

# **INDIAN LAW @ HARVARD**



Solomon Jones Homer, a graduate of Roanoke College in 1893 and Harvard Law School in 1895, the first Native American graduate of Harvard Law School. Courtesy of Roanoke College Library.

# GENERAL BODY MEETING WITH PROFESSOR MATTHEW L.M. FLETCHER

**Visiting Professor of  
Federal Indian Law**



**Wednesday, February 21  
WCC 1010, 12:30 pm**



Food will be provided. RSVP at:  
<https://forms.gle/ZjG7Njbfbh2W6YEmZ9>



Leroy Little Bear, director of Harvard's Native American Program; Wenona Single '99, vice chair of the Native American Law Students Association; Navajo Nation Supreme Court Chief Justice Robert Yazzie; Associate Justice Raymon Austin; and Justice-designate Irene Toledo gather outside Austin Hall after

# Indian activist challenges Navajo courts

CAMBRIDGE, Mass. (AP) — Sioux actor and activist Russell Means went on trial before the Navajo Supreme Court on Saturday in a case that tests the legitimacy of the American Indian justice system.

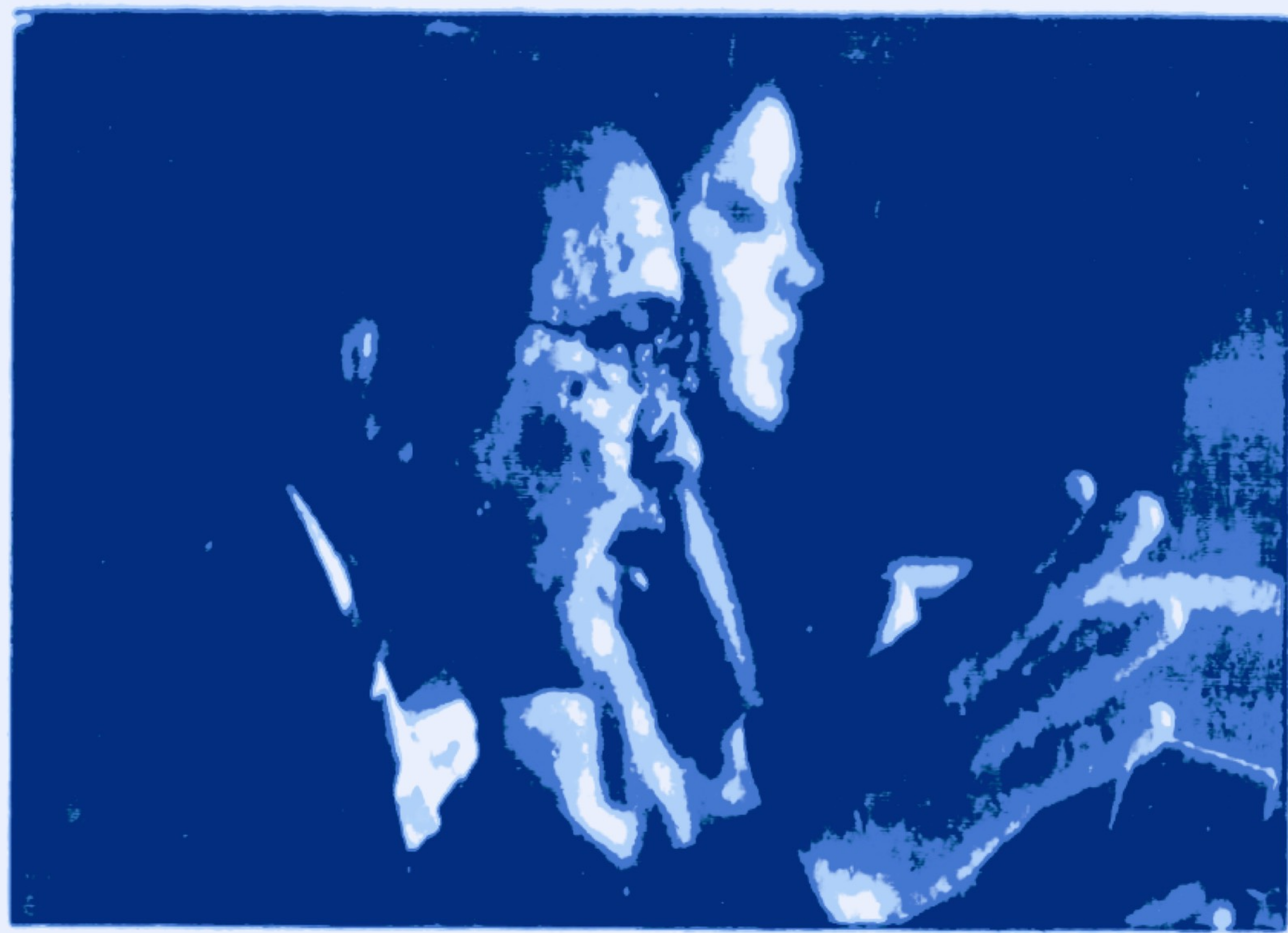
The court convened at Harvard University to hear an assault case against Means, a founder of the American Indian Movement who led an uprising at Wounded Knee, S.D., and has appeared in such films as "Natural Born Killers."

