New Indian Law Publications


*Federal Indian Law* hornbook, by Matthew Fletcher. Published by West Academic in 2016. “Fletcher’s Hornbook on Federal Indian Law is a deep survey of the history and substantive law governing the relations between the three American sovereigns, federal, state, and tribal. Interwoven are issues of federalism, administrative law, constitutional rights, and international relations.”

ProQuest’s *Indian Claims Insight* allows users to research the history of U.S. Indian claims from 1789-present through a unique interface. The resource includes:

- Treaties and claims-related statutes
- Comprehensive Indian Claims Commission collection 1948-1978, with briefs, docket books, decisions, expert testimony, oral transcripts
- Content related to pre-1948 claims presented to Congress and/or brought before the Court of Claims
- Content related to post-1978 claims brought before the U.S. Court of Claims (through 1982) and U.S. Court of Federal Claims (through 2006)
- Documents related to post-2006 settlement of claims
- Congressional publications directly related to Indian claims, including congressional publications indexed by docket numbers
- Maps
Get To Know The NPLC

Mission & Vision

The aim of the Native Peoples Law Caucus (NPLC) 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.

Welcome from NPLC Chair

Yah’teeh. I would like to begin by stating that it has been my privilege serving as the 2015-2016 Chair for the Native Peoples Law Caucus (NPLC). The NPLC, as I understand from the meeting notes for 2004, began in 1991. Unfortunately, no record exists for the members involved in the NPLC, but I can almost guarantee that the people who formed the Caucus were movers and shakers. Why? Because they demanded Native American issues be recognized. Now, I cannot comment on the history, but I can offer my opinion and that is that they changed the American Association of Law Libraries for the better. By simply taking a stand and letting people know that Indigenous laws do exist, they brought attention to an issue that was often ignored. Today, I am proud to report that the NPLC continues to show a strong presence in the Association. Members have contributed Indian Law publications to various law reviews, magazine and newspaper editorials, and blogs, just to name a few.

My hope is that the momentum continues and membership in the NPLC increases. I believe that the NPLC will continue to strive to be one the most active caucuses in the Association. I hope you enjoy the many benefits of being affiliated with such a worthy group of people who support the ongoing mission of the Native Peoples Law Caucus.

Ahéhee’ (Thank you)

Eugenia Charles-Newton
NPLC Chair 2015-2016

2015-2016 Officers

Chair: Eugenia Charles-Newton  Secretary: Chris Pamboukes
Webmaster: Bonnie Shucha  Newsletter Editor: Anne Lucke
Congratulations!

NPLC member Bonnie Shucha recently received the 2016 Distinguished Service Award from her local chapter, the Law Librarians Association of Wisconsin.

In addition, her article Engaging the Third Sovereign: The Nature, Reach, and Sources of Tribal Law, Wisconsin Lawyer, May 2015, was named the winner of the 2016 GLL-SIS Professional Publication Award.

Congratulations, Bonnie!

Articles of Interest

Indian treaties: A bibliography by Beth DiFelice.

This bibliography describes sources for research into treaties between the U.S. government and Indian tribes, focusing on primary sources. The sources are preceded by an overview of the treaty process and the termination of the government’s power to enter into treaties with Indian nations.


Contemporary Land Grabbing: Research Sources and Bibliography by Jootaek Lee.

This article investigates issues related to contemporary land grabbing. First it defines contemporary land grabbing and identifies the difficulties of research. Next, it delineates various mechanisms and international principles that can be useful in protecting those affected by contemporary land grabs. Finally, it selectively reviews current literature that provides useful starting points for contemporary land grabbing research.

Tribal nation pronunciations are being added to the National Indian Law Library’s (NILL) Tribal Law Gateway. The library is excited to launch this practical feature with a goal of providing correct audio pronunciations for all federally recognized tribes and Alaska Native villages. More than 100 audio pronunciations have been added through May 2016. Click on the name of the tribal nation and look for the audio icon. This unique guide will be a valuable resource for those who need to communicate with tribes and will allow people to address a tribe in a respectful manner.

See the Tribal Law Gateway and listen to audio at: http://www.narf.org/nill/triballaw/index.html

By David Selden
Library Director
National Indian Law Library / Native American Rights Fund

The National Indian Law Library (NILL) is located in Boulder, Colorado.
NILL serves the Native American Rights Fund (NARF) as well as the public.
Go to www.narf.org/nill for more information.
In 1997, US Supreme Court Justice Sandra Day O’Connor provided an important insight to tribal law in Lessons from the Third Sovereign: Indian Tribal Courts. She observed that the United States actually consists of three sovereign bodies: the federal government, individual states and Indian tribes. Each tribe has its own government and plays an important role in the administration of justice. She estimated that the more than 170 tribal courts have a jurisdiction encompassing more than 1 million Americans.

