

# In the Law:<sup>1</sup> Keeping Current with American Indian Legal Resources

By Jan Bissett and Margi Heinen

**T**his month we focus on materials that help practitioners remain current with American Indian legal issues and news stories of interest. We'll also provide links to library or tribal collection research guides that may assist you in identifying or locating materials. The Libraries and Legal Research column last addressed American Indian legal resources in the 2004 *Michigan Bar Journal* article "American-Indian Legal Resources on the Web."<sup>2</sup> Committee members Lance Werner and Jane Edwards outlined mega-sites, including research starting points and sources of primary law, government websites, sources of tribal law, and news and treatises available via the Internet. We last addressed this topic in "Reference from Coast to Coast: Researching Native American Legal Issues."<sup>3</sup>

As we write this column at the end of 2009, there is no shortage of news stories highlighting legal issues in the courts, agencies, and Congress that affect American Indians. The United States Supreme Court just refused to hear a case requesting that the Washington Redskins NFL team change its name on the grounds that the request came too late. The U.S. Court of Appeals in New Orleans will hear a case involving a five-year-old American Indian boy who was punished for violating his school's rule against long hair on boys because he wears his hair in two long, traditional braids. In November 2009, President Obama met with the leaders of 564 tribes to discuss their needs. That same month, the Office of Federal Acknowledgement was the subject of an Oversight Hearing on Fixing the Federal Acknowledgment Process.<sup>4</sup> A Wisconsin tribe received word in August 2009 that its petition for acknowledgement as a tribe had been rejected—after waiting 30 years for a

ruling.<sup>5</sup> More recently, the *New York Times* addressed the issue of gang violence in "Gang Violence Grows on an Indian Reservation," citing an oversight hearing from the United States Senate Committee on Indian Affairs.<sup>6</sup>

Getting current news on American Indian legal matters has become considerably easier with the advent of blogs. TurtleTalk,<sup>7</sup> from the Indigenous Law and Policy Center at Michigan State University School of Law, provides current news and includes links to blogs, tribal newspapers, and tribal law materials. Using Justia's Blawgsearch,<sup>8</sup> researchers and news hounds can quickly see the latest postings on five blogs devoted to American Indian legal news, which cover Canadian as well as U.S. native news: National Indian Law Library, For the Seventh Generation, Native American Legal Update, Native American Law Blog, and Aboriginal Law Blog. You can hover over an article's title to view a quick synopsis or click to read the full text.

In addition to creating the blog mentioned above, the National Indian Law Library<sup>9</sup> provides invaluable assistance to researchers. The library has collected, organized, and preserved American Indian legal materials since 1972. Located in Boulder, Colorado, this public library was developed by the Native American Rights Fund to provide and maintain access to Indian legal materials that were seldom available in academic law libraries. Many primary sources, including

digitized tribal codes and constitutions, are available within this collection,<sup>10</sup> and for a minimal shared cost, researchers can obtain copies of materials not available online. The National Indian Law Library also produces the *Indian Law Bulletin*,<sup>11</sup> which provides synopses of recent decisions from federal and state courts as well as federal legislation and regulations impacting American Indians. News and recent law review articles are included, too.

You can also find news stories at several websites devoted to covering American Indian interests. *Indian Country Today*<sup>12</sup> has been published since 1981 and covers an extensive range of stories, including legal and political issues from a native perspective. If you're looking for a quick way to find full-text documents that made news, Indianz.com<sup>13</sup> is a no-frills website with links to the stories and many documents. Less complete than *Indian Country Today*, the *Native American Times*<sup>14</sup> is an independent publication covering Indian news stories. If your interest is in gaming law, the Pechanga.net<sup>15</sup> website offers "Native News" on a variety of topics including Indian gaming, and also covers the business of games, horse racing, dog racing, and other forms of gambling.

Experienced researchers often think of trade associations when exploring a topic. Several associations come to mind when researching American Indian legal subject matter or keeping current on these topics.