Means is accused of beating his father-in-law in 1997 in Arizona's Navajo Nation, but as an Oglala Sioux he insists he cannot be prosecuted by another tribe.

Tribal leaders nationwide are watching the case, since it could mean the erosion of their rights to handle crimes on their own lands.

Means claims a federal law that gave Indian tribes the right to prosecute nonmember Indians is invalid because it came a year after the U.S. Supreme Court ruled a tribe's judicial powers extend only to members of its own tribe.

He also says such a rule discriminates against Indians.



WILLIAM B. FLOWMAN/AP

**Navajo Nation Chief Justice Robert Yazzie gestures during court proceedings at a special session of the Navajo Nation Supreme Court, held at Harvard University in Cambridge, Mass, on Sat., to decide if Sioux activist Russell Means can be prosecuted under the jurisdiction of the Navajo Nation justice system.**

tion under the Fifth Amendment," said Means' attorney, John Trebon.

Means was in Ecuador on Saturday and did not attend the hearing.

In 1973, members of the Indian

Means emerged a leader in the two-month standoff that ensued, and shootouts left two occupiers dead and a federal marshal paralyzed.

Means has vowed to take the case to the U.S. Supreme Court

termingling — as well as violent crime — on the rise on American Indian lands, tribal officials want more control over their territories, advocates say.

"Mr. Means, by his actions, has consented to the jurisdiction of the Navajo Nation and he became part of the community," said Navajo Nation prosecutor Donovan D. Brown. "If the court rules that there is no jurisdiction, within the Navajo Nation at least, it will create opportunities for illegal activists to basically go unpunished."

Brown discounted Trebon's arguments that Navajo prosecution violated Means' civil rights.

"The Constitution does not apply to the Navajo nation," he said. "The Navajo Nation predates the Constitution."

The hour-long hearing before Navajo Supreme Court justices was held at Harvard Law School, an invitation extended by the school because of the case's importance, the university said.

Sitting underneath a Navajo Nation flag bearing a rainbow





INDIGENOUS WOMEN,  
VIOLENCE, and  
HUMAN RIGHTS

with  
**ANGELA  
RILEY**

Professor of Law; Director, UCLA American Indian  
Studies Center; Director, MA/JD Joint Degree  
Program in Law and American Indian Studies;  
Co-Director, Native Nations Law and Policy Center

Please join us for discussion  
with Angela R. Riley, Professor of Law at the  
UCLA School of Law and Director of the UCLA  
American Indian Studies Center. She also  
serves as Co-Chair for the United Nations  
Indigenous Peoples' Partnership Policy Board,  
and is an Evidentiary Hearing Officer for the  
Morongo Band of Mission Indians.