More than ten years later, Library of Congress (LC) management would give the nod to create a classification for the law of Indigenous peoples: Inuit, First Nations, and Métis settled across the vast spaces of Canada; American Indians in the United States; the Maya of Mexico; the countless Indigenous populations of Central America and South – crossing the Amazon Basin – and beyond.

The beginning of work on Class KIA-KIX (Law of the Indigenous Peoples in the Americas) was, however, not an isolated initiative. It was rather the response to exciting events, culminating in the United Nations Declaration on the Rights of Indigenous Peoples of 2007 that framed a universal, finite catalog of Indigenous rights. The legal profession had long called for respect of tribal law as primary law, not just as “other subject specialty,” but rather to recover and expose it in law library collections as what it is: the legal record of sovereign tribal governments! There also were challenges laid on the information profession to demystify the Indigenous image and replace the imaginary with the real day-to-day story. All these voices combined had generated interest and appreciation of the subject, manifest in the substantial increase of studies in academe on cultural heritage and government of the Indigenous people. LC payed particular attention to the expressed frustration of the user with the lack of accessibility and flawed access practices.

Where indeed were these sources that could tell the story of Indigenous law and government? Tracking and analyzing the Indigenous law sources and other evidences in collections throughout the Library, in the Rare Book Vaults, and on the unorganized and obscure Web, was a timely endeavor during this oncoming period of inter-institutional collection improvements by libraries and archives. Simultaneously, digitization projects – including LC’s own in this field – would add to higher visibility of the Indigenous, while the opening of collections would be aimed at new and broader audiences – the stated civic duty and obligation of an information agency!

At the end, the classification development benefitted from such outreach efforts to uncover, preserve, and promote Indigenous knowledge systems. It emerged from a comparative design process interrelating the past, present, and new realities into the existing framework of LC Class K (Law). Class KIA-KIX provides for the first time a geo-political arrangement, i.e., an organization of Indigenous peoples by geographic regions, such as Canada, Mexico and the United States with their narrower geographic sub-regions, each with its finite list of resident tribal governments; and lastly, a substantive arrangement for the duality of legal systems and sources – the tribal and the superimposed Federal/National. The Federal Indian law

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KF8200+, i.e., statutory US law impacting many areas of Indigenous law and government, was simultane-
ously redeveloped and expanded. This revision and expansion of KF8200 through KF8578 (Federal Indian law) was the project associated specifically with the development of subclass KIE (general and compara-
tive Indian tribal law), and includes for each subject the most important Federal acts, regulations, legisla-
tive materials, and landmark decisions. A substantial reference structure interconnects particular subject
areas which are present in both schedules, KIE and KF, as well as in Classes E and F (American history, and
Local history). The classification itself is a manifest of public policies - and the embrace of the American and
the Indigenous story.

While casting this new scheme in the visible order of ClassificationWeb, the potential of this system as a
linking tool to digital content everywhere was studied. The concept models for re-purposing this system as
a gateway for discovery and access to the Web were greeted with excited support by the user community. Concepts and collaborative development work between LC Library Services and the Law Library would eventually coin the Indigenous Law Portal (ILP) as an open access portal. This portal organizes resources following the order of the classification. The free LC online resource - available through the Law Library of Congress Guide to Law Online - increases access to rare and difficult to find Indigenous materials.

One of the first collections added to ILP was the American Indian Constitutions and Legal Materials collec-
tion. For this collection, the Law Library digitized over 400 American Indian constitutions and by-laws, charters, and acts, as well as treaties from its holdings. The collection contains historic Cherokee, Choctaw, Creek and others laws and legal documents, some written in the language of those tribes, dating back to 1810, as well as constitutions and charters of tribes from across the continental US and Alaska in the years after 1934 (Era of the Indian Reorganization Act).

But researchers also needed access to contemporary laws and legal materials, which are typically available on indigenous websites. Thus, the portal provides links to an individual tribal website as the most author-
tative source of information for specific tribal law in the United States and Canada. There, for example, one can trace the evolution of the Choctaw Constitution from the earliest version written in 1838 to the most recent version on the tribe’s website. Other examples include direct links to the tribal courts of the Seminole Nation of Oklahoma and the United Keetoowah Band of Cherokee Indians. Groups like the Choctaw Nation of Oklahoma and Ysleta del Sur Pueblo of Texas have sophisticated websites that offer services which citizens would expect of their government, including economic development, emergency manage-
ment, and health and human services.

