Welcome from the NPLC Chair

Hello all. I am delighted to be serving as Chair of the NPLC!

I have been a member of NPLC for quite a while now, but for those of you who do not know me, I am a member of the Donald E. Pray Law Library staff at the University of Oklahoma. I have a longstanding interest in tribal and federal Indian law and am currently enrolled in the Indigenous Peoples Law LL.M. Program at OU. I am a proud member of the Oklahoma Bar Association Indian Law Section and Access to Justice Committee, as well as the Chickasaw Nation Bar Association. I am also the incoming Chair of AALL’s Computing Services Special Interest Section.

As the NPLC Chair, I feel it is my responsibility to assist in carrying out projects in which Caucus members have expressed an interest. As such, I am committed to helping you identify the activities NPLC should support. Notwithstanding, I do have some goals that I would like to see NPLC accomplish. For example, AALL has sought NPLC involvement in a webinar on Federal Indian Law and Tribal Law Research. While we discussed this at the 2018 Annual Meeting, we were not able to offer such a webinar. I would like to ensure that NPLC shares the knowledge of our members with our AALL colleagues through educational programming at the Annual Meeting or via webinar.

Also, I would like to ensure that we are sharing information about events, publications and projects ongoing at our institutions, firms, and courts within NPLC. Here at OU, Marilyn Nicely has been tirelessly working on a freely accessible database of American Indian and Alaska Native Documents in the Congressional Serial Set 1817-1899. While Marilyn has done numerous presentations at national and Oklahoma conferences, I am not sure that all our Caucus members are aware of this very useful resource.

This year our Caucus will again participate at the AALL CONELL Marketplace. Thanks to Gretchen Van Dam, we will have some swag and copies of our newsletter available at our table. CONELL is an important opportunity for the Caucus to reach law librarians new to AALL and the profession and share with them the

Continued on Page 3
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 facilitate the analysis, cataloging, collection, dissemination, management, organization, and preservation of Native law in accordance with cultural tradition.

2019 OFFICERS

Chair: Darla Jackson
Secretary: Vacant*
Webmaster: R. Martin Witt
Newsletter Editor: Anne Lucke

*If you are interested in volunteering for the NPLC, please contact Darla Jackson

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.

JOIN THE NATIVE PEOPLES LAW CAUCUS!

Are you interested in Federal Indian and Tribal Law? Please join the Native Peoples Law Caucus!

Already a member? Please invite your colleagues! AALL Members can join our community by going to bit.ly/aallnplc, signing in, and clicking on the “Join Community” button.

All AALL members are welcome!
Welcome, continued from Page 1:
value of networking with other law librarians knowledgeable about legal issues and research resources relating to native peoples.

We will have a Caucus meeting at the AALL Annual Meeting this summer in Washington D.C. Please plan to attend the Sunday, July 14 meeting from at 1:15 pm-2:00 pm (WCC Room 103B). I am hoping to have a brief presentation from a guest speaker, but the details have not yet been confirmed. We will also be discussing plans for the future of the Caucus, including whether the membership would like to adopt bylaws addressing election of the key positions in Caucus and the desire of the Caucus to engage in cooperative efforts with FCIL.

Thank you to Anne Lucke for her continuing great efforts serving as the editor of the NPLC Newsletter!

Darla Jackson, Chair 2019-2020

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**Items of Interest**

This Library Takes an Indigenous Approach to Categorizing Books:
Xwi7xwa library in British Columbia is working to decolonize the way libraries organize information by Sydney Worth

Interview with Jolande Goldberg, Law Classification Specialist at the Library of Congress
by Jim Martin

‘This Land’ Podcast by Rebecca Nagle
[https://crooked.com/podcast-series/this-land/](https://crooked.com/podcast-series/this-land/)
An 1839 assassination of a Cherokee leader and a 1999 murder case – two crimes nearly two centuries apart provide the backbone to an upcoming 2019 Supreme Court decision that will determine the fate of five tribes and nearly half the land in Oklahoma.