Riley's research focuses on issues related to  
indigenous peoples' rights, with a particular  
emphasis on cultural property and Native  
governance. Her work has been published in the  
Yale Law Journal, Columbia Law Review,  
California Law Review, Georgetown Law Journal  
and others.



October 13<sup>th</sup>-14<sup>th</sup>, 2016  
Harvard Law School  
Milstein West, Wasserstein Hall, Second Floor



Join us in dialogue to examine the indigenous rights movement, from  
opposition to the Dakota Pipeline, to Supreme Court litigation, and  
international human rights advocacy. Speakers include tribal leaders,  
legal scholars, government lawyers, and international diplomats.

**This event is free and open to the public, and no pre-registration is required.**

KEYNOTE SPEAKERS



**S. James Anaya**  
Dean, University of  
Colorado Law School, and  
Former U.N. Special



**Fawn Sharp**  
President, Quinault Indian  
Nation



**Ambassador  
Keith Harper**  
U.S. Representative to the  
U.N. Human Rights Council





# “The Roberts Court, American Indians, and Living Cultures”

Monday April 7, 12 Noon-1pm  
Harvard Law School  
Wasserstein Hall, Room 3016  
Lunch Provided



Professor Kristen Carpenter, HLS '98

Kristen Carpenter is Associate Professor of Law and Co-Director of the American Indian Law Program at the University of Colorado Law School. Professor Carpenter’s research focuses on the legal claims of indigenous peoples with respect to issues of property, religion, and human rights. Her articles have been published in the Yale Law Journal, California Law Review, UCLA Law Review, American Indian Law Review and others.

From 2005-2013, the U.S. Supreme Court under Chief Justice Roberts decided ten cases involving Indian tribes, and the Indians lost nine of them. These decisions have been described as extending the Rehnquist Court’s discomfort with the arguably exceptional nature of tribal rights under federal Indian law, and its attendant preference for states’ rights, mainstream values, and formal equality among individuals. Yet, emergent norms in domestic and international law alike promote a different paradigm, one of indigenous “self-determination” in relationship with governments and others. In this spirit, Professor Carpenter describes the ways in which tribes are engaging the decisions of the Court towards the promotion of human rights and cultural revitalization.



Event Co-sponsored by the Harvard University Native American Program, Harvard Native American Law Students Association, and Harvard Law School Dean of Students Office.



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JOHN ECHO HAWK



# Indian with Harvard law de

By Wayne Reilly  
NEWS Education Writer

Maine citizens will be faced by a second generation of Indian law suits in five or six years after the current land claims suit is settled, predicts Henry Sockbeson III.

Sockbeson, the first Maine Indian to graduate from one of the nation's most prestigious law schools, at Harvard University, and probably the

first to become a lawyer, would like to return to his home state to take up the cause of Indian legal rights which is now being fought in the courts by white men.

"This is the first generation of law suits in Maine. This will determine the amount of land and resources the tribes will have and then there'll be a second generation of cases that will involve what kind of rights the tribe

has within the tribal land and fishing rights and state taxation, ment . . . There who has the sk what I'm get Sockbeson wh Bangor recent

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has within these newly established tribal land areas involving hunting and fishing rights, law enforcement, state taxation, and business development . . . There has to be somebody who has the skills to do that and that's what I'm getting right now," said Sockbeson who was on vacation in Bangor recently.

A year out of Harvard, Sockbeson is a staff attorney with California Indian

Legal Services in Eureka where he is working on many of the same types of cases which he feels will crop up in Maine in a few years after a land settlement is reached.

The job pays much less than Sockbeson could have gotten if he had taken one of the readily available positions law firms are offering minority group lawyers these days. But Sockbeson knows his goal. "In-

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dian problems. That's my career," he said.

Sockbeson's academic successes are outstanding considering that few Indians go on to college and a relatively high number drop out of high school. Both figures are improving as Indian schools are upgraded and more opportunities are made available by colleges for Indians and other minorities.