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The National Congress of American Indians<sup>16</sup> has been monitoring governmental policy as it affects American Indians and Alaskan Natives since 1944. Its website provides information about current initiatives—including the full text of congressional hearing testimony—and an extensive tribal directory. The National Native American Law Students Association<sup>17</sup> has events for law students, job fair information, and a brief bank for members. The American Association of Law Libraries Native Peoples Law Caucus<sup>18</sup> provides a listing of and links to libraries with tribal law collections. In many cases, the researcher can tell which years are included in a collection, saving time and effort if the need is very specific.

If you're seeking a more substantive discussion of issues or trying to identify more scholarly publications, you have many search options. Law reviews and journals can be identified and often obtained full text at low or no cost through HeinOnline,<sup>19</sup> LegalTrac via the Michigan Electronic Library,<sup>20</sup> and the ABA Legal Technology Resource Center Free Full Text Online Law Review/Law Journal search engine<sup>21</sup>—and the key word here is “identified.” We’ve become complacent as researchers, expecting materials to appear full text and free of cost with a few keystrokes on our favorite search engine. But research is often a multi-step process using different formats and types of publications to glean varying amounts of information in answer to our questions.

Some questions can be answered by the “how-to” guides offered by libraries and other research institutions. These guides, while specific to an institution, offer background information, identification of key resources, and a “road map” to those unfamiliar with a topic or specific area of research. You can identify research guides by using the Legal Research Engine.<sup>22</sup> Selected guides providing references or access to American Indian general, legal, and tribal resources are listed in the sidebar on page 50. ■

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## FOOTNOTES

1. “As Navajos, we do not think of equality as treating people equal before the law; they are equal in it.” Yazzie, *Life comes from it: Navajo justice concepts* 24 NM L.R. 175, 1981 (1994).
2. Werner & Edwards, *American-Indian legal resources on the web*, 83 Mich B.J. 42 (July 2004), available at <<http://www.michbar.org/journal/pdf/pdf4article722.pdf>>. All websites cited in this article were accessed January 10, 2010.
3. Bissett & Heinen, *Reference from Coast to Coast: Researching Native American Legal Issues* (February 12, 2007), available at <<http://www.llrx.com/columns/reference51.htm>>.
4. U.S. Senate Committee on Indian Affairs, Webcast of Oversight Hearing on Fixing the Federal Acknowledgment Process (November 4, 2009), available at <[http://indian.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_ID=b79b3f0e-ba45-4fde-a122-9f788fc5afc0](http://indian.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=b79b3f0e-ba45-4fde-a122-9f788fc5afc0)>.
5. Bull, *Tribes Renew Effort to Win Federal Recognition*, National Public Radio News, November 5, 2009, available at <<http://www.npr.org/templates/story/story.php?storyId=120111685>>.
6. Eckholm, *Gang Violence Grows on an Indian Reservation*, New York Times, December 13, 2009, available at <[http://www.nytimes.com/2009/12/14/us/14gangs.html?\\_r=1](http://www.nytimes.com/2009/12/14/us/14gangs.html?_r=1)>.
7. TurtleTalk <<http://turtletalk.wordpress.com/about/>>.
8. Justia.com, Native American Law Blogs <<http://blawgsearch.justia.com/category.aspx?catid=50642>>.
9. Native American Rights Fund (NARF), National Indian Law Library <<http://www.narf.org/nill/>>.
10. NARF, Online Collection of Tribal Codes & Constitutions <<http://www.narf.org/nill/triballaw/online/docs.htm>>.
11. NARF, Indian Law Bulletins <<http://www.narf.org/nill/bulletins/ilb.htm>>.
12. Indian Country Today <<http://www.indiancountrytoday.com/>>.
13. Indianz.com <<http://64.38.12.138/>>.
14. Native American Times <<http://www.nativetimes.com/>>.
15. Pechanga.net <<http://www.pechanga.net/>>.
16. National Congress of American Indians (NCAI) <<http://www.ncai.org/>>.
17. National Native American Law Students Association (NNAALSA) <<http://www.nationalnalsa.org/about/>>.
18. American Association of Law Libraries, Native Peoples Law Caucus <<http://www.aallnet.org/caucus/nplc/library.htm>>.
19. HeinOnline <<http://heinonline.org/>>.
20. Michigan eLibrary, MeL Databases <<http://www.mel.org/SPT-BrowseResourcesDatabases.php?ParentId=617>>.
21. American Bar Association, Free Full-text Online Law Review/Law Journal Search Engine <<http://www.abanet.org/tech/ltrc/lawreviewsearch.html>>.
22. Cornell University Law Library, Legal Research Engine Home <<http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm>>.

