HARVARD INDIAN LAW SYMPOSIUM 2025

FLETCHER

HLS NALSA Presents

2025 HLS INDIAN LAW SYMPOSIUM

De-Othering Indian Law:
Indigenous Topics as Canon Legal Doctrine

Friday, February 28, 2025

Harvard Law School | Milstein Rooms

Lunch will be provided for registered attendees

For more info and to register visit the symposium website at the QR code or link below

https://tinyurl.com/2hxhrcss

1. INDIAN LAW @ HARVARD

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 Roberty 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 not

WILLIAM B. PLOWMAN/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 Indi-

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

HARVARD NALSA

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.

date	time	location

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

HARVARD LAW

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.

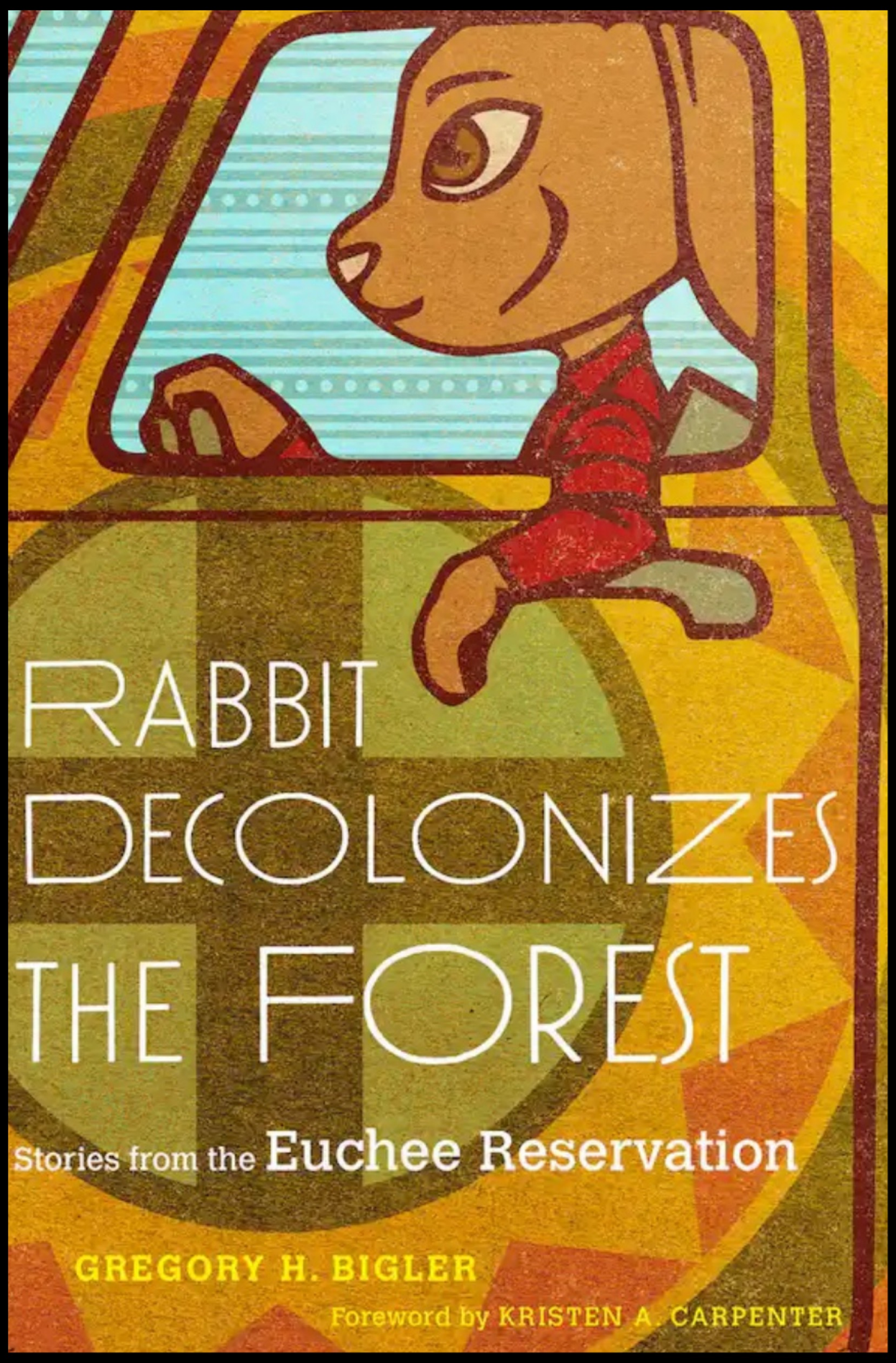
This event is free and open to the public, and no pre-registration is required.

