



2020-2021 Annual Report

Unsiiciyapi (Humility)

Wowacintanka (Perseverance)

Wawoohoda (Respect)

Wayuonihan (Honor)

Cantegnake (Love)

Icicupi (Sacrifice)

Wowicake (Truth)

Waunsidapi (Compassion)

Woohitike (Bravery)

Cantewasake (Fortitude)

Canteyuke (Generosity)

Woksape (Wisdom)



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2021 National NABA Annual Meeting

Wednesday, April 7, 2021

9:00 a.m. – 12:30 p.m. PDT

10:00 a.m. – 1:30 p.m. MDT

11:00 a.m. – 2:30 p.m. CDT

12:00 p.m. – 3:30 p.m. EDT

To join via computer:

<https://pillsburylaw.zoom.us/j/92410730666?pwd=MDVyYW9laUhRWnNzZlINMzRMUIM4UT09>

Passcode: Pillsbury1

To join via telephone:

Meeting ID: 924 1073 0666

Passcode: 4502538112

Find your local number: <https://pillsburylaw.zoom.us/j/ab05Lbn5vT>

10:00 Call to Order, Welcome, & Approval of Agenda – Thomasina Real Bird, President

10:10 Wocekiye (Opening Prayer) – Robert O. Saunooke, Immediate Past President

10:15 Woksapa (Words of Encouragement) - Professor Angelique W. EagleWoman

10:45 Remarks by American Bar Association President-Elect - Reginald M. Turner, Jr.

11:00 Remarks by Former NNABA President - Mary L. Smith

11:15 Remarks by Dean Emeritus - Stacy Leeds

11:30 A Year in Review

❖ 2020-2021 President's Report – Thomasina Real Bird

❖ Treasurer's Report – Phil Brodeen

11:45 Young Lawyers Committee Report – Geneva EB Thompson

11:50 Membership Committee Report – Paulene Abeyta, Andrea Snowball

11:55 Nominations Committee/Executive Appointments Committee Report – Debra Gee, Geneva EB Thompson, Thomasina Real Bird

12:00 Coalition of Bar Associations of Color Report 2020-2021 – Makalika Naholowaa, Geneva EB Thompson, Sunshine Nicholson, Colleen Lamarre, Thomasina Real Bird

12:05 Delegate to ABA HOD Report – Matthew Archer Beck

12:10 ABA Diversity & Inclusion Council Representative Report – Sunshine Nicholson



- 12:15 National NALSA President's Report and Introduction of Incoming NNALSA President**– Paulene Abeyta, Jessica Govindu
- 12:20 NNABA Foundation Scholarship Committee Report and Recognition of Scholarship Recipients** – Heather Torres, Arielle Wagner, Sunshine Nicholson, David Blackorby, Sandra McCandless
- 12:30 Resolutions**
- 12:40 Approval of 2020 Annual Meeting Minutes** – Heather Torres, Secretary
- 12:45 Remarks by ABA Young Lawyers Division Chair-Elect** – Choi Portis
- 12:55 Elections**
- ❖ President-Elect
 - ❖ Directors (2)
- 1:15 Looking Forward** – Colleen Lamarre, President 2021-2022
- 1:30 Adjourn**



2020-2021 Board of Directors, Foundation Independent Directors, Delegate & Representatives

President

Thomasina Real Bird (Ihanktonwan Oyate)
Patterson Earnhart Real Bird & Wilson LLP

President-Elect

Colleen Lamarre (Mohawk)
Pillsbury Winthrop Shaw Pittman LLP

Past-President

Robert Saunooke (Eastern Band of Cherokee Indians)
Saunooke Law Firm, PA

Secretary

Heather Torres (San Ildefonso Pueblo, Navajo)
Tribal Law and Policy Institute

Treasurer

Phil Brodeen (Boise Fort Band of Chippewa)
Brodeen & Paulsen PLLP

Director

Debra Gee (Navajo Nation)
Chickasaw Nation

Director

Sarah Lawson (Iowa Tribe of Kansas and Nebraska)
Schwabe Williamson & Wyatt

Director

Andrea Snowball (Muscogee (Creek) Nation and Winnebago Tribe of Nebraska)
Big Fire Law and Policy Group LLP

Director

Geneva EB Thompson (Cherokee Nation)
Yurok Tribe

Director

Arielle Wagner (Bois Forte Band of Lake Superior Chippewa)
Lockridge Grindal Nauen PLLP

Director

Carolyn West (Eastern Band of Cherokee Indians)
Eastern Band of Cherokee Indians



Director

Paulene Abeyta (Navajo Nation)
National Native American Law Student Association (NNALSA) President
University of Arizona

Foundation Independent Director

Diandra Benally (Navajo Nation)
Fort McDowell Yavapai Nation

Foundation Independent Director

David Blackorby

Foundation Independent Director

Sandra McCandless
Dentons US LLP

NNABA Delegate to American Bar Association House Of Delegates

Matthew Archer-Beck (Cherokee Nation)
U.S. Securities and Exchange Commission

NNABA Representatives to the American Bar Association Young Lawyers Division

Geneva EB Thompson (Cherokee Nation)
Yurok Tribe

Heather Torres (San Ildefonso Pueblo, Navajo)
Tribal Law and Policy Institute

NNABA Representative to the ABA Diversity & Inclusion Council

Sunshine M. Nicholson (Secwépemc Nation)
Fort Belknap Tribal Regulatory Authority



2020-2021 Committees

Executive Committee

Robert O. Saunooke
Colleen Lamarre
Phil Brodeen
Heather Torres
Thomasina Real Bird

Young Lawyers Committee

Geneva E. B. Thompson
Colleen Lamarre
Heather Torres
Arielle Wagner
Lauren van Schilfgaarde
Thomas Pack
Dale Williams
Kori Cordero
Aaron Koenck
Micah Dawson
Simone Anter
Courtney Cole

Membership Committee

Paulene Abeyta
Andrea Snowball

Nominations Committee/Executive Appointments Committee

Debra Gee
Geneva EB Thompson
Thomasina Real Bird

Coalition of Bar Associations of Color Representatives

Makalika Naholowaa
Geneva EB Thompson
Sunshine Nicholson
Colleen Lamarre
Thomasina Real Bird

Foundation Scholarship Committee

Heather Torres
Arielle Wagner
Sunshine Nicholson
David Blackorby
Sandra McCandless