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Meet Elizabeth Reese:
Law Clerk at the U.S. Court of Appeals for the Seventh Circuit

*Interview by Gretchen Van Dam*

Elizabeth Reese is currently clerking for Chief Judge Diane Wood of the U.S. Court of Appeals for the Seventh Circuit. She is a member of the Pueblo of Nambe tribe and grew up just north of Santa Fe, New Mexico at the foot of the Sangre de Cristo Mountains, with the names of Elizabeth and Yunpovi – which means Willow Flower in the Tewa language. At Harvard Law School she was a leader in the HLS Native American Law Students Association. Since law school graduation in 2016, Elizabeth has clerked for Judge Amul R. Thapar (KYED, now on the 6th Circuit) and been a Redstone Fellow at the NAACP Legal Defense and Educational Fund. This amazing modern day warrior is the daughter of notable librarian and educator, Debbie Reese, who was chosen by ALA to deliver the 2019 May Hill Arbuthnot Lecture. I talked with Elizabeth about her career, the important work of Native American lawyers, and of course, librarians!

**What made you choose the law as a career? Did you always want to be a lawyer?**

I'd heard it said when I was younger that lawyers were our modern-day warriors. One day I was at my high school library I was looking at the—incredibly tiny—section on Indians, and saw a small purple book. The book, *The ACLU's Handbook on The Rights of Indians and Tribes*, explained how much of Indian life was still shaped by the law (federal law specifically), and what an at times powerful and at times precarious place tribes still occupied in America. It also made sense of some of the things in my life I had never before realized were shaped by the law: the different police I had to navigate as we would drive from Nambe to Santa Fe; signing up for the Eagle Registry; why I went to an "Indian" hospital. After that book, it was clear I had something to do.

**You've had such a varied work experience. How did you/do you decide the structure of your career?**

Each work experience I've had has been a teacher. I've left each experience with new skills, but also more knowledge about what kind of work is possible in that job—and what isn't. There are a lot of different ways to fill your day; and there are a lot of different ways to make a difference. Since joy in my work and helping Indian country are the two things that drive me, I chose every job with the hopes it could meet both expectations, or teach me something that would help me get to a job that would have both. But, each job I think was also shaped by the different skills and insights I brought to them, including from my past jobs. I wasn't just thinking about what would this job be like but what would me in this job be like. So I suppose I truly think of my career as a path, that I'm laying brick on top of brick. As it's being built, I'm being shaped too, and the two inseparable constructions often point the way forward. I see new opportunities, find surprising joy in new tasks, meet new people, and let that lead me to my next job. In the end, I expect the path will have been windy, but because of the twists and turns I will have a diverse array of insights and experiences that will keep enriching my work.
You are a member of the Pueblo of Nambe tribe -- what does that mean to you and does tribal membership play a role in the work you do?

Personally, my tribal membership means a great deal to me: it's where I began, where I belong, who my family is, what my history is, why I am who I am.

As I described above, it certainly drives my career choices. It also changes how I navigate my work. I'm always conscious that for many people, I'm one of the few Indians they will ever meet. Especially in a high-powered professional setting, I take that fact as a responsibility to shatter negative stereotypes and--where appropriate and/or important--raise awareness. Especially in this profession, you never know when that small bit of knowledge about our contemporary existence could make all the difference for someone's ability to understand the facts of a case or the context of an argument.

Your mother is a notable librarian. Any thought on law librarians? (hint, hint)

She is! If I can make half of the impact with my life that my mom (Debbie Reese) has made I'll be proud of myself. My mom understands the power of books to shape how we think and what a society normalizes. Seeing that children's books were being used to dehumanize Indian people, she made it her life's work to point out that injustice and advocate for books that do the opposite: that tell our real stories. She recently won the Arbuthnot Lecture for her work. She's taught me that all librarians are guardians and curators of not just knowledge--but what story the knowledge tells about what kind of society we are. When they choose to see that power (some might say responsibility) and use it to help shape their shelves (and then the minds who pull from them) it's an incredible thing.

What's next after clerking at the Court of Appeals?