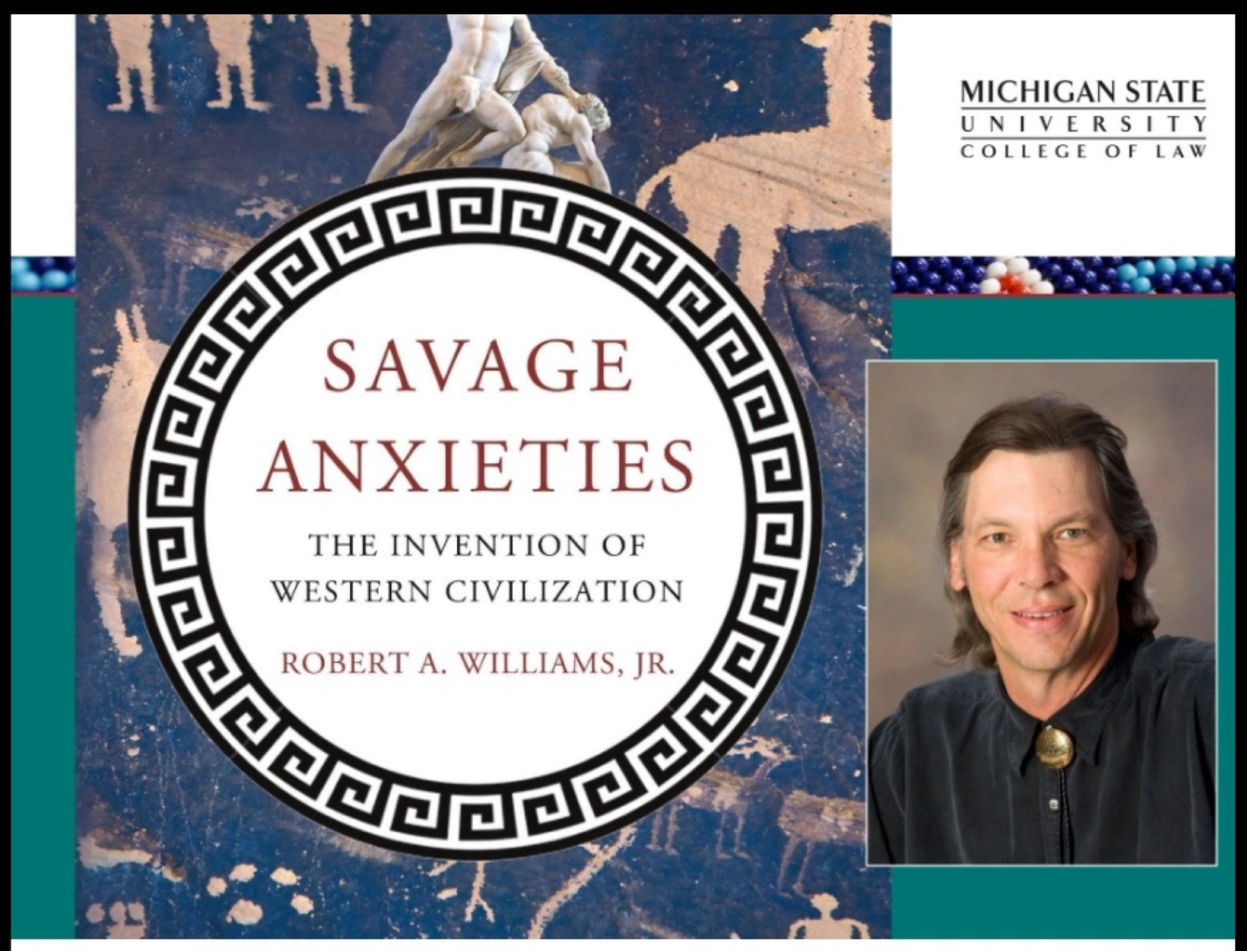
KEYNOTE SPEAKERS

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 Michigan State University College of Law
Indigenous Law & Policy Center Presents

MSU Law and Harvard Law Alumni Reception

Thursday, April 11
5:30 p.m., Buffalo Thunder Resort, Buffalo Club,
Santa Fe, New Mexico

Guest Speaker
Professor Robert A. Williams Jr., University of Arizona James E. Rogers College of Law
Author of *Savage Anxieties: The Invention of Western Civilization*

Co-Sponsors: Greenberg Traurig LLP and Fletcher Law PLLC

Refreshments will be served.
Visit **www.turtletalk.wordpress.com/indigenous-law-program** for more information.

The Supreme Court and the Future of Federal Indian Law

Monday, April 6, 2009
Ames Courtroom, Austin Hall, Harvard Law School

The Supreme Court's treatment of American Indians has long been viewed as uniquely reflective of the rise and fall of our shared democratic faith. A flurry of recent cases has signaled to Native nations a disturbing paradigm shift—that of a judiciary now openly hostile to tribal interests. This timely conference brings together leading scholars and practitioners for a frank discussion regarding the impact of the Roberts Court on Indian Country.

p.m. **Opening Remarks**
- **A. Raymond Halbritter**
  Representative, Oneida Indian Nation

p.m. **From Where We've Come: Marshall to Rehnquist**
- **N. Bruce Duthu**
  Professor of Native American Studies, Dartmouth College
- **Steven Paul McSloy**
  Co-chair, Native American Practice Group, Hughes Hubbard & Reed LLP
- **Robert Odawi Porter**
  Professor of Law, Syracuse University
- **Alexander Tallchief Skibine**
  S.J. Quinney Professor of Law, University of Utah
- **Lorie M. Graham** *(Moderator)*
  Professor of Law, Suffolk University

2:45 p.m. **Where We're Going: The Roberts Court**
- **Bethany Berger**
  Oneida Indian Nation Visiting Professor of Law, Harvard University
- **Gavin Clarkson**
  Associate Professor of Law, University of Houston
- **Douglas J. Luckerman**
  Tribal Attorney
- **Joseph William Singer**
  Bussey Professor of Law, Harvard University
- **Rebecca Tsosie**
  Professor of Law, Arizona State University
- **Richard Guest** *(Moderator)*
  Co-director, Supreme Court Project, Native American Rights Fu

4:15 p.m. **Keynote Address**
- **Philip "Sam" Deloria**
  Director, American Indian Graduate Center, Inc.

This conference was made possible through the generous support of Milbank, Tweed, Hadley & McCloy LLP

Charles Hamilton Houston Institute for Race & Justice · 1653 · 1655 · The Harvard Foundation for Intercultural and Race Relations · Harvard University Native American

HARVARD LAW SCHOOL
Program on Biblical Law and Christian Legal Studies

Thursday, February 15
8:45am - 5:15pm

Indigenous Peoples, Traditional Knowledge, and Intellectual Property in International Law

Harvard Law School
WCC, Milstein East B

REGISTRATION REQUIRED
(scan QR code below to register)

"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.

Indian with Harvard law de

law degree forecasts many

s many more tribal suits

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 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. "Indian 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

HOUSE . . . . . No. 6048

The Commonwealth of Massachusetts

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.

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 cliam 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

Reno

Lee

While federal officials are trying to encourage more cooperation between state and tribal courts, a symposium here has found that there are 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

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

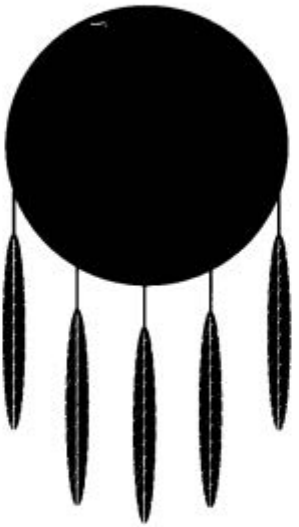
1989 Harvard Indian Law Symposium

Welcoming Remarks
Robert C. Clark

"You Can't Rollerskate in a Buffalo Herd Even If You Have All the Medicine": Some Thoughts On Indian Law and Lawyering
Rennard Strickland

Tribal Courts and the Federal Union
Robert N.Clinton

State Enforcement of Alaska Native Tribal Law: The Congressional Mandate of the Alaska National Interest Lands Conservation Act
Stephen Conn and Bart K. Garber



Caught in a Crossfire: Conflict in the Courts, Alaska Tribes in the Balance
Lloyd Benton Miller

Indian Water Rights after the *Wyoming* Decision
Reid Peyton Chambers

State and Indian Tribal Taxation on Indian Reservations—Is It Too Taxing?
Susan Williams and Kevin Grover

The Rights of Indigenous Peoples and International Law in Historical and Contemporary Perspective
S. James Anaya

Papers published in conjunction with
a conference presented by the Harvard Chapter of
the American Indian Law Students Association;
co-sponsored by the National American Indian Law
Students Association, Inc., and
the American Indian Bar Association.