### Research Guides—General

- Native American Records at the National Archives  
<http://www.archives.gov/genealogy/heritage/native-american/>
- Native American Resources  
[http://www.lib.berkeley.edu/doemoff/govinfo/federal/gov\\_ntvam.html](http://www.lib.berkeley.edu/doemoff/govinfo/federal/gov_ntvam.html)
- National Museum of the American Indian  
<http://www.nmai.si.edu/subpage.cfm?subpage=about>

### Research Guides—Native American/Tribal Law

- Annotated Bibliography of Federal and Tribal Law:  
Print and Internet Sources (University of Oklahoma Law Library)  
<http://thorpe.ou.edu/guide/researchGuide.html>
- GlobalLex Research Guide on Indigenous Peoples International Law  
[http://www.nyulawglobal.org/globalex/Researching\\_Indigenous\\_Peoples\\_International\\_Law.htm](http://www.nyulawglobal.org/globalex/Researching_Indigenous_Peoples_International_Law.htm)
- Library of Congress, Guide to Law Online: Indians of North America  
<http://www.loc.gov/law/help/guide/federal/indians.php>
- Indian and Tribal Law (University of Montana Law Library)  
<http://www.umt.edu/law/library/Research%20Tools/Research%20Guides/INDIAN Tribal Law 09.pdf>
- Indian Law Bibliography (Ross-Blakley Law Library, Arizona State University)  
[http://www.law.asu.edu/files/Library/Research\\_Portals\\_&\\_Guides/IndLawBib.pdf](http://www.law.asu.edu/files/Library/Research_Portals_&_Guides/IndLawBib.pdf)
- Indian Law Research (University of Minnesota Law Library)  
<http://local.law.umn.edu/library/pathfinders/IndianLaw.html>
- Indian Law Research (University of Washington Gallagher Law Library)  
<http://lib.law.washington.edu/ref/indian.html>
- LawMoose Internet Law Library, Indian Nations and Tribes  
<http://www.lawmoose.com/internetlawlib/31.htm>
- Native American Law (New England Law Library)  
<http://www.nesl.edu/library/native.cfm>
- Native American Legal Resources (University of Buffalo Law Library)  
<http://law.lib.buffalo.edu/legalsources/byjurisdiction.asp?tab=4&panel=1#TabbedPanels1>
- American Indian Legal Research on the Web User Guide  
(Oklahoma City University Law Library)  
[http://www.okcu.edu/law/lawlib/pdfs/guide\\_indianrev.pdf](http://www.okcu.edu/law/lawlib/pdfs/guide_indianrev.pdf)
- Native American Graves Protection and Repatriation Act (NAGPRA)  
Library User Guide (Oklahoma City University Law Library)  
[http://www.okcu.edu/law/lawlib/pdfs/guide\\_nagprarev.pdf](http://www.okcu.edu/law/lawlib/pdfs/guide_nagprarev.pdf)
- Research Guide on Native American Law (Touro Law Library)  
[http://www.tourolaw.edu/library/publications/RG\\_IndianLaw\\_Crisci.pdf](http://www.tourolaw.edu/library/publications/RG_IndianLaw_Crisci.pdf)
- Tribal Law (Wisconsin State Law Library)  
<http://wilawlibrary.gov/topics/triballaw.php>
- University of North Dakota Northern Plains Indian Law Center  
<http://www.law.und.nodak.edu/npilc/links.php>