of our Caucus.

There is a powerful capability in searching the multiple contents of museums instead of searching the contents of a single museum. NPLC members should be thrilled to know that images from such widespread institutions as these can be instantaneously and collectively searched:

The Archivo de Indias Seville, Canadian Pacific, Library of Congress, Museo de las Culturas Oaxaca, Museo de Michoacan Morelia Mexico, Museo de Teotenango Mexico, Museo de Zacatecas Mexico, Museo Guayasamin Quito Ecuador, Museo Nacional de Arte La Paz Bolivia, Museo Nacional de Historia Guatemala City, Museo Nacional de Historia Lima, Museo Regional de Antropologia Merida Mexico, Museo Regional de Antropologia Villahermosa Mexico, Museo Regional de Ica Peru, Museo Regional Puebla Mexico, Museo Historico Nacional Rio de Janeiro Brazil, National Anthropological Museum Mexico, National Archives Washington DC, National Ethnological Museum Mexico, Public Library New York, and the West Australia Museum.

The search enhancements within the gallery are robust. One can search by subject or description, and search with a combination of words. One can view ranked search results in a list of citations, or a brief display of full minimized images. Search results can be sorted by relevance. One can search within results and narrow the results by subject, by date of creation, and many other variants. The Gallery's controlled vocabulary search thesaurus can be searched. A small sampling of useful, pre-coordinated subjects includes: Native Cultures, Tribal Chiefs, Arnold Genther, Edward S. Curtis, and the Americas.

Shown to the right is an example of an enlarged image from the Gallery. It is the spine of The North American Indian, Volume 15, Section No. 342. It is taken from the famous Edward S. Curtis books that contain photographs used by some tribal members today as authentication checks on traditional dress.

For every image in the online gallery, there is a record showing the: The Title of the Work, the Artist(s), the Nationality, the Subject(s), the Date Work was Created, the Location of the Work; Owner Credit, Dimensions, Materials and Techniques, the Owner Accession Number, the Object Type, and the Unique Persistent URL addressing the image.

Advanced email, save citations and export features are included. One can modify a search, create an alert, RSS feed, or link to the search. These features make it easy to manipulate the images digitally.

The Art Museum Image Gallery is a fee based subscription online service. But it is available for free to users associated with purchasing academic and large public libraries. Works from the Gallery are licensed for non-commercial, educational use.
News From Law Schools

University of Arizona James E. Rogers College of Law:

In August, Jacquelyn Kasper retires from the University of Arizona law library and her work with the Indigenous Peoples Law and Policy Program. Sean Crane assumes reference duties and teaching legal research to the program’s students, as well as teaching first-year and intermediate research to JD students. Sean has a BA from the University of Colorado, Colorado Springs, and J.D. from UC Boulder. He was an attorney for DNA Legal Services before obtaining his MA in Information Services and Library Science from the U of A in 2007 and also working in the law library as a Law Library Fellow. Sean can be reached at sean.crane@law.arizona.edu.

A new IPLP Certificate Program for J.D. students at the University of Arizona James E. Rogers College of Law was created this past spring to compliment the LLM and SJD programs. The IPLP Certificate is designed to emphasize the legal building blocks necessary to effectively advocate on behalf of Indigenous people and to assist Tribes in creating strong, independent government systems. A student must complete the basic foundation courses, as well as ones in government infrastructure, economic development, resources management, and community relations, and complete an outreach component and participate in IPLP events and the speaker series. For more information see “IPLP News” at www.arizona.edu/depts/iplp/index.cfm.

Melissa Tatum is the new Associate Director of the Indigenous Peoples Law & Policy Program and Research Professor at the James E. Rogers College of Law beginning 2009. Previously, she was co-director of the Native American Law Center at the University of Tulsa and professor at the U Tulsa College of Law for 14 years. Prof. Tatum is a prolific writer, presenter at many conferences, and active in numerous organizations. She manages the ndnlawprof, an email discussion group for law faculty who teach and write in Indigenous Peoples Law.

ArizonaNativeNet, the virtual university for Native American Communities developed at the University of Arizona by the Native Nations Institute, Native Peoples Technical Assistance Office, and Indigenous Peoples Law and Policy Program at the James E. Rogers College of Law, continues to develop its Distinguished Lecture Series. Vine Deloria, Jr, discusses “Northwest Indian Fisheries Treaties,” and Robert A. Williams, Jr., has a series of lectures on “The History of Federal Indian Law & Policy,” in addition to other lecturers on cultural property and tribal governance. See “Multimedia Resources” at www.arizonanativenet.org for a full listing.

University of New Mexico School of Law:

Kevin Washburn Named New Dean of UNM School of Law

Kevin Washburn, an enrolled member of the Chickasaw Nation of Oklahoma, became the first American Indian to serve as dean of the UNM School of Law. Dean Washburn began his tenure on June 30, 2009.

University of Tulsa College of Law:

In addition to hosting the inaugural Indians & Museums Conference (see story on page 5), TU’s Native American Law Center along with TU’s Native American Law Students Assoc. held the Fourth Annual Native Justice PowWow the day after the Gilcrease Conference. This successful PowWow honored Prof. Melissa Tatum who served ably as a Professor in the Native Law Program at TU for 14 years. All of the PowWow head staff serve in some capacity of the legal field, form law enforcement to tribal attorneys and judges. The PowWow included a traditional meal and was well-received by the local Indians community.
Please join us for our Native Peoples Law Caucus Annual Meeting which will be held on Monday, July 27th, 12noon—1:15pm, in Renaissance Room 5.

NPLC Officers:
Chairperson - Sherri Nicole Thomas
Webmaster - Monica Martens
Newsletter - Faye Hadley
Treasurer - Monica Martens
TLC - David Selden

Mission Statement of the Native Peoples Law Caucus:
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. WEB SITE: http://www.aallnet.org/caucus/nplc/

NPLC Sponsors NARF Tribal—Supreme Court Project Program at AALL

The Tribal Supreme Court Project is part of the Tribal Sovereignty Protection Initiative and is staffed by the National Congress of American Indians (NCAI) and the Native American Rights Fund (NARF). The Project was formed in 2001 in response to a series of U.S. Supreme Court cases that negatively affected tribal sovereignty. The purpose of the Project is to promote greater coordination and to improve strategy on litigation that may affect the rights of all Indian tribes. We encourage Indian tribes and their attorneys to contact the Project in our effort to coordinate resources, develop strategy and prepare briefs, especially at the time of the petition for a writ of certiorari, prior to the Supreme Court accepting a case for review.

Come hear all about the Tribal - Supreme Court Project, how it is managed and what challenges Tribes face when potentially bringing a case before the Supreme Court. The Program (sponsored by the NPLC and the Gov Doc SIS) will be held on Monday, July 27th at 10:45am. The Program will feature Native American Rights Fund attorney, Richard Guest and National Indian Law Library staff member Christine Pereira. Don't miss this Program—it promises to be very educational and interesting. See you there!