2020-2021: Thomasina Real Bird (Yankton Sioux (*Ihanktonwan Oyate*))
2019-2020: Robert Saunooke (Eastern Cherokee)
2018-2019: Joel West Williams (Cherokee Nation)
2017-2018: Diandra Benally (Navajo)
2016-2017: Jennifer Weddle (Northern Cheyenne)
2015-2016: Linda Benally (Navajo)
2013-2015: Mary Smith (Cherokee Nation)
2011-2013: Patty Ferguson-Bohnee (Pointe-au-Chien)
2009-2011: Lael Echo Hawk (Pawnee)
2007-2009: Heather Dawn Thompson (Cheyenne River Sioux)
2005-2006: Joseph Martin (Menominee)
2004-2005: Douglas R. Nash (Nez Pearce)
2003-2004: Thomas Weathers (Qawalangin Tribe of Unalaska (Aleut))
2002-2003: Suzanne Ojibway Townsend (Fond du Lac Band of Lake Superior Chippewa)
2001-2002: Samuel Hill (Lumbee)
2000-2001: Kirke Kickingbird (Kiowa)
1999-2000: Lawrence Baca (Pawnee)
1998-1999: Kalyn Free (Choctaw)
1997- 1998: Richard A. Monette (Turtle Mountain Band of Chippewa)
1996-1997: Kirke Kickingbird (Kiowa)
1995-1996: Arvo Q. Mikkanen (Kiowa/Comanche)
1994-1995: Jonny Bearcub Stiffarm (Assiniboine)
1993-1994: Tricia A. Tingle (Choctaw)
1992-1993: Connie Hart Yellowman (Cheyenne/Arapaho)
1991-1992: Arvo Q. Mikkanen (Kiowa/Comanche)
1990-1991: Judy Leaming (Catawba/Cherokee)
1989-1990: Carey Vicenti (Jicarilla Apache)
1988-1989: Gerald Hill (Oneida Wisconsin)
1987-1988: Rita Keshina (Menominee)
1986-1987: Steve Titla (San Carlos Apache)
1985-1986: Kathleen Simpson
1983-1985: Lawrence Baca (Pawnee)
1982-1983: Alan Parker (Chippewa Cree Tribal Nation)
1981-1982: Unknown
1978-1981: Larry Echo Hawk (Pawnee)
1977-1978: Leroy W. Wilder (Karuk Tribe of California Indians)
1976-1977: W. Richard West, Jr. (Cheyenne/Arapaho)
1973-1976: Thomas Fredericks (Mandan, Hidatsa and Arikara Nation)



Speaker Biographies

Angelique EagleWoman (*Wambdi A. Was'teWinyan*)



Professor Angelique W. EagleWoman, (*Wambdi A. Was'teWinyan*), is a law professor, legal scholar, Associate Justice on the Sisseton-Wahpeton Supreme Court, and has served as a pro tempore Tribal Judge in several other Tribal Court systems. As a practicing lawyer, one of the highlights of her career was to serve as General Counsel for her own Tribe, the Sisseton-Wahpeton (Dakota) Oyate. She graduated from Stanford University with a BA in Political Science, received her Juris Doctor degree from the University of North Dakota School of Law *with distinction*, and her L.L.M. in American Indian and Indigenous Law *with honors* from the University of Tulsa College of Law. As a law professor, she has taught in the areas of Aboriginal Legal Issues, Indigenous Legal Traditions, Tribal Nation Economics & Law, Native American Law, Native American Natural Resources Law, Tribal Code Drafting Clinic, Contracts, The Business of Law, and Civil Procedure. Angelique presents and publishes on topics involving tribal-based economics, Indigenous sovereignty, international Indigenous principles, and the quality of life for Indigenous peoples. She has been the recipient of numerous awards in legal academia and has been a frequent speaker on issues of diversity, inclusion, and professionalism in legal and academic fora. As a law professor at the University of Idaho College of Law, she established the Native American Law Emphasis program and graduated thirty-three law students over seven years. She also formerly served as the dean of the Bora Laskin Faculty of Law at Lakehead University and was the first Indigenous law dean in Canada. Professor EagleWoman is a citizen of the Sisseton-Wahpeton Dakota Oyate and the U.S. with Rosebud Lakota heritage. She is currently a professor and Co-Director of the Native American Law and Sovereignty Institute at the Mitchell Hamline School of Law in St. Paul, Minnesota.



Reginald M. Turner, Jr.



Reginald Turner is president-elect of the American Bar Association and, in August 2021, will become president of the largest voluntary association of attorneys and legal professionals in the world.

A lawyer with Clark Hill in Detroit, Turner is an accomplished litigator, government affairs advocate, and strategic advisor.

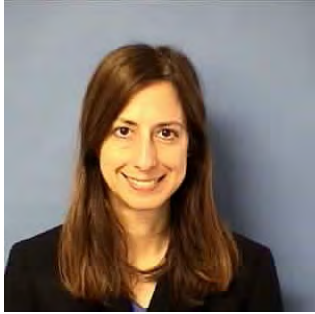
Turner is past president of the National Bar Association and the State Bar of Michigan. He served as chair of the ABA Commission on Racial and Ethnic Diversity in the Profession and the ABA Commission on the Lawyer's Role in Assuring Every Child a Quality Education. In the ABA House of Delegates, he served as the state delegate for Michigan and as chair of the Rules & Calendar Committee, the Committee on Issues of Concern to the Profession, and the Committee on Credentials and Admissions. He is a past chair of the Fellows of the American Bar Foundation.

Among his numerous presidential, gubernatorial, mayoral, and county executive appointments, Turner served as a White House Fellow and as an aide to Housing and Urban Development Secretary Henry Cisneros during the Clinton administration and represented Detroit Mayor Dennis Archer on the Detroit Board of Education from 2000 to 2003. In 2003, Governor Jennifer Granholm appointed him to the Michigan State Board of Education, and he won a statewide election for a full term in 2006.

Turner earned his bachelor's degree at Wayne State University and law degree at the University of Michigan Law School.



Mary L. Smith



Mary Smith is Vice Chair of the VENG Group and is a former chief executive officer of the Indian Health Services, a \$6 billion national healthcare organization that provides healthcare for over 2.2 Native Americans. She has served as an attorney at Skadden, Arps, Slate, Meagher & Flom LLP, as a senior in-house counsel at Tyco International, and in government, both as Associate Counsel to the President in the White House and as a trial attorney at the U.S. Department of Justice. She is the immediate past National Secretary of the American Bar Association and a former president of the National Native American Bar Association. She was the first Native American to serve as a commissioner on the ABA's Commission on Women in the Profession, and she has received the ABA Spirit of Excellence award for her trailblazing work on diversity and inclusion. She is also the founder and president of the only national organization that promotes Native American girls in STEM, the Caroline and Ora Smith Foundation.



Stacy L. Leeds



Stacy Leeds is an experienced leader in law, higher education, governance and economic development. She is the Foundation Professor of Law and Leadership at Sandra Day O'Connor College of Law, Arizona State University.

Leeds is Dean Emeritus, University of Arkansas School of Law and the first Indigenous woman to lead a Law School (2011-2018). During her tenure as dean, Arkansas Law achieved the highest-ever rankings: No. 1 Best Value in Legal Education (*National Jurist* 2014) and 33rd among public law schools (*U.S. News* 2014).

From 2017-2020, Leeds served as the inaugural Vice Chancellor for Economic Development at the University of Arkansas. She planned and implemented the new Office of Economic Development to maximize university innovation for societal impact. Her portfolio included technology transfer, industry partnerships, small business and entrepreneurial support and programs seeking to increase access to capital.