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Harvard College

2. NDN LAW 101

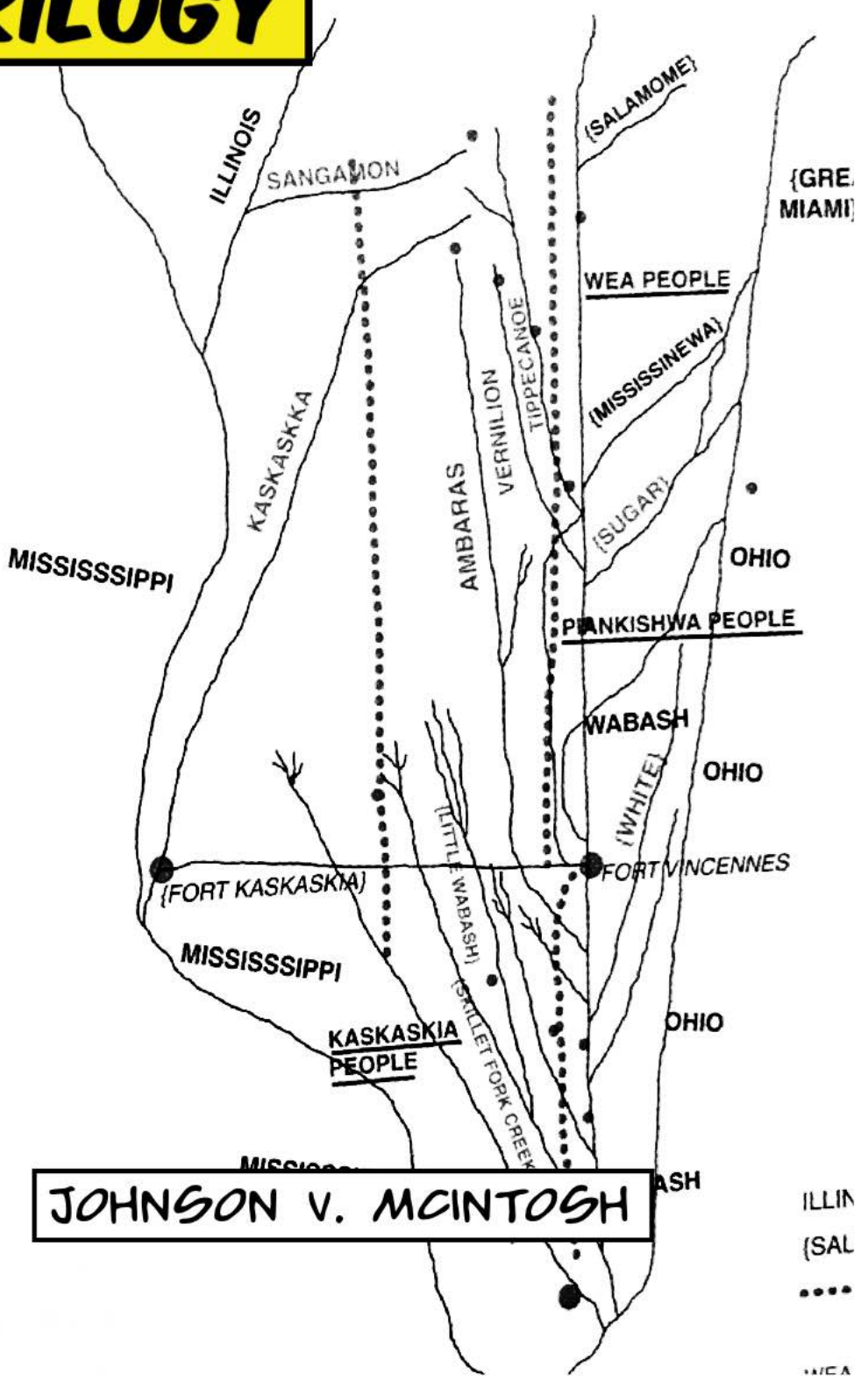
FOUNDATIONS OF FEDERAL INDIAN LAW

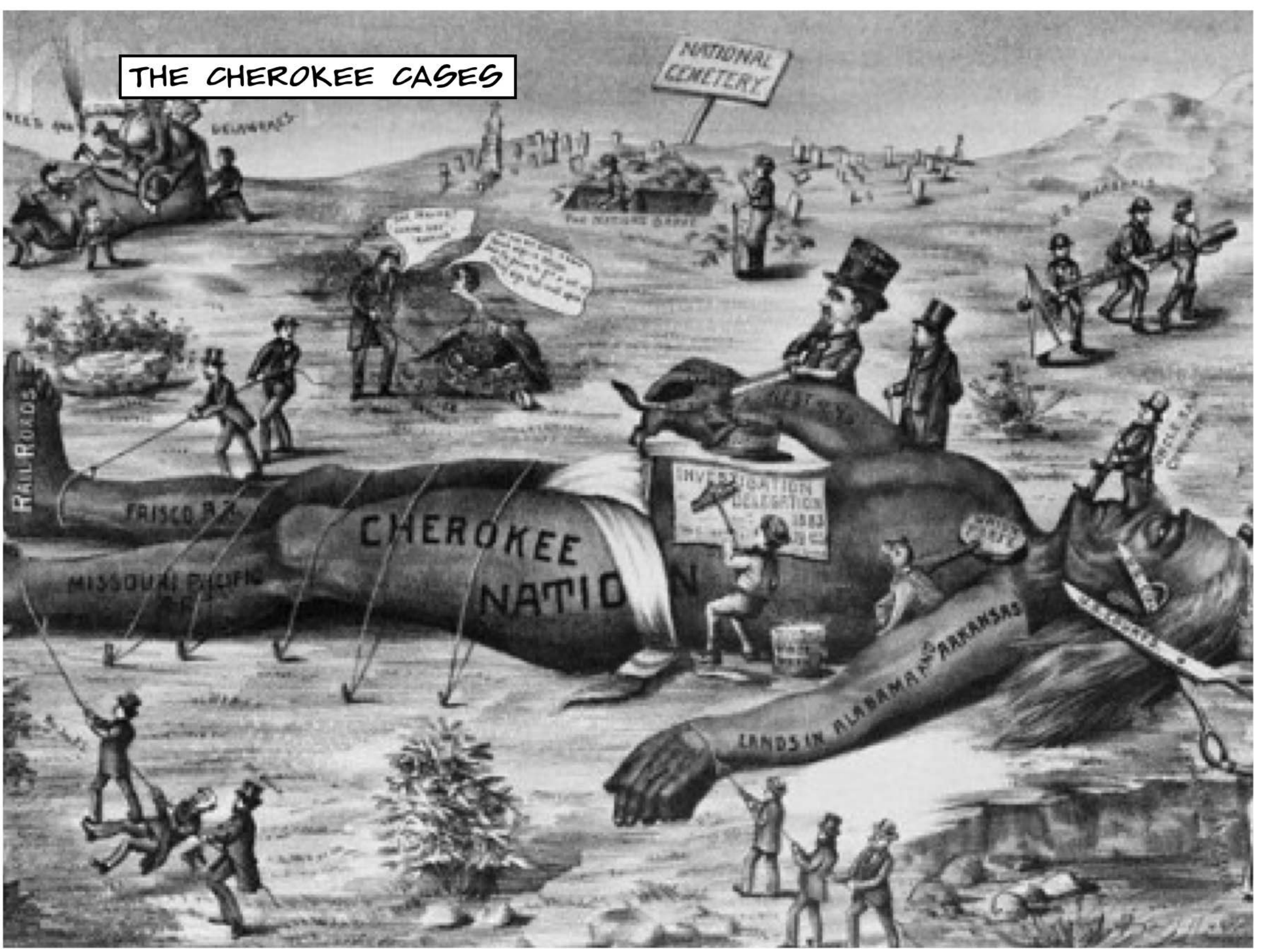
1. FEDERAL LAW IS SUPREME.