"I always knew I wanted to go to college," Sockbeson said. He attributes his success to hard work to overcome academic deficiencies once in college as well as encouragement from people who made him aware there were many paths he could take.

The son of a Passamaquoddy, who is a building contractor, and a Penobscot mother, Sockbeson attend

See OLD TOWN on Page 2

The Commonwealth of Massachusetts

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MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF RUSSEL L. BARSH AND CHARLES F. FLAHERTY, JR., FOR LEGISLATION TO PROVIDE FOR THE ENCOURAGEMENT AND PRESERVATION OF AMERICAN INDIAN SCHOLARS AT HARVARD UNIVERSITY.

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February 21, 1973.

*To the Honorable Senate and House of Representatives:*

Will help defend Indian cause

## Cox volunteers

By Peter Taber  
Of the NEWS Staff

Archibald Cox, the prominent Harvard law professor whose name became synonymous with the special Watergate investigation of three years ago, volunteered his talents Tuesday to the cause of Maine's Indians in their claim to some two thirds of the land in the state.

The 64-year-old Cox, a Maine summer resident, will serve as a consultant on litigation brought on

legal team of the Colorado-based Native American Rights Fund (NARF) which has worked since 1972 to have the federal government prosecute land damage claims for \$300 million against the State of Maine.

NARF attorneys say that the Indians were illegally deprived of their tribal lands, an expanse of some 12.5 million acres taking in everything in the Penobscot River watershed and areas to the north and east. The



# Federal officials hope courts cooperate

■ Symposium focuses on state and tribal court cooperation.

By Hugh O'Gara  
Journal Staff Writer

While federal officials are trying to encourage more cooperation between



Reno



Lee

said there were gaps in the tribal and state court jurisdictions that could be improved.

While civil court cases between American Indians and non-Indians on reservation lands are handled by tribal courts and federal courts handle major felony cases against non-Indians in Indian Country, jurisdiction over lesser crimes needs to be addressed, Lee said.

The Supreme Court has ruled tribal

## Mass. To Probe Harvard Indian Trust Fund Case

BOSTON (AP) — The attorney general of Massachusetts plans to appoint a special assistant to determine whether Harvard University has diverted to other use centuries-old trust funds intended for the education of American Indians.

If the investigation suggests that Harvard trust funds earmarked for Indians have been used for other purposes, Quinn said his office could work out a solution with the Harvard Corporation or bring the case to probate court.

## Free Rent for the Indians Is Questioned at Harvard

CAMBRIDGE, Mass. (AP) — Harvard University has tossed the ball to the state on whether it must let Indian students have rooms rent-free, as some Indian students contend it must under a three-centuries old

The commissioners granted permission to demolish and to use the bricks for a new building, provided that Harvard let any Indian students have their rooms rent-free "in said building." But the new building, the first Stoughton Hall, was torn

# Power to the people, and Reno and Halbritter, too

Attorney General **Janet Reno**, novelist **Susan Power** and Oneida Indian Nation leader **Ray Halbritter** – all grads of Harvard Law School – are in Cambridge today to speak at a conference on American Indian Tribal Courts and Self-Governance. The conference, which is free and open to the public, takes place at the law school from 8:30 a.m. to 7 p.m. . . . Meanwhile, BU Law school grad and former Congress-

## Oneidas give \$3m for Indian studies

ASSOCIATED PRESS

VERONA, N.Y. — The Oneida Nation has donated \$3 million to Harvard Law School to establish a professorship in Indian studies.

The professorship will be the first endowed chair in American Indian studies at Harvard University and the only professorship of its kind east of the Mississippi River, officials said Wednesday.

“For too long, American Indian

should be a vital area of scholarship at American law schools.”

Treaty rights, the federal government’s trust responsibility to tribes, and the scope of tribal sovereignty are among the major issues in Indian law, Clark said. Some related topics already are taught at Harvard.

“We are confident that the kind of scholarship for which the law school is known worldwide will

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