Leeds is a teacher and scholar of Indigenous law and policy. Her previous academic roles include: Salt River Pima-Maricopa Indian Community Distinguished Visiting Professor of Law at Arizona State University, director of the Tribal Law & Government Center at the University of Kansas, and director of the Northern Plains Indian Law Center at the University of North Dakota. She began her career in legal education as a William H. Hastie Fellow at University of Wisconsin School of Law.

Leeds was the first woman to serve as a Justice on the Cherokee Nation Supreme Court. She later served as Chairperson of the Cherokee Nation Gaming Commission. She is currently a district court judge for Muscogee (Creek) Nation and an appellate court judge for Prairie Band Potawatomi Nation. She is frequently tapped to assist in conflict resolution, including arbitration and informal mediation.

Leeds currently serves on the board of directors for Kituwah Economic Development (Kituwah LLC), American Indian Graduate Center, American Indian Resource Center, Inc. and chairperson for Akiptan, Inc (CDFI).

She also served as a commissioner on the National Commission on American Indian Trust Administration and Reform for the United States Department of Interior and as an outside director for Arvest Bank (Fayetteville).



Leeds holds law degrees from University of Wisconsin (LL.M.) and University of Tulsa (J.D.), a business degree from University of Tennessee (M.B.A.), and an undergraduate degree in history from Washington University in St. Louis (B.A.).

While at University of Arkansas, Leeds created the Indigenous Food and Agriculture Initiative to amplify tribal food sovereignty issues and grow leaders/professionals to support tribal-agribusiness and small businesses, especially Native farmers and ranchers. Her latest food, health and wellness endeavor is IndigenousWell.com, a blog with Indigenous communities in mind, particularly Native women.

A former athlete and life-long sports enthusiast, Leeds was inducted into the Muskogee Athletic Hall of Fame in her hometown in Oklahoma. She played varsity basketball and tennis at Washington University. In 2016, she completed a 950-mile journey as a Cherokee Nation Remember the Removal cyclist.

She lives in the Cherokee Nation, near Tahlequah. She works throughout the United States, with her law school homebase in downtown Phoenix at the Sandra Day O'Connor College of Law, Arizona State University.



Choi T. Portis



Choi T. Portis, a Detroit native, is Deputy General Counsel for the City of Detroit Water and Sewerage Department. In her current position, she handles complex litigation matters, supervises outside counsel, reviews Department contracts, and serves as counsel to the Department Director and the Board of Water Commissioners regarding various legal issues. Choi serves as a member of the executive counsel for the State Bar of Michigan Young Lawyers Section. Choi is admitted to practice in the State of Michigan, United States District Court for the Eastern District of Michigan, and the United States Supreme Court. Choi is a proud graduate of Eastern Michigan University and Thomas M. Cooley Law School.

Choi is also the owner of Portis Legal, PLC, a small boutique law firm focused on providing cost effective legal services relative to business entity formation, contracts, trademarks, copyrights, estate planning, and probate and estate matters.

Choi serves as a mentor to many and as a tutor to bar candidates through the Wolverine Bar Association. She also dedicates her time to service projects in the Inkster community as a member of Alpha Kappa Alpha Sorority, Incorporated, Eta Iota Omega Chapter. Choi was the 2017 Detroit Metropolitan Bar Association Barrister's Honoree and a member of the Michigan Chronicle's 2017 40 Under 40 class.



President's Report

Mitakuyapi! Cante wasteya nape ciyuzapi. Relatives, I greet each of you with a good heart and a handshake. My sincerest hope is that each of you and your families are in good health and my condolences to those that are mourning the loss of loved ones. This past year has been a challenge on all levels. Our daily lives and routines were turned upside down, seemingly overnight. We began to isolate at home, events were cancelled or postponed, children moved to distance learning, and we embarked on a journey of work from home. Our own National NNABA Annual Meeting, which was days away, was postponed. We all faced uncertainty. But one thing was certain – our community, our National NABA family is resilient. Our ancestors fought and overcame unspeakable challenges so that we could be here, in this moment, to do the good work that each of you do every single day. I am inspired by each of your perseverance this past year and I am certain that our communities will emerge stronger and more connected than ever.

My overarching goal was to lead this organization that has been led by passionate and brilliant attorneys and law students since 1973 with the values instilled upon me by my *tiyospiye* (extended family). Those are: *Unsiiciyapi* (Humility), *Wowacintanka* (Perseverance), *Wawoohoda* (Respect), *Wayuonihan* (Honor), *Cantegnake* (Love), *Icicupi* (Sacrifice), *Wowicake* (Truth), *Waunsidapi* (Compassion), *Woohitike* (Bravery), *Cantewasake* (Fortitude), *Canteyuke* (Generosity), *Woksape* (Wisdom). Each of NNABA's accomplishments are due to the contributions of many that lent their support this past year. In particular, I would like to say *pidamayaye* (thank you) to *Wambdi A. Was'teWinyan* (Professor Angelique EagleWoman) for her gracious leadership and advice as we raised our voices against invisibility; past National NNABA President Lawrence Baca for knowing just the right moment to reach out to me to lend his advice and guidance; past National NNABA President Mary Smith for helping us navigate through important conversations and for her valuable advice; and to National NALSA President Paulene Abeyta and the NNALSA Board for their energy, positiveness, and for serving as the reason why we do the work we do – to open the door and support our relatives as they enter and thrive in the legal profession.

It has been the honor of a lifetime to work with such a talented and diverse Board of Directors, Foundation Independent Directors, and Delegates and Representatives to the American Bar Association. Each of them deserves much credit and kudos for their hard work and contributions to the organization this past year. Together we worked to fulfill National NABA's mission statement and accomplish its goals. While the work will never be done, I am confident that National NABA will continue to advocate for our rightful place in the legal profession and to advance justice for Native Americans. It is my honor to hand the reigns of this organization over to my good friend and NNABA sister, Colleen Lamarre. We are in good hands and I offer all of my support to her as she leads us this upcoming year.

I feel very fortunate to have served the legal profession and our organization as your President this past year. I invite you to review the following timeline of events and accomplishments. *Pidamayaye* (thank you).