Among the powers of sovereign nations is the right to conduct treaties. Many European nations, and later the United States, acknowledged the sovereignty of tribes by entering into treaty negotiations. The dig-
itized version of the 1895 laws of the Osage Nation - accessible to the public through the portal - includes several treaties which illustrate the “terms of relationship” between the US and the Osage:

“The United States being anxious to promote peace, friendship, and intercourse with the Osage tribes, to afford them every assistance in their power, and protect them from the insults and injuries of other tribes...have thought it proper to build a fort on the right bank of the Missouri” (1801 Trea-
ty ratified at Fort Clark)
Indian land cessions were meticulously documented by the United States federal government, and the ILP links to digitized Congressional documents in the United States Serial Set Number 4015, which is the second part of the two-part *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-1897*. Digitized maps and acts of Congress are available to the user; the schedules of Indian land cessions are organized by date, tribe, and state or territory. The image linked here shows the present day Klamath Reservation (Klamath Tribe, Oregon) as it was originally mapped in 1864:  
[http://tinyurl.com/Klamath1864](http://tinyurl.com/Klamath1864)

Since ILP follows the geographic/political structure and hierarchy as laid out in the KIA-KIX classification schedule, the website introduced interactive maps as access points to indigenous jurisdictional resources. Within the portal, users can locate indigenous information by country (currently North America: Canada, Mexico, and the United States, including Hawaii) and geographic sub-regions, such as the Northeast Atlantic or Pacific Northwest, as well as by state and province. Maps have been used as well to provide a visual interpretations of developments such as the Indian Territory (later State of Oklahoma), a consequence of the Indian removal to territory west of the Mississippi since 1830.

**Outlook.** The Library is continuing to add content to ILP by identifying, organizing and providing links to free primary law sources from the Library’s collections, indigenous governments, organizations, and other institutions. Work on the ILP is currently expanding to Central and South America – a slow process, fraught by the silence or scarcity of contemporary sources in a region torn by civil strife and unrest.

At the same time, a short classification, KI: Law of Indigenous Peoples for global and broad categories has been developed; this short class also serves to build the reference structure for Indigenous law in other regions of the world, e.g., India (KNS350+) or Africa (KQ3001+)

Library staff continues to seek input from state and federal agencies and individual tribal organizations. To use or contribute to ILP, explore its underlying classification schedule, and join in the expansion of this dynamic reference tool, visit the portal: [http://www.loc.gov/law/help/indigenous-law-guide/index.php](http://www.loc.gov/law/help/indigenous-law-guide/index.php).

**Notes:**


(2) Outline of the Indigenous law Classification:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>KI: Law of Indigenous Peoples</td>
<td>KIM3101-6000: Costa Rica</td>
</tr>
<tr>
<td>KIA-KIL: North America, Including Mexico</td>
<td>KIN1-4000: Guatemala</td>
</tr>
<tr>
<td>KIM-KIX: Central &amp; South America</td>
<td>KIN4101-6000: Honduras</td>
</tr>
<tr>
<td>KIM1-30: General Table KIA-KIX3 (30 nos.)</td>
<td>KIP1-4000: Nicaragua</td>
</tr>
<tr>
<td>KIM1-30: General Table KIA-KIX3 (30 nos.)</td>
<td>KIP4101-6000: Panama</td>
</tr>
<tr>
<td>KIM201-3000: Belize, British Honduras</td>
<td>KIP6000-8000: West Indies</td>
</tr>
<tr>
<td>KIM201-3000: Belize, British Honduras</td>
<td>KIQ-KIX: South America</td>
</tr>
</tbody>
</table>
Going to the Annual Meeting in Chicago?

Please join us for lunch!

We will be holding our caucus meeting off-site at a nearby restaurant. Get to know fellow NPLC members over a dutch-treat lunch while we attend to the business of our caucus.

AALL Native Peoples Law Caucus Annual Meeting

Tentative Date: Sunday, July 17th
Tentative Time: 1:00 pm
Location: To Be Announced

Please watch the NPCL Community Listserv for more information: bit.ly/aallnplc

ENCOURAGE OTHERS TO JOIN NPLC!

Know a colleague who’s interested in Federal Indian and Tribal Law?
Tell them about the Native Peoples Law Caucus! They can join our community by going to bit.ly/aallnplc, signing in, and clicking on the green “Join Community” button. All AALL members are welcome!