I'll be joining the University of Chicago Law School Faculty as a Bigelow Fellow. There I will teach Legal Research and Writing to 1Ls while I prepare a job talk paper to go on the academic job market in the next few years. I couldn't be more excited.
Going to the Annual Meeting in Washington DC? Please join us for the following events!

**AALL Marketplace at The Conference of Newer Law Librarians (CONELL)**

**Date:** Saturday, July 13th  
**Time:** 10:00 am - Noon  
**Location:** Washington Convention Center, West Salon H  
NPLC will be hosting a table. Stop by to say hello and welcome new AALL Members!

**Caucus Meeting**

**Date:** Sunday, July 14th  
**Time:** 1:15 pm—2:00 pm  
**Location:** Washington Convention Center, Room 103B  
We will be getting to know each other and discussing plans for the future of the Caucus.
Oklahoma Indian Country: 2018 & 2019 in Review

By Darla Jackson

Murphy v. Carpenter

2018 - 2019 in Oklahoma Indian Country, has been filled with talk of the Murphy case. If you aren’t familiar with the Murphy case, it involves a criminal defendant, Patrick Murphy, who, in 2000, was convicted in state court of murder. The state court also imposed the death penalty. Patrick Murphy is a member of the Muscogee (Creek) Nation and in his post-conviction relief he sought to have the conviction overturned claiming that the state did not have jurisdiction and the federal government had exclusive jurisdiction over crimes committed by Indians in Indian Country. Murphy asserted that the crime scene was within the boundaries of the Muscogee reservation, which had never been disestablished. Patrick Murphy was successful in his argument at the Tenth Circuit. In May 2018, the U.S. Supreme Court granted certiorari and arguments were heard in late November 2018.¹ After the arguments, in December 2018, supplemental briefs were directed. A decision in the case is expected in June 2019. Although this case addresses the Muscogee (Creek) Nation, there has been some speculation that the Court’s decision will also be applied to reservations of the Cherokee, Choctaw, Chickasaw, and Seminole Nations.²

As you might imagine, the Murphy case has been the subject of several presentations at the Sovereignty Symposium and at CLE of several tribal bar associations. In June 2018, the case was discussed by a panel at the 2018 Sovereignty Symposium. In December 2018, the Chickasaw Nation Bar’s Winter CLE included a presentation regarding the case. In the presentation, Cassey Ross, the General Counsel for Oklahoma City University and a member of the Cherokee Nation, led a lively discussion of the case. In early May 2019, the Muscogee Creek Nation CLE³ offered a unique perspective on the case through David Giampetroni, the lead counsel for the Muscogee Creek Nation at the

¹ Discussion about the potential impact of the Murphy case at the 2018 Sovereignty Symposium.
² A unique view of the Murphy case from David Giampetrtoni at the Muscogee Creek Nation CLE.
Tenth Circuit and who, with his colleagues from Kanji & Katzen, is representing the Tribe before the U.S. Supreme Court. Later in May, 2019, at the Cherokee Nation Bar Association Annual Meeting a third presentation on Murphy was also appreciated. Surprisingly at the 2019 Sovereignty Symposium there was only an occasional mention of the Murphy case.

**Indian Child Welfare Act (ICWA) and the Brackeen Case**

While the Murphy case has been perhaps the most discussed case, the Brackeen case is running a close second. Brackeen v. Zinke is the lawsuit involving Texas, Indiana, Louisiana, and individual plaintiffs, who allege the Indian Child Welfare Act is unconstitutional. While the initial Brackeen order was issued in federal judge in Texas, and not Oklahoma, the case has been one of intense concern in Oklahoma. In November 2018 at the Oklahoma Bar Association Annual Meeting, the Indian Law Section asked Steven Hager of the Oklahoma Indian Legal Services to lead a discussion regarding the case. Then, in March 2019, just days before the oral arguments in the case at the Fifth Circuit, the American Indian Law Review’s Indigenous Peoples, Law and Power Symposium, at the University of Oklahoma College of Law, focused on The Future of the Indian Child Welfare Act and included a discussion of the Brackeen case. The keynote speaker for the Symposium was Ambassador (Ret.) Keith Harper, attorney for Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation and Quinault Nation in Brackeen v. Zinke.
Family First Prevention Services Act

Although there has been a significant amount of discussion regarding the Brackeen case, at the 2019 Sovereignty Symposium the programming on youth issues included a focus on the Family First Prevention Services Act (FFPSA). FFPSA provides for reform of federal child welfare financing to provide services to families who are at risk of entering the child welfare system. It aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training. It also seeks to incentivize states to reduce placement of children in congregate care facilities. Of course, the Symposium programming addressed implementation by the tribes.