With love and gratitude,

Thomasina Real Bird
2020-2021 President
National Native American Bar Association



Timeline of Events and Accomplishments

May 2020 - Wojupiwi Wi - Moon of Planting

[Indigenous Law Graduation](#) Sponsor and Participant – Class of 2020

June 2020 - Wipazuka waste Wi - Moon of Good Berries

[Takomni Hasapa Wiconi Hecha](#) (Black Lives Matter) Statement – Seeking Racial Justice

Invisibility in the Legal Profession

- ❖ Multiple Meetings with Stakeholders
- ❖ [Letter](#) to NAWL Responding to the Women of Color Study
- ❖ NNABA and NNALSA's [Final Statement](#)

July 2020 - Canpasapa Wi - Moon of Cherries Blackening

[Letter](#) to NFL Commissioner Seeking the Removal of the Washington Football Team Name and Mascot

Invisibility in the Legal Profession

- ❖ [The Jabot Podcast](#) Panelist

CBAC [Letter](#) to House Judiciary Committee – Independence of the DOJ

August 2020 - Wasuton Wi - Moon of Harvest

CBAC [Letter](#) Urging State Bars to Enact Alternative Licensing Measures Amid COVID-19

A Movement of the Heart Panelist

September 2020 - Canwapegi Wi - Moon of Brown Leaves

[Endorsement](#) of Washington State Justice Raquel Montoya-Lewis

[Letter](#) Supporting the Posthumous Admission of Ely S. Parker to the NY State Bar

October 2020 - Canwapekasna Wi - Moon of Falling Leaves

National NABA Membership Meeting to Reschedule the 2020 Annual Meeting

National NABA [Resolution 2020-01](#): Tribal Citizenship Policy and Protection Task Force



November 2020 - Waniyatu Wi - Moon of Starting Winter

The Pursuit of Inclusion

- ❖ FBA D.C. Indian Law Section Fall Conference – Ethics and Racial Disparities in the Legal Profession Panelist

Invisibility in the Legal Profession

- ❖ Native Women's Law School Experiences: Reflections, Truth-telling, and Calls for Change [Webinar](#) Moderator and [Reflection Papers](#)

National NABA Sponsor and Presentation to the National NALSA [Mid-Year Conference](#)

[Statement](#) Applauding Efforts to Abandon Derogatory Native Imagery and Terms
National NABA Sponsors the [Tribal In-House Counsel Association](#) Law Conference
2020 National NABA Annual Meeting

- ❖ National NABA Resolution [2020-02](#): Urging Adoption and Implementation of the United Nations Declaration on the Rights of Indigenous Peoples
- ❖ National NABA Resolution [2020-03](#): Urging Representation of Native People in Studies of Diversity, Equity, and Inclusion Efforts at All Levels of the Legal Profession
- ❖ National NABA Resolution [2020-04](#): Calling on Congress to Introduce and Support Reparation Legislation for the Treatment of American Indians and Alaska Natives

ABA Section of Civil Rights and Social Justice Spotlight Features of NNABA Members

National NABA Sponsors ABA *Sliver of a Full Moon* Performance and Signature Event:
Introduction to Status, Realities, Legal Framework and Future of Indigenous Peoples in the United States and Canada

December 2020 - Tahecapsun Wi - Moon of Shedding Horns

National Conference of Bar Presidents: A [Conversation](#) with Women Bar Leaders Panelist

National NABA Sponsors the California Indian Law Association [Pathway to Law Program](#)

January 2021 - Wiotekika Wi - Moon of Hard Times

Launch of NNABA's [Executive Appointments Project](#)

[Statement](#) Supporting the Nomination of Deb Haaland as Secretary of the Department of the Interior



February 2021- Cannapopa Wi - *Moon of Popping Trees*

[Letter](#) Urging the Confirmation of Deb Haaland as Secretary of the Department of the Interior

National NABA Member Barbara L. Creel Receives the [ABA Spirit of Excellence Award](#)

March 2021- Istawicayazan Wi - *Moon of Snow Blindness*

National NABA Stands with the Asian American Community to #StopAsianHate

April 2021- Wihakakta cepapi Wi - *Moon of Fattening*

National Diverse Bars [Condemn](#) Acts of Anti-Asian Hate

National NABA Foundation Awards [Scholarships](#) to 19 Native Law Students in memory of the Honorable Claudette White, the Honorable Margaret "Peggy" Treuer, Steve Emery, the Honorable Steven Hager, the Honorable Karl Gillson, and the Honorable Albert Hale

**Check out our updated website including our [COVID-19 resource page](#), [news articles](#), and [job board](#)!



Sandra McCandless, Thomasina Real Bird, and Geneva EB Thompson join National NALSA President Paulene Abeyta and the National NALSA Board at their Mid-year Conference.



Pamela Lashbrook Angelique EagleWoman Thomasina Real Bird Leah Sixkiller Kari Lee James

Native Women's Law School Experiences: Reflections, Truth-telling and Calls for Change

November 10, 2020

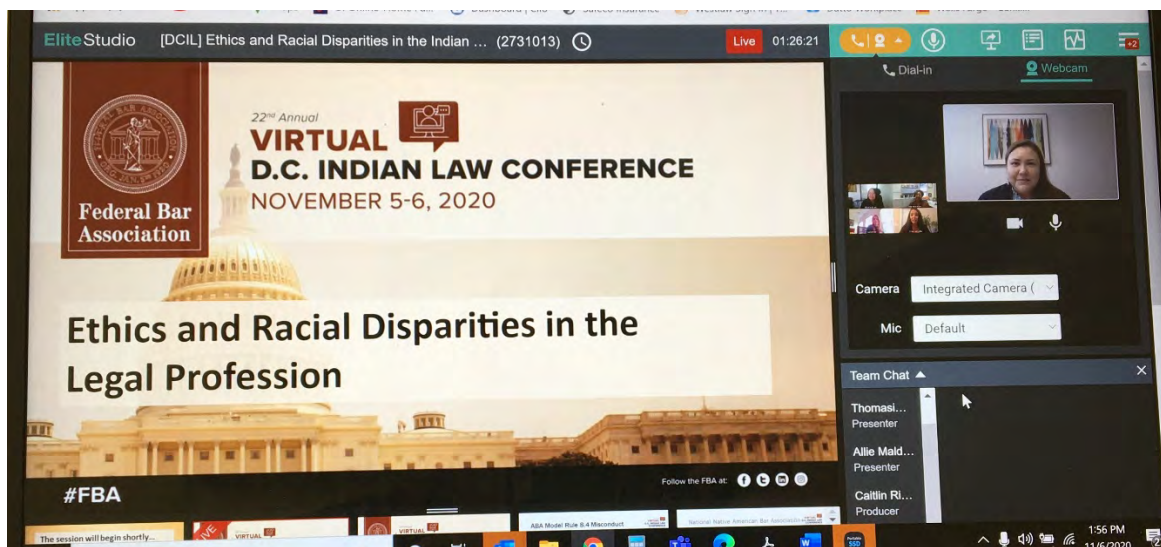
**faegre
drinker**

Faegre Drinker Biddle & Reath LLP

Professor Angelique EagleWoman, Thomasina Real Bird, Leah Sixkiller, and Kari James on the Native Women's Law School Experiences: Reflections, Truth-telling, and Calls for Change



Professor Angelique EagleWoman, Thomasina Real Bird, Leah Sixkiller, and Kari James on the Native Women's Law School Experiences: Reflections, Truth-telling, and Calls for Change



FBA D.C. Indian Law Section Fall Conference – Ethics and Racial Disparities in the Legal Profession Panel





Neha Dagley

A MOVEMENT OF THE HEART PART II: A GLOBAL DISCUSSION ON FIRST PEOPLE'S LAND RIGHTS



Brian Bero

August 13, 2020 @ 5 p.m. EDT / August 14, 2020 @ 7 a.m. AEST

<https://bit.ly/a-movement-of-the-heart-2>

A multi-dimensional discussion on the land rights of the Indigenous people and the Native American people.