2. STATE LAW HAS NO FORCE IN INDIAN COUNTRY.

3. INDIAN TRIBES POSSESS INHERENT POWERS.

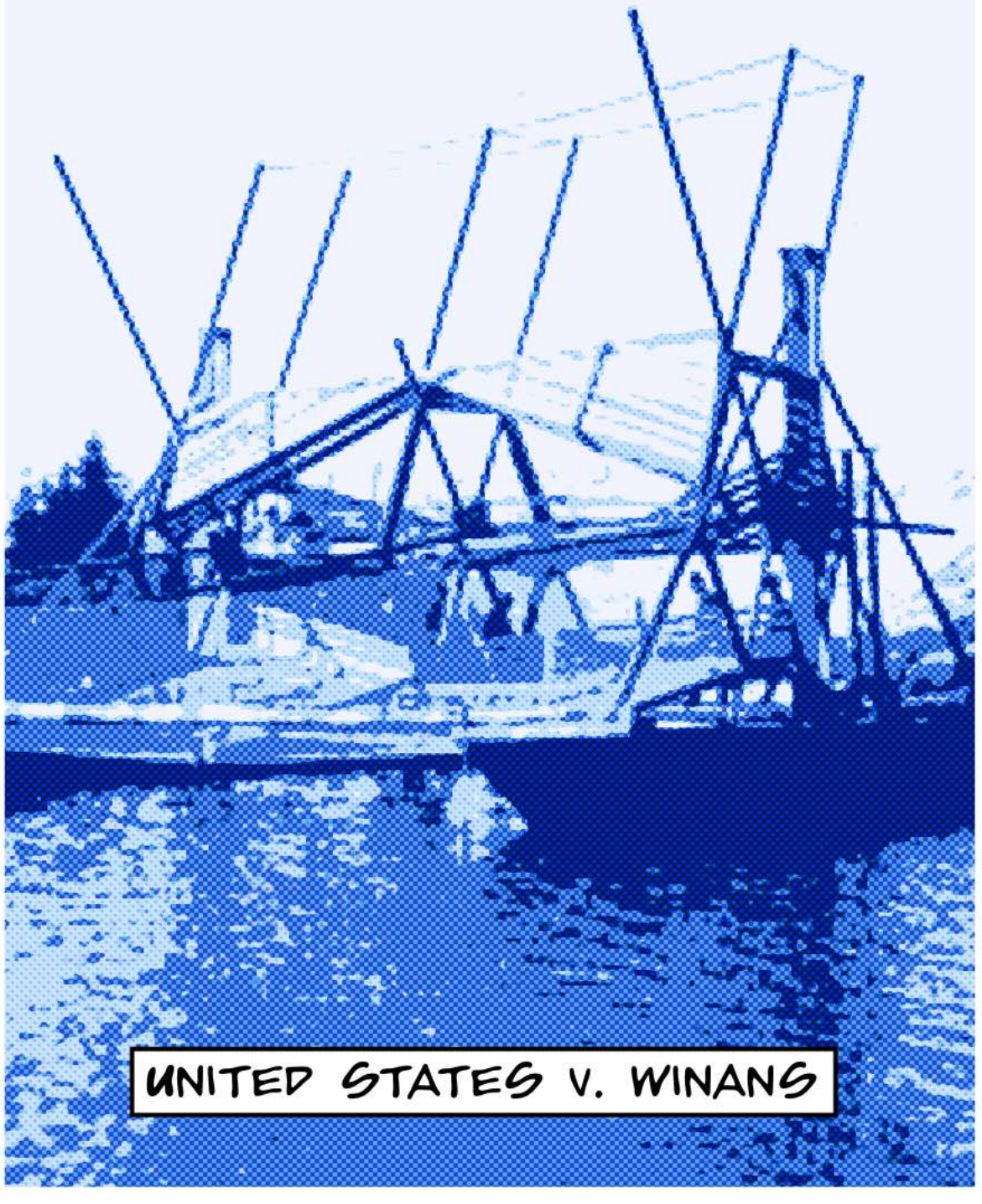
THE MARSHALL TRILOGY



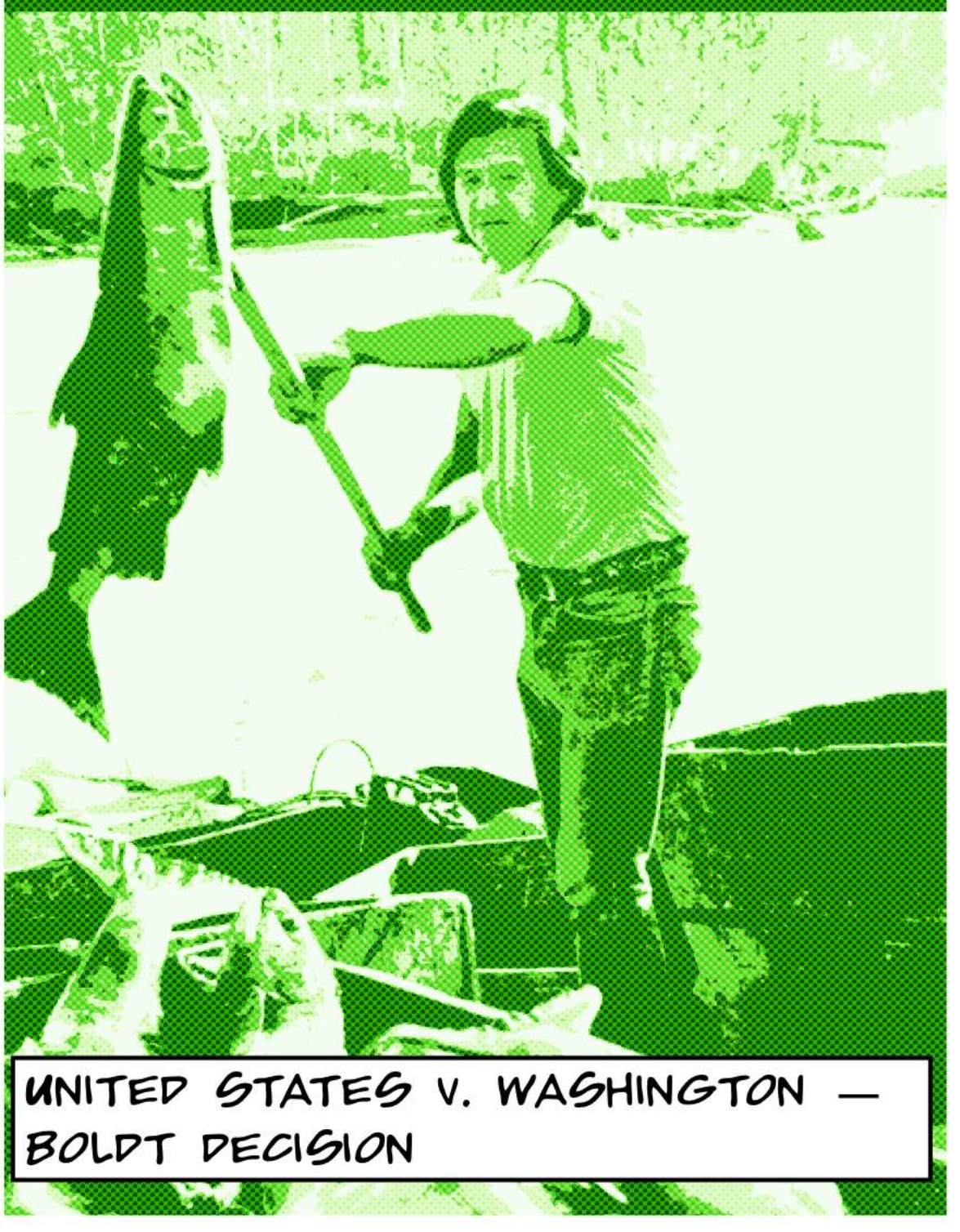


THE PLENARY POWER TRILOGY

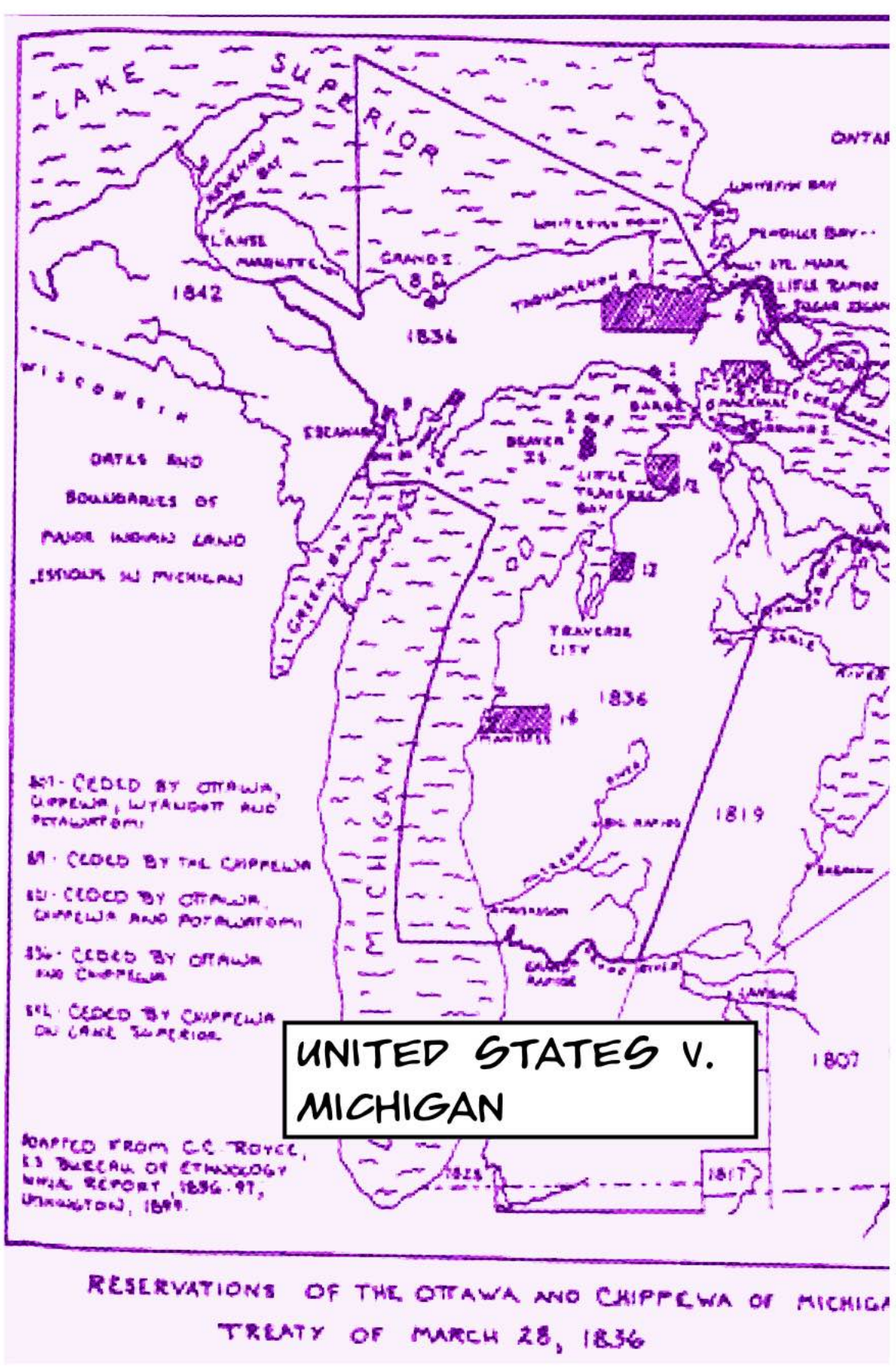
TREATY RIGHTS CASES



UNITED STATES V. WINANS

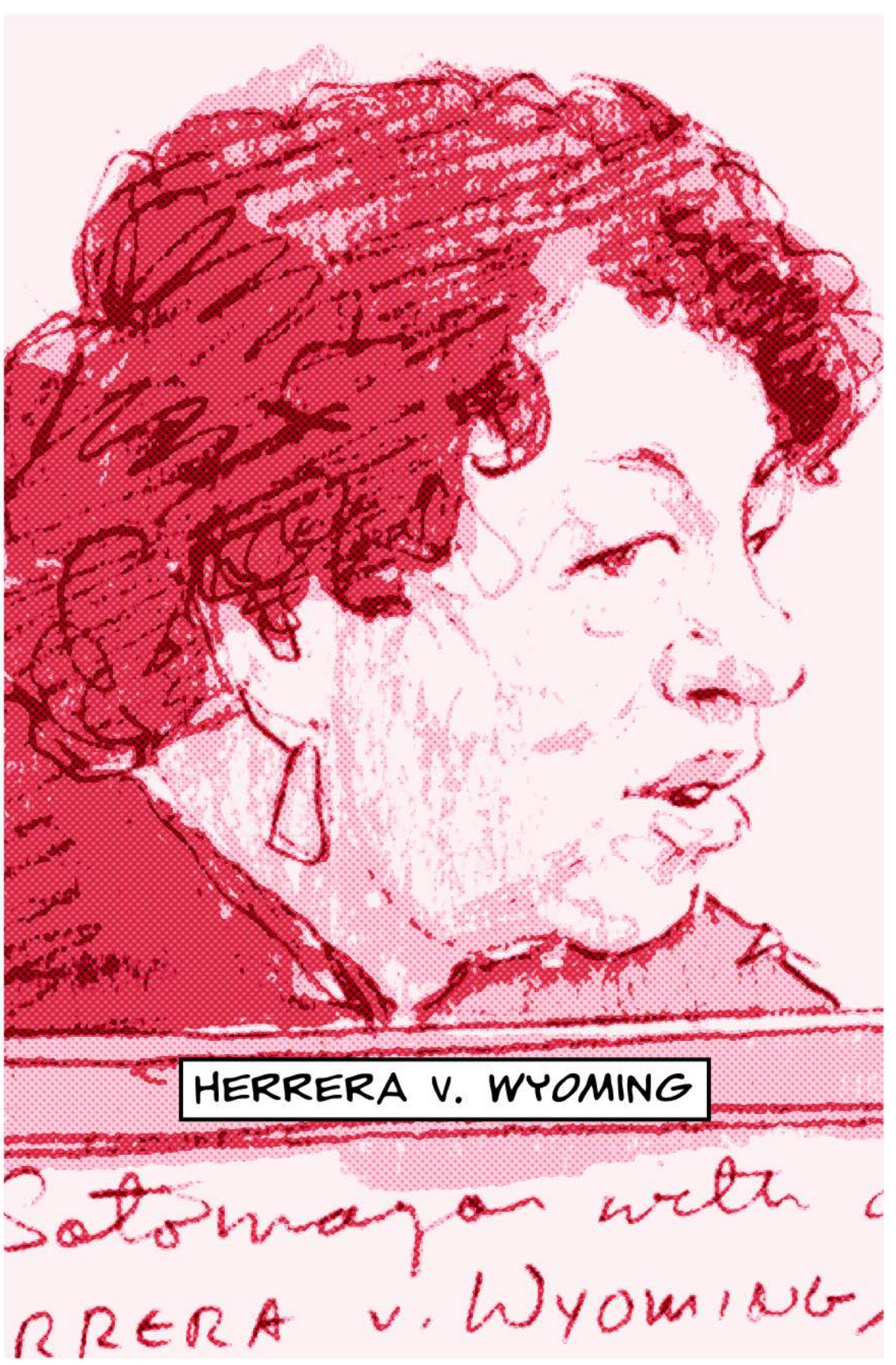


UNITED STATES V. WASHINGTON — BOLDT DECISION



UNITED STATES V. MICHIGAN

RESERVATIONS OF THE OTTAWA AND CHIPPEWA OF MICHIGA
TREATY OF MARCH 28, 1836



HERRERA V. WYOMING

Satowaga with
RRERA v. WYOMING,

1978 TRILOGY

Tribal Powers Challenged

By Cynthia Gorney
Special to The Washington Post

SUQUAMISH, Wash.—It was not really much
a fight. It was late at night and there was a
t of liquor around and "altercation" is the word
ark Oliphant prefers. An altercation that ended
hen Oliphant, a non-Indian but nonetheless a
fetime resident of the Port Madison Reserva-