Stigler Act Amendments

Another topic discussed in Native Peoples Law circles in Oklahoma has been the Stigler Act Amendments of 2018. Just before the holidays in 2018, Congress passed the Stigler Act Amendments. The original 1947 Stigler Act required Indian land to be passed down to an heir with “one-half or more of Indian blood” in order to retain restricted status. The Act applies only to the Five Tribes. Most agree that the purpose of the law was to take land out of restricted status and get it onto the tax rolls. The Stigler Act Amendments will allow land to be passed onto Five Tribes descendants, regardless of blood quantum, without the land losing its restricted status.

While there was news coverage of the developments, few CLE presentations on the amendments were available. In May 2019 at the Hard Rock Casino in Catoosa, Oklahoma, the Cherokee Nation Bar Annual Meeting featured a presentation by Conor Cleary, an attorney with the U.S. Department of the Interior - Tulsa Field Solicitor’s Office, that included both the historical context of the Stigler Act and the practical application of the Amendments.
Water Law - Water resources are a recurring issue in Oklahoma. As an example, in August 2016 a Water Settlement Agreement resolved disputes relating to the Chickasaw Nation’s and Choctaw Nation of Oklahoma’s claims to water. In April 2019, a lawsuit attacking the agreement was filed in the Eastern District of Oklahoma.

As a result, Tribal Water Rights was an excellent topic to be included in the Oct. 12, 2018 Annual Indian Law CLE offered by the Indian Law Section of the Oklahoma Bar Association.

Opioid Epidemic

In 2019, much of the discussion in Oklahoma regarding opioid litigation has been about the State of Oklahoma suit against opioid manufacturers. In late May, on the eve of trial, drugmakers Perdue and Teva reached settlement agreements with the State of Oklahoma.7 With all of this attention on the State of Oklahoma case, there has been very little mention that it was the Cherokee Nation in 2017 that filed the first suit in its tribal courts against opioid distributors.8 However, when the case was transferred first to Oklahoma State Court and then to the Federal Court in the Northern District of Ohio, it got bogged down in what has been described as “behemoth litigation” that is “bloated, contentious and difficult to resolve.”9 But the Cherokee have not stopped working to help their members overcome the issues associated with the opioid crisis. In 2019, it was announced that the U.S. Department of Labor had awarded an initial grant of $2 million and could grant up to $6 million for disaster relief jobs to individuals who are affected by the health and economic impacts related to opioid use and addiction.10
**Gaming**

Of course, gaming continues to be a mainstay topic in Oklahoma. With the 2018 Murphy v. National Collegiate Athletic Association decision\(^{11}\) sports betting became the hot topic in gaming. Despite progress in sports betting in a few states, individuals talking about gaming at the 2019 Sovereignty Symposium did not assume that all tribes would find such an enterprise to be favorable given current operations.\(^{12}\) However, there was discussion of options on how to run sportsbooks if sportsbook operations were legalized in Oklahoma.

Of greater interest to the Gaming panel was the question as to whether the Oklahoma State-Tribal Gaming Compact should be renegotiated. The compact is set to expire in 2020, but the compact also contains an evergreen provision that allows it to continue. Members of the panel expressed the idea that, based on the contributions the tribes had made, the exclusivity fees should be reduced rather than increased and that the Bureau of Indian Affairs would not likely approve any compacts that did not improve the situation in favor of the tribes.\(^{13}\)

Another topic of discussion by the panel was the make-up of the National Indian Gaming Commission. In April 2019, NIGC announced that Chairman Jonodev Chaudhuri (who was present at the Sovereignty Symposium) was departing the Commission.\(^{14}\) There has not been an presidential appointment of a new chairperson, who must also be confirmed by the Senate. The panel expressed concern that the Indian Gaming Regulatory Act does not permit many of the duties reserved to the chairperson to be delegated or performed by the two remaining commissioners.