Panelists:

- **BRIAN BERO**, a Principal and Director of Jaramer Legal, Australia's first national majority Indigenous-owned law firm
- **ANTHONY MCAVOY**, Australia's first Indigenous Senior Counsel
- **THOMASINA REAL BIRD**, Founding Partner of Patterson Earnhart Real Bird & Wilson LLP - President of the National Native American Bar Association

Moderated by:

DONALD BETTS, JR., a lawyer in Australia, a former Kansas State Senator - U.S. Congressional Candidate

-and-

NEHA S. DAGLEY, a Miami attorney from Mumbai, India



Thomasina Real Bird

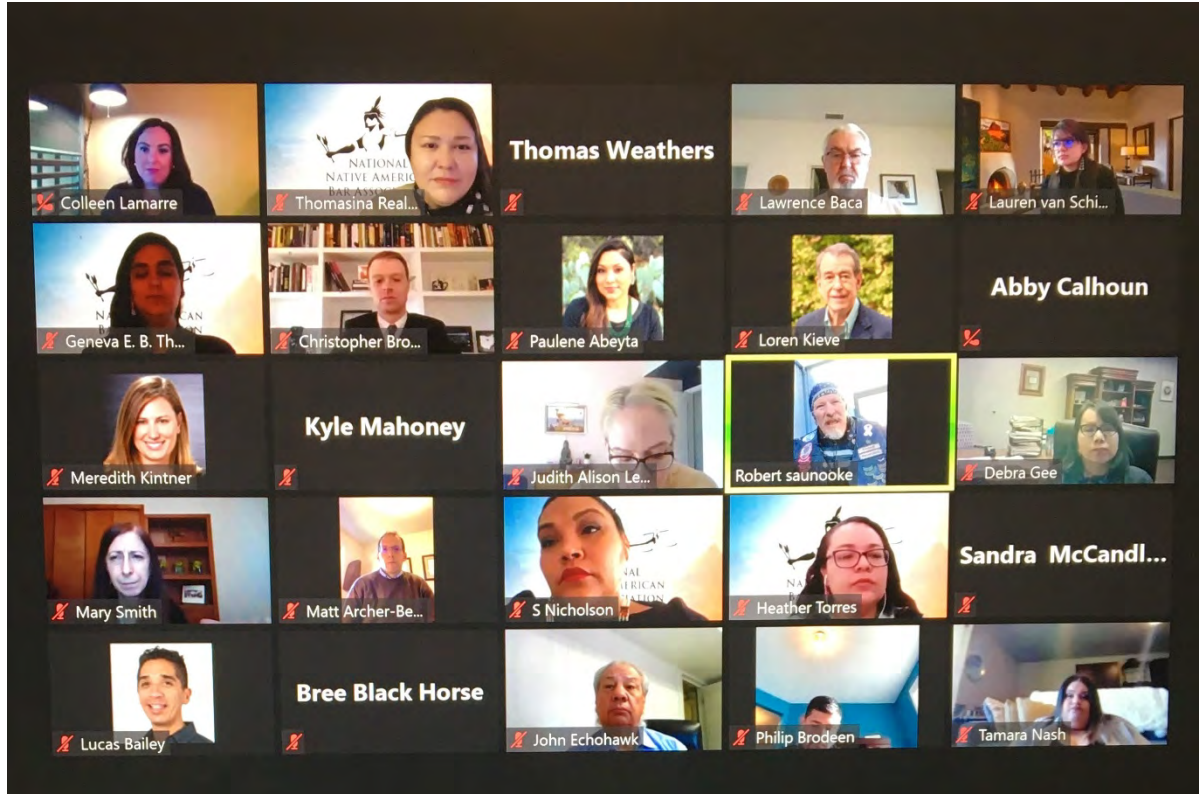


Anthony McAvoy

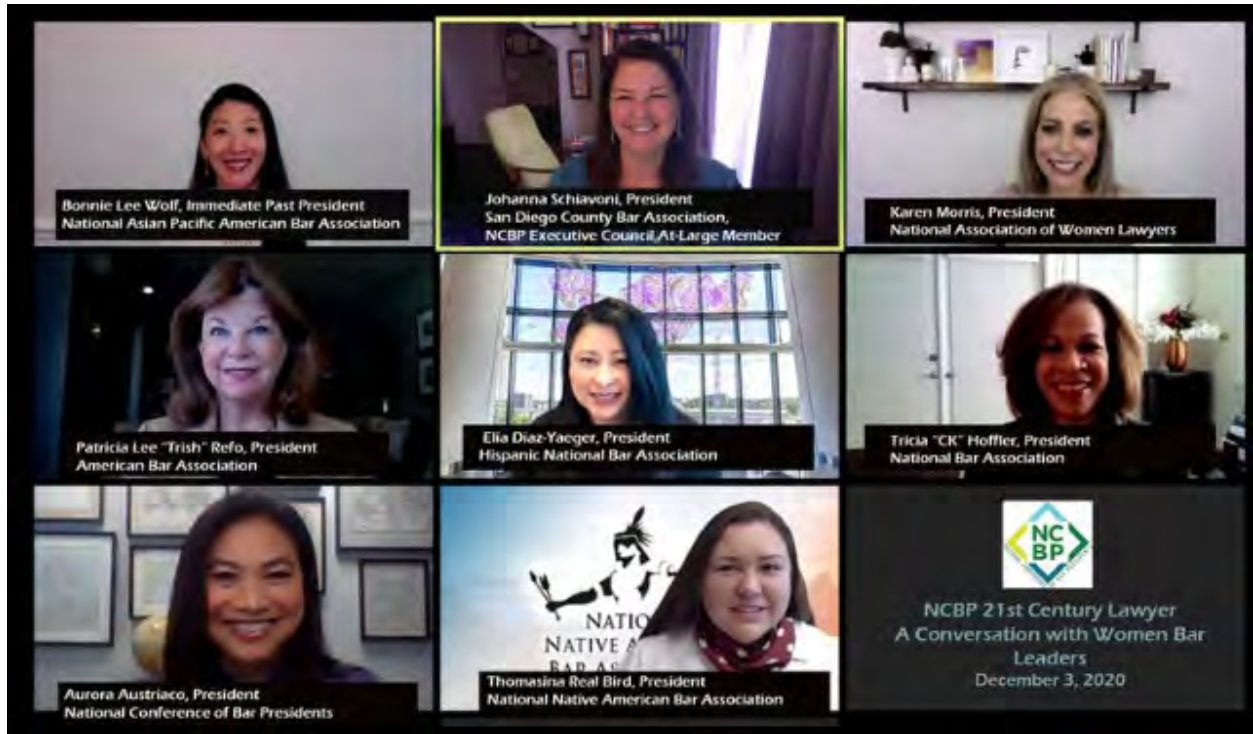


Donald Betts, Jr.