on, was pulled away by a newly appointed offi-
r of the Suquamish tribal police.

Nabbed by a tribal policeman, Oliphant still
isties at the memory. "Right on the little league
ll field," he said recently, thumping his table
the local bar, "where I hit my first home run."

Oliphant was not cooperative. Oliphant was
arged with resisting arrest and assault on a
olice officer and was locked up in jail for the
ext five days. And last month, wearing his
rown corduroy suit, Oliphant went to Wash
n to watch the Supreme Court hear the case
at may have turned his late night altercation
into a major test of the balance of power on America's Indian reservations.

The issue starts off simple: Do the six Suquamish tribal police, whose headquarters is a cramped office on the main street of this tiny Puget Sound community, have the authority to arrest non-Indians on the reservation?

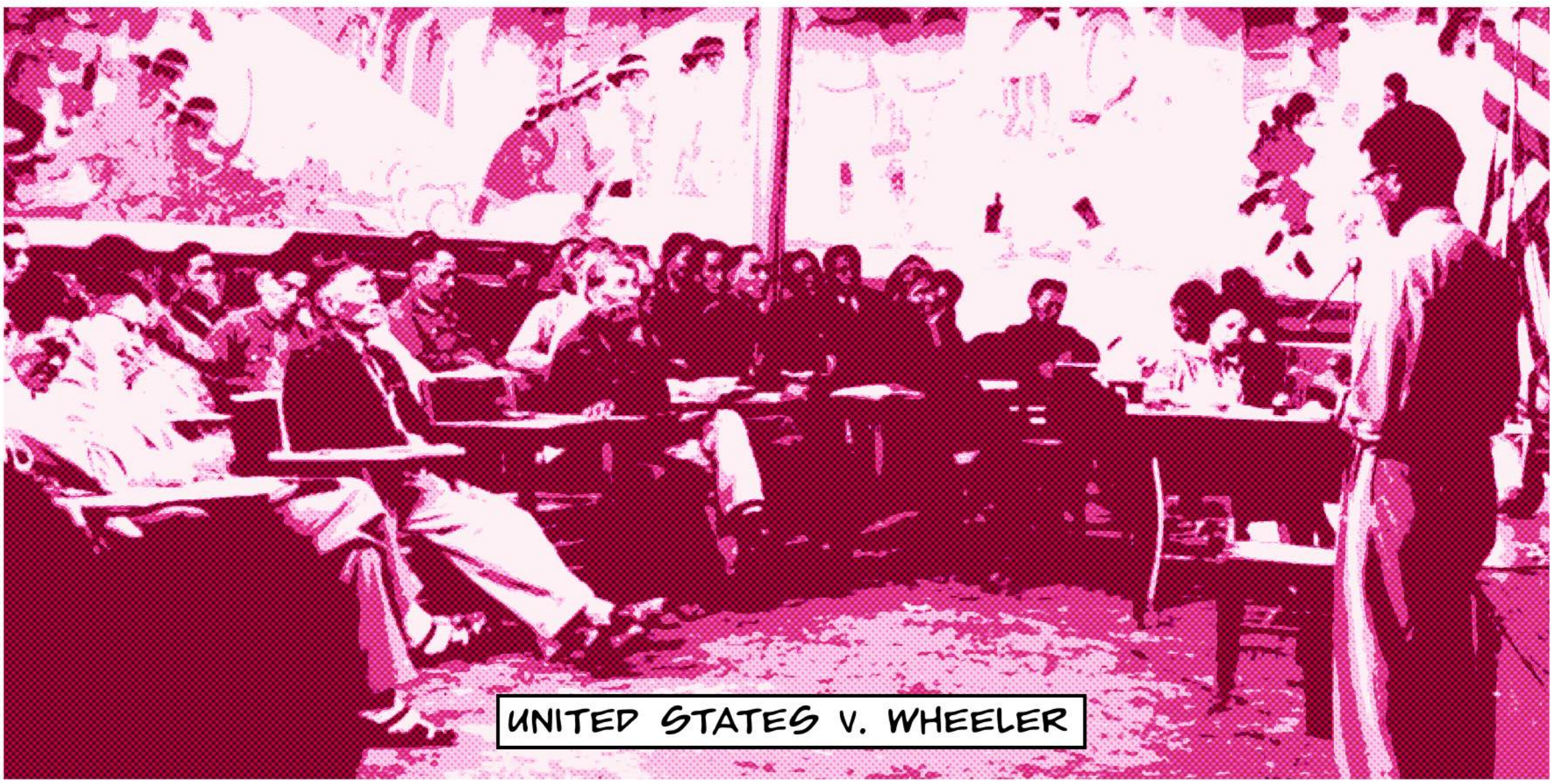