**Economic Development and Trade**

Economic Development and Trade continues to be a hot topic in Native American Law. In early June 2019, the University of Oklahoma College of Law hosted International Inter-Tribal Trade and Investment Organization’s (IITIO) Sixth International Indigenous Trade Mission & Conference.

The Conference started out with a bus excursion to meet and tour Oklahoma tribal businesses, such as the Cheyenne and Arapaho Tribe’s buffalo herd businesses. One of the topics discussed at the Conference was the inclusion of a general exception for indigenous trade in the United States Mexico Canada
Agreement. Canada’s assembly of First Nations, with the support of the National Congress of American Indians, had desired inclusion of an entire Indigenous Chapter in the agreement but felt it was important to have the topic addressed at least in the general exception.

The United States-Mexico-Canada Agreement’s new provision for the protection of the rights of Indigenous peoples is found in Chapter 32. While the provision was included at the behest of Canada, it is drafted to apply to all three parties of USMCA.

OU Indigenous Peoples Law Program

Both Professor Lindsay Robertson and Professor Taiawagi Helton participate in IITIO activities and are instructors in the Indigenous Peoples Law Program at the University of Oklahoma. Under the auspices of the Program, the University of Oklahoma College of Law offers both a Masters of Legal Studies and an LL.M in Indigenous Peoples Law. In August 2019 the first cohort of students in the LL.M program began course work. I was excited to be among them.

I have particularly enjoyed not only learning about the law but also how history and culture have affected and been affected by law and policy. As part of one of the projects in the Religion, Culture, and Indian Law course, I was able to visit the Chickasaw Cultural Center and the Osage Nation Museum. As a veteran, it was intriguing to see how the tribes honored Native American veterans. It was also interesting to learn more about the Osage murders that are the basis of the New York Times Bestseller (National Book Award Finalist) *Killers of the*
Flower Moon: The Osage Murders and the Birth of the FBI, which is currently scheduled to be made into a movie. I am also looking forward to the course on International Indigenous Peoples Law course. It was exciting to hear Muscogee Creek District Judge Bigler talk about the UN Declaration on the Rights of Indigenous Peoples and the translation of Declaration into Mvskoke\(^6\) at a March 2018 Coffee and Conversation meeting hosted by Oklahoma Indian Legal Services.

**OU Law Library**

Finally, throughout 2018 and 2019 Marilyn Nicely has continued to work on the American Indian and Alaskan Native Documents in the Congressional Serial Set Collection. While other subscription services also contain some of these documents, Marilyn Nicely, a member of the NPLC, has tirelessly worked to make this collection of documents available without cost and easily searchable.

In March 2019, Marilyn presented information about the collection at the Oklahoma Library Association Annual Meeting while I, along with Rod Ring, Chair of the Oklahoma Bar Association Access to Justice Committee, shared information about Oklahoma Free Legal Answers (OKFLA). OKFLA allows low-income Oklahomans to submit three questions each year through an online system and have the questions answered by volunteer attorneys. While we have had some questions submitted about tribal court matters, it has sometimes been difficult to find volunteers who have experience in tribal courts.


10 Joyce Hanson, Cherokee Nation Gets Up To $6M Grant for Opioid Relief Work, LAW360.COM(Feb. 12, 2019, 10:14 PM EST), https://www.law360.com/articles/1128331?scroll=1&related=1.


12 See Timothy Williams, A Small Town Bet on Sports Gambling. It’s Still Waiting, NYTIMES.COM (Apr. 16, 2019), https://www.nytimes.com/2019/04/16/us/sports-gambling-tunica-mississippi.html (discussing how revenues from sports betting have not met expectations and how that has affected state initiatives to make sports betting legal).