A Movement of the Heart Part II: A Global Discussion on First People's Land Rights



National NABA 2020 Virtual Annual Meeting



National Conference of Bar Presidents 21st Century Lawyer: A Conversation with Women Bar Leaders



National NABA Board Meeting



NATIONAL
NATIVE AMERICAN
BAR ASSOCIATION

TREASURER'S REPORT

Philip M. Brodeen
NNABA Treasurer



March 12, 2021

Dear NNABA Members,

The Treasurer's Report is provided herein and details the financial activities of the National Native American Bar Association ("NNABA") for FY-2020. The report is provided on an annual basis to NNABA members at the NNABA Annual Meeting. The report comprises the following sections: Treasurer's Commentary and Recommendations; FY 2020 Income/Expenses; and FY 2020 Income/Expenses Graphs. Please let me know if you have any questions, comments, or concerns.

Treasurer's Commentary and Recommendations

FY2020 was a poor fundraising year for the NNABA Association. Income for the Association was down by nearly half when compared to FY2019. The most significant decreases in income occurred in general donations and annual meeting sponsorships. Membership fees remained the same. Fortunately, expenses were down significantly as well. On the whole, the Association's net income for FY2020 was \$5,383.91. The COVID-19 pandemic has had a significant impact on NNABA's finances. I expect expenses in FY2021 to be similar to FY2020.

The NNABA Foundation's fundraising efforts were significantly impacted by the COVID-19 pandemic. Expenses exceeded income in FY2020 by \$12,420.85. The decreases in income are more startling because the Foundation's expenses are more static and not prone to fluctuation.

My main recommendation for FY2021 is to refocus our fundraising efforts for both the NNABA Association and NNABA Foundation. Miigwech (thank you) for the opportunity to serve NNABA as your Treasurer.

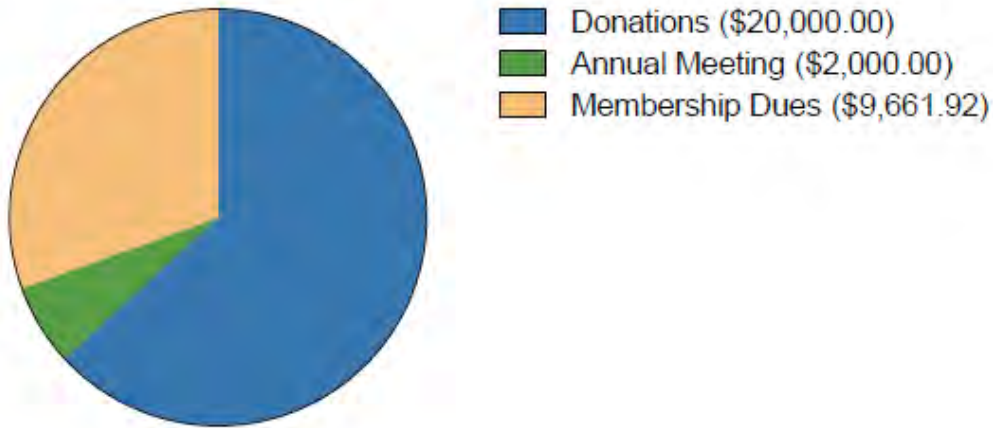
NNABA Association FY2020
Income/Expenses

Income		2020
Donations		\$20,000.00
Annual Meeting Sponsorships		\$2,000.00
Membership Dues		\$9,661.92
Total Income		\$31,661.92
Expenses		
NNABA Annual Meeting		\$3,962.28
CBAC Hosting Fees		\$4,095.20
Postage & Shipping (including PO Box)		\$130.00
Taxes/Accounting		\$3,075.00
Travel:		
	CBAC Travel Reimbursement	\$1,215.36
	ABA Travel Reimbursement	\$580.60
Sponsorships		\$7,000.00
Tech Support: Website, Cloud Storage		\$5,978.00
Misc.		\$241.57
Total Expenses		\$26,278.01
Total Income		\$31,661.92
Total Expenses		\$26,278.01
Net Income		\$5,383.91

Bank of America Total as of 12/31/2020	\$5,107.01
Native American Bank Total as of 12/31/2020	\$92,055.49
Total Assets in Bank	\$97,162.50

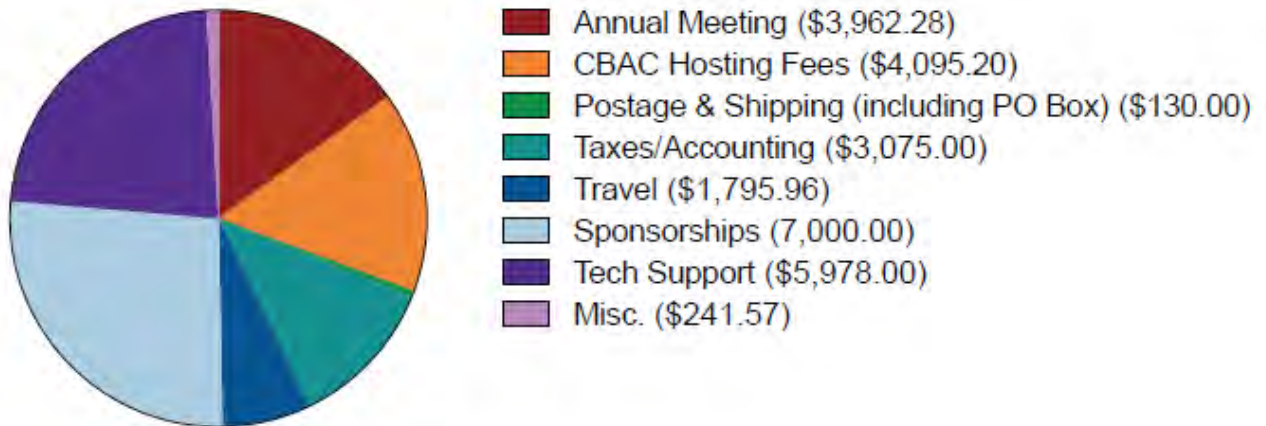
NNABA Association FY2020
Income/Expenses (Charts)

Income

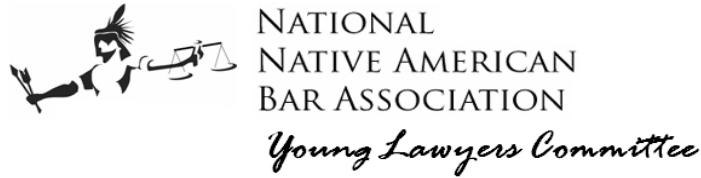


Total = \$31,661.92

Expenses



Total = \$26,278.01



National Native American Bar Association

Young Lawyers Committee

2020 – 2021 Annual Report

Created in 2014, the National Native American Bar Association (“NNABA”) Young Lawyers Committee (“YLC”) is committed to representing the newest members of the profession and to providing young lawyers with opportunities for mentorship, networking, professional development, and programming.