And once arrests are made, does the Suquamish trial court, which is usually convened by turning an office table sideways and clearing away the coffee pot, have the authority to try non-Indians —who have no direct voice in the making of Suquamish law—and sentence them to jail?

These two questions, presented to the nation's highest court in an era of unprecedented controversy over Indian claims to land and its resources, contain a staggering array of legal implications— "so far reaching," said a Tacoma city official,

See INDIANS, A4, Col. 1

OLIPHANT V. SUQUAMISH TRIBE

By Jerry Gay for The Washington
Non-Indian Oliphant, Supreme Court petitio



UNITED STATES V. WHEELER

SANTA CLARA PUEBLO V. MARTINEZ

TRIBAL CIVIL JURISDICTION CASES

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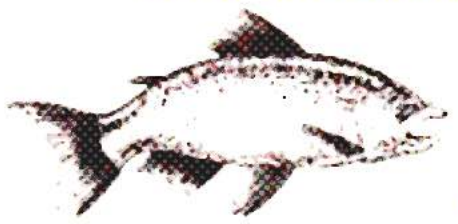
191
Expires April 30,19___

Crow Tribe Fishing License



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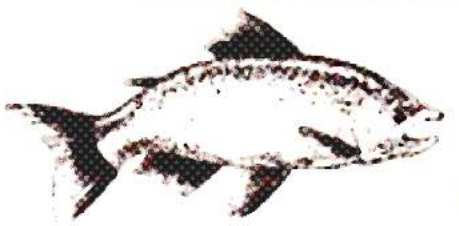

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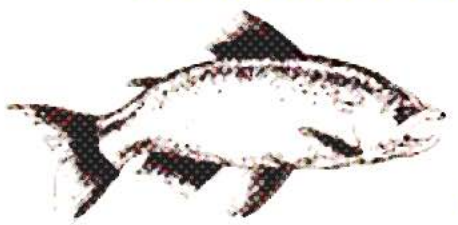

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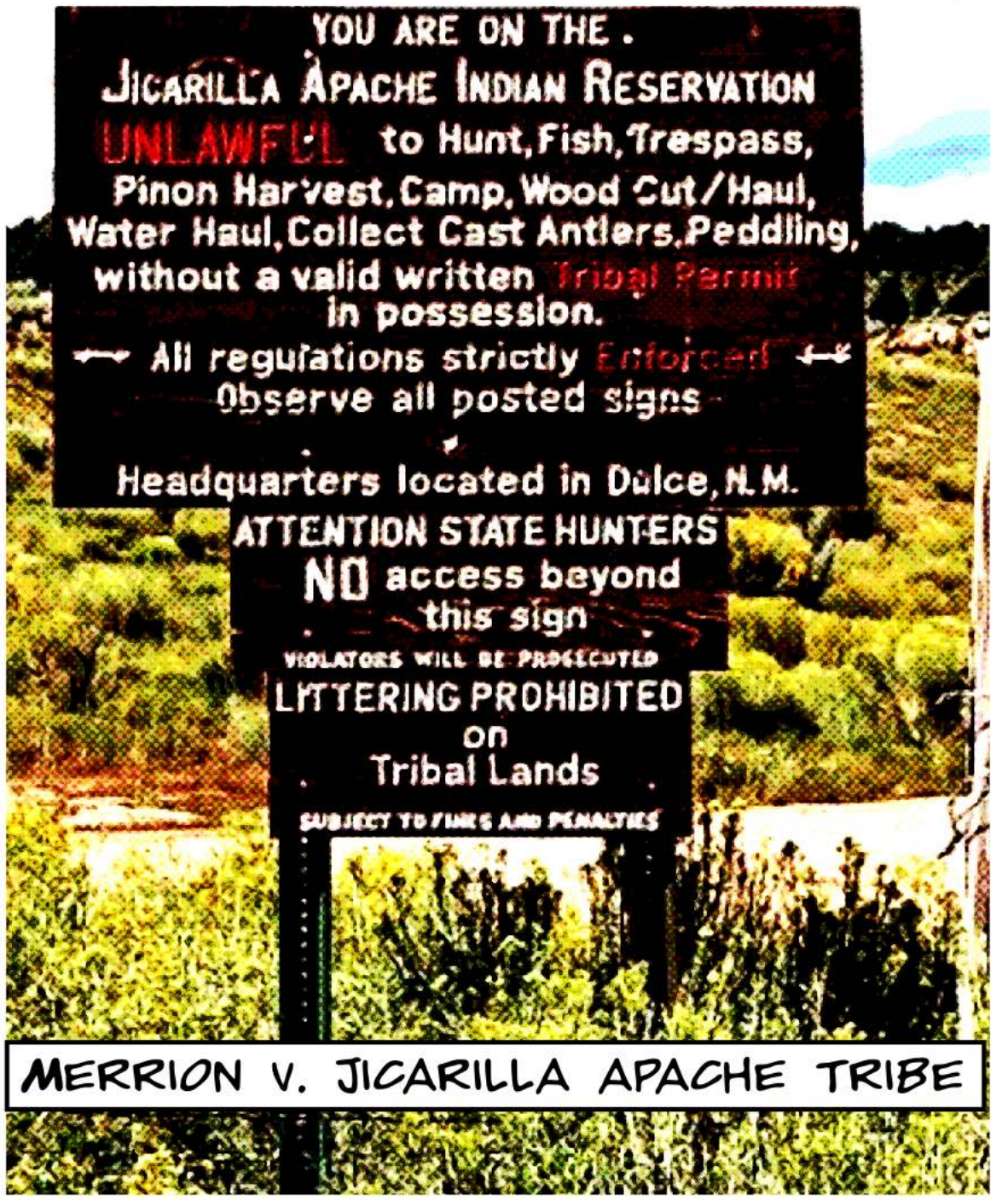
MONTANA V. UNITED STATES



MERRION V. JICARILLA APACHE TRIBE

120.62: Fort. Bert 16

CONSTITUTION AND BYLAWS OF THE
THREE AFFILIATED TRIBES OF
THE FORT BERTHOLD RESERVATION

NORTH DAKOTA

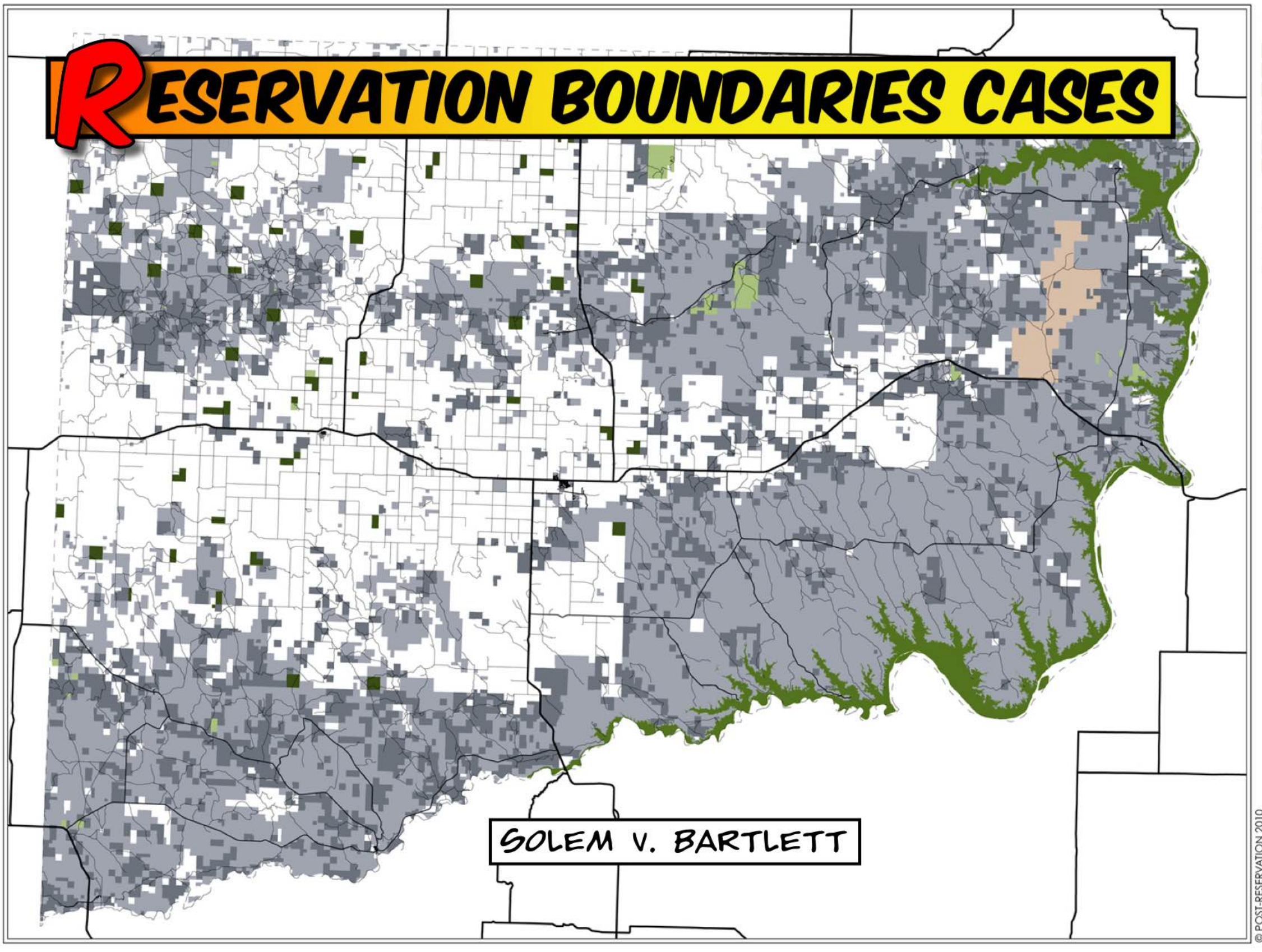
APPROVED JUNE 29, 1936

STRATE V. A-1 CONTRACTORS

PLAINS COMMERCE BANK V. LONG FAMILY LAND AND CATTLE CO.

STATE LIBRARY

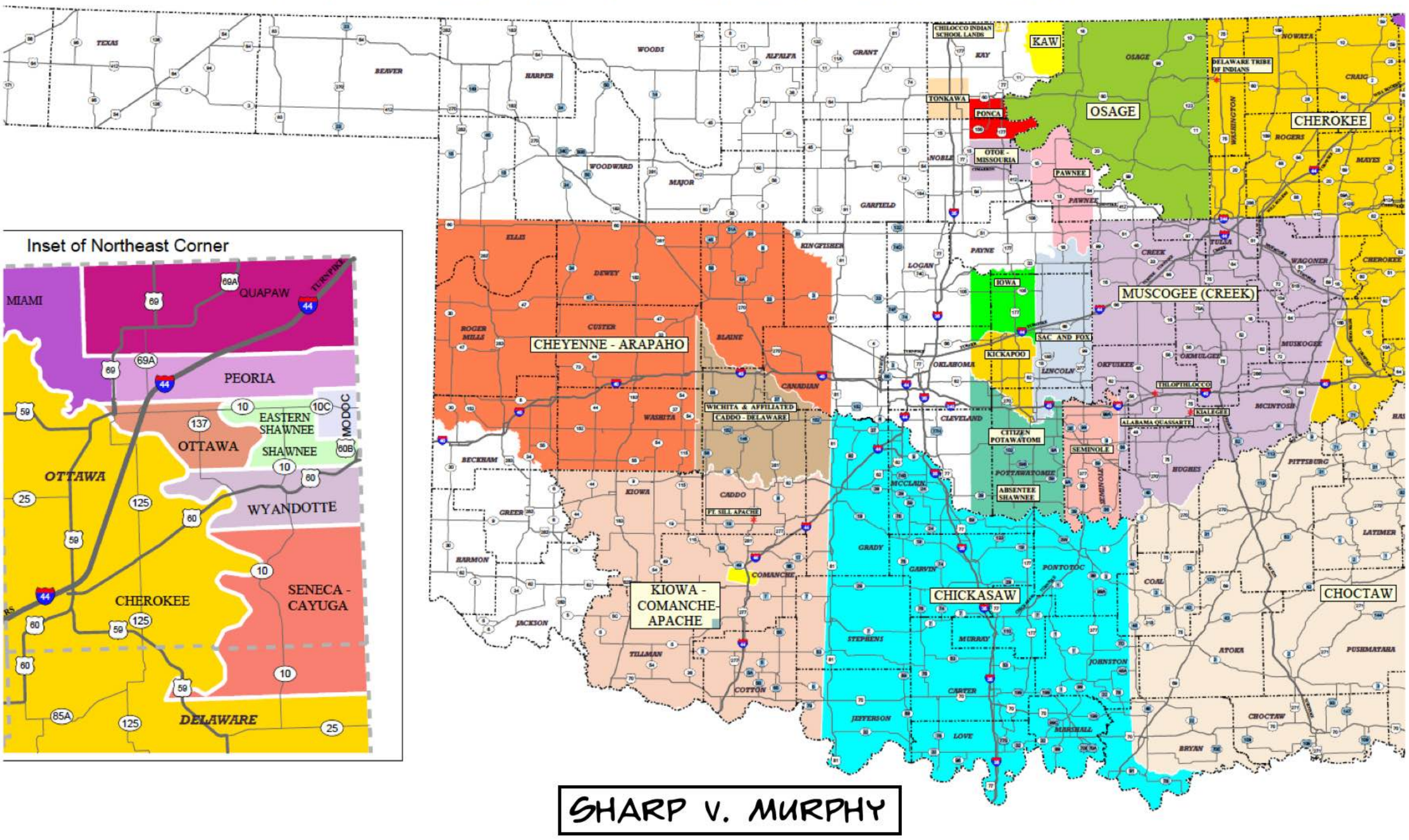
RESERVATION BOUNDARIES CASES



SURFACE OWNERSHIP: CHEYENNE RIVER RESERVATION, SOUTH DAKOTA

0 4 8 16 24 32 Miles

TRIBAL JURISDICTIONS IN OKLAHOMA


Inset of Northeast Corner
MIAMI
QUAPAW
PEORIA
EASTERN SHAWNEE
OTTAWA
SHAWNEE
MODOC
OTTAWA
WYANDOTTE
CHEROKEE
SENECA - CAYUGA
DELAWARE
TEXAS
BEAVER
WOODS
HARPER
ALFALFA
GRANT
KAY
WOODWARD
MAJOR
GARFIELD
NOBLE
PAWNEE
OSAGE
KAW
TONKAWA
PONCA
OTOE - MISSOURIA
CHILOCCO INDIAN SCHOOL LANDS
DELAWARE TRIBE OF INDIANS
CHEROKEE
ROGERS
MAYES
WASHINGTON
NOWATA
CRAIG
ELLIS
DEWEY
ROGER MILLS
CUSTER
BLAINE
KINGFISHER
LOGAN
PAYNE
CREEK
TULSA
WAGONER
CHEROKEE
IOWA
SAC AND FOX
KICKAPOO
OKLAHOMA
LINCOLN
OKFUSKEE
OKMULGEE
MUSKOGEE
MCINTOSH
MUSCOGEE (CREEK)
CHEYENNE - ARAPAHO
CANADIAN
WASHITA
WICHITA & AFFILIATED
CADDO - DELAWARE
CLEVELAND
TRIBE
TRIBE
TRIBE

INDIAN COUNTRY CRIMINAL JURISDICTION

TALTON V. MAYES

UNITED STATES V. LARA

UNITED STATES V. BRYANT

INDIAN CHILD WELFARE ACT

MISSISSIPPI BAND OF CHOCTAW INDIANS V. HOLYFIELD

ADOPTIVE COUPLE V. BABY GIRL