Despite the challenges of the COVID-19 pandemic, the YLC had a very successful year.

2020-2021 Young Lawyers Committee Members

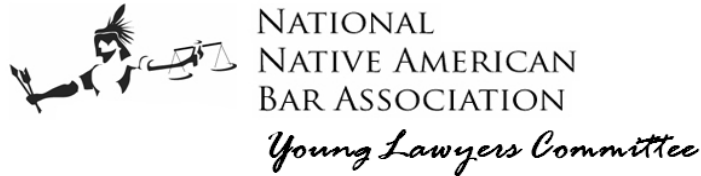
A huge thank you to the 2020-2021 Young Lawyers Committee members for all of their work this year!

- Geneva E. B. Thompson
- Colleen Lamarre
- Heather Torres
- Arielle Wagner
- Lauren van Schilfgaarde
- Thomas Pack
- Dale Williams
- Kori Cordero
- Aaron Koenck
- Micah Dawson
- Simone Anter
- Courtney Cole

NNABA Resolutions

Members of the NNABA YLC drafted three resolutions for the NNABA Board of Directors to review and adopt as NNABA policy. The drafters of the resolutions had the opportunity to present their resolution during NNABA’s November 16, 2020 Annual Meeting to the Board of Directors and NNABA members. The NNABA YLC is proud to announce all three resolutions were adopted as NNABA policy!

- Lauren van Schilfgaarde and Geneva E. B. Thompson drafted NNABA Resolution 2020-002: Urging Adoption and Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.
- Thomas Pack and Arielle Wagner drafted NNABA Resolution 2020-003: Urging Representation of Native People in Studies of Diversity, Equity, and Inclusion Efforts at All Levels of the Legal Profession.
- Arielle Wagner drafted NNABA Resolution 2020-004: Calling on Congress to Introduce and Support Reparation Legislation for the Treatment of American Indians and Alaska Natives.



Involvement in the American Bar Association

This year, NNABA YLC members were engaged and involved in the American Bar Association House of Delegates and the American Bar Association Young Lawyers Council and Assembly.

- Lauren van Schilfgaarde and Geneva E. B. Thompson drafted and advocated for sponsorship and support of Resolution 107D at the ABA House of Delegates 2021 Midyear meeting. The Resolution urges federal, state, local, territorial, and tribal endorsement and adoption of the United Nations Declaration on the Rights of Indigenous Peoples and calls specifically on Congress to develop a plan to implement.

The ABA House of Delegates approved the resolution!

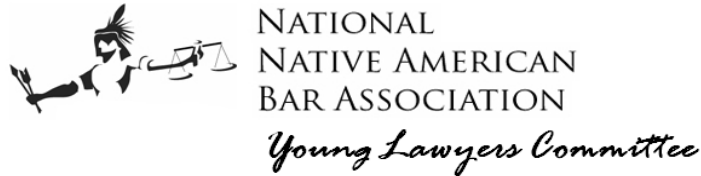
- Colleen Lamarre served as the NNABA Representative on the ABA YLD Council.
- Geneva E. B. Thompson served as a NNABA Delegate to the ABA YLD Assembly.
- Heather Torres served as a NNABA Delegate to the ABA YLD Assembly.

What Do Lawyers Do? Panel

The NNABA YLC has been incredibly motivated to address the issues identified by NNABA's *Pursuit of Inclusion* report, which details the experience of Native attorneys and highlights the opportunities to strengthen the pipeline. As such, NNABA YLC has focused on the recruitment and retention of Native law students. We've conducted "What Do Lawyer's Do?" panels across the country in order to encourage Native students to pursue higher education and provide exposure to the diversity of career opportunities within the legal field. Each student gains a better understanding of the legal field, paths to and through law school, and mentorship opportunities with Native attorneys. This programming has been very successful and the NNABA YLC looks forward to continuing the work in years to come.

This year due to the COVID-19 pandemic, the NNABA YLC had a more difficult time organizing "What Do Lawyer's Do?" panels. That said, Heather Torres was able to collaborate with the University of California, Los Angeles American Indian Student Association Native Youth Conference to host a "What Do Lawyer's Do?" panel over video conferencing. The panelists for this program included: Heather Torres (Moderator), Rob Saunooke, Alexandra Mojado, Christine Jordan, and Andy Snowball. We had approximately 25 Native students participate in the program.

Thank you to Heather and all of the panelists!



2021 State of Indian Law in ABA Accredited Law Schools

Another exciting announcement is the upcoming release of NNABA YLC's report the 2021 State of Indian Law at ABA-Accredited Law Schools. This report updates the 2019 State of Indian Law at ABA-Accredited Law Schools report published by the NNABA YLC, a first-of-its-kind guide to help Native students evaluate their options and compare the American Indian Law offerings across all ABA-accredited law schools within the United States.

NNABA is interested in better understanding the breadth and availability of American Indian Law programs within U.S. law schools in order to better inform prospective Native law students and students interested in practicing Indian law. Many metrics, both quantitative and qualitative, can appraise the substance of a school's program, including the diversity and regularity of curriculum, the presence of expert faculty, and the presence of a Native student community. However, for the simplicity of our assessment, we surveyed ABA-accredited law schools within the United States for seven metrics:

1. Whether one or more courses primarily focused on Indian law, such as Federal Indian Law, is offered during an academic year;
2. Whether the faculty includes one or more faculty whose expertise includes Indian law or Indian law issues;
3. Whether the law school has Native American and Indigenous faculty members teaching students and their tenure status;
4. Whether the law school offers clinics or other pro bono opportunities for students to practice and learn federal Indian and/or tribal law;
5. Whether a Native American Law Students Association (NALSA) or similar Native student group exists among the law school student body;
6. Whether the law school offers a certificate, specialization, or other credential in Indian law; and
7. Whether the law school offers a student journal devoted to Indian law issues.

The report will be available for free download online and will be distributed at future NNABA YLC events.

THE STATE OF INDIAN LAW AT ABA-ACCREDITED LAW SCHOOLS



2021

NATIONAL NATIVE AMERICAN BAR ASSOCIATION

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Introduction

The National Native American Bar Association (NNABA) began in 1973 as the American Indian Lawyers Association. As the name Native American implies, NNABA represents the interests of all populations indigenous to the lands which are now collectively known as the United States: American Indians, Alaska Natives, and Native Hawaiians. Towards that mission, NNABA works to both promote the study of Indian law and provide guidance and assistance to Native students in their pursuit of law degrees.

NNABA has been interested in cataloguing the American Indian law offerings and programs within U.S. law schools in order to inform prospective Native law students and students interested in practicing Indian law. Many metrics, both quantitative and qualitative, can help appraise the substance of a school's program, including; the diversity and regularity of curriculum, the presence of expert faculty, and the supporting nature of a school for Native students. However, for the simplicity of our assessment, we surveyed ABA-accredited law schools within the United States for seven metrics:

1. Whether one or more courses primarily focused on Indian law, such as Federal Indian Law, is offered during an academic year;
2. Whether the faculty includes one or more faculty whose expertise includes Indian law or Indian law issues;
3. Whether the law school has Native American and Indigenous faculty members teaching students and their tenure status;
4. Whether the law school offers clinics or other pro bono opportunities for students to practice and learn federal Indian and/or tribal law;
5. Whether a Native American Law Students Association (NALSA) or similar Native student group exists among the law school student body;
6. Whether the law school offers a certificate, specialization, or other credential in Indian law; and
7. Whether the law school offers a student journal devoted to Indian law issues.

This Report is an update to the 2019 State of Indian Law at ABA-Accredited Law Schools Report published by NNABA. For this update, NNABA requested ABA-accredited law schools respond to a survey to provide an update on the state of Indian law at their school. NNABA received 39 responses to our survey and have included the information into this report. This Report includes the results of the 2019 Report for the schools that did not reply to NNABA's survey. NNABA is incredibly grateful to the California Indian Law Association (CILA) for beginning a similar project in 2014 in order to provide a resource for Native students interested in attending law school in California. The roadmap provided by CILA has been invaluable to this national effort by NNABA. NNABA would also like to thank Kori Cordero for sharing the lovely buffalo photo for NNABA to use as the cover photo. Our goal is to update this resource every two years, please email adminassistant@nativeamericanbar.org to provide updates or corrections to the information in this Report.

Alabama

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
The University of Alabama School of Law *									
Faulkner University Thomas Goode Jones School of Law *									
Samford University Cumberland School of Law *									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Alaska

Alaska does not currently have an ABA-Accredited law school.

Arizona

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Arizona James E. Rogers College of Law	•	•	•	•	•	•	•	•	
Arizona State University Sandra Day O'Connor College of Law	•	•	•	•	•	•	•	•	

Arkansas

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Arkansas School of Law*		•				•			
University of Arkansas at Little Rock*		•							

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

California

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
California Western School of Law*									
Chapman University School of Law*									
Golden Gate University School of Law*									
Loyola Law School (Los Angeles)*									
Pepperdine University School of Law*									
Santa Clara University School of Law*									
Southwestern Law School*		•		•		•			
Stanford Law School	•	•		•	•	•	•		
Thomas Jefferson School of Law*						•			
University of California at Berkeley Berkeley Law*		•		•		•			
University of California at Davis, King Hall School of Law*	•	•		•		•			

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of California at Irvine School of Law*									
University of California at Los Angeles School of Law	•	•	•	•	•	•	•	•	•
University of California Hastings College of the Law*									
University of La Verne College of Law*									
University of San Diego School of Law		•				•			
University of San Francisco School of Law*									
University of Southern California Gould School of Law*									
University of the Pacific McGeorge School of Law*									
Western State University									

College of Law*									
Whittier Law School*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Colorado

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Colorado Law School	•	•	•	•	•	•	•	•	
University of Denver Sturm College of Law*	•	•				•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Connecticut

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Connecticut School of Law	•	•	•	•					
Quinnipiac University School of Law*									
Yale Law School*		•		•					

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Delaware

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Widener University School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Florida

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Ave Maria School of Law*									
Barry University Dwayne O. Andreas School of Law*									
Florida A&M University College of Law*		•							
Florida Coastal School of Law*									
University of Florida Fredric G. Levin College of Law*	•	•				•			
Florida International University College of Law*									
The Florida State University College of Law*						•			
University of Miami School of Law*									
Nova Southeastern University – Shepard Broad Law Center*									
St. Thomas University									

School of Law*									
Stetson University College of Law*		•							

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Georgia

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Atlanta's John Marshall Law School*									
Savannah Law School*									
Emory University School of Law*		•		•					
University of Georgia School of Law*									
Georgia State University College of Law*									
Mercer University – Walter F. George School of Law*				•					

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Hawai'i

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Hawai'i at Mānoa, William S. Richardson School of Law*	•	•	•	•		•		•	•

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Idaho

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Idaho College of Law*	•	•		•		•		•	

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Illinois

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Chicago Law School*						•			
Chicago-Kent College of Law*									
DePaul University College of Law*									
University of Illinois College of Law*									
The John Marshall Law School*						•			
Loyola University Chicago College of Law*									
Northern Illinois University College of Law*		•				•			
Northwestern University Pritzker School of Law		•		•		•			
Southern Illinois University School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Indiana

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Indiana University Maurer School of Law-Bloomington*									
Indiana University Robert H. McKinney School of Law*									
Valparaiso University Law School*									
Notre Dame Law School*		•		•		•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Iowa

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Drake University Law School*		•							
University of Iowa College of Law		•		•	•	•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Kansas

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Kansas School of Law	•	•			•	•	•	•	
Washburn University School of Law*	•	•	•			•		•	

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Kentucky

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Northern Kentucky University, Salmon P. Chase College of Law*									
University of Kentucky College of Law*									
University of Louisville's Brandeis School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Louisiana

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Louisiana State University Paul M. Hebert Law Center*									
Loyola University New Orleans College of Law*		•		•					
Southern University Law Center**	•	•	•	•	•	•			
Tulane University Law School*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

** A clinic has been tentatively approved but the development has been put on hold due to COVID.

Maine

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Maine School of Law*		•	•						

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Maryland

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Baltimore School of Law*									
University of Maryland Francis King Carey School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Massachusetts

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Boston College Law School*									
Boston University School of Law*									
Harvard Law School		•		•		•			
New England Law/Boston	•	•		•					
Northeastern University School of Law*									
Suffolk University Law School	•	•	•	•			•		

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Michigan

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Michigan State University College of Law*	•	•	•	•		•		•	
Thomas M. Cooley Law School*	•	•				•			
University of Detroit Mercy School of Law*									
University of Michigan Law School*		•				•			
Wayne State University Law School*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Minnesota

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Minnesota Law School*	•			•		•			
University of St. Thomas School of Law*									
Mitchell-Hamline School of Law	•	•	•	•	•	•	•		
University of Minnesota Law School*	•			•		•			
University of St. Thomas School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Mississippi

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Mississippi College School of Law							•		
University of Mississippi School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Missouri

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Saint Louis University School of Law*									
University of Missouri-Kansas City School of Law*		•		•					
University of Missouri School of Law*									
Washington University School of Law		•		•		•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Montana

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Montana School of Law	•	•	•	•	•	•	•	•	

Nebraska

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Creighton University School of Law*		•		•					
University of Nebraska College of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Nevada

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
UNLV William S. Boyd School of Law	•	•		•					

New Hampshire

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of New Hampshire School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

New Jersey

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Rutgers University School of Law—Newark*									
Rutgers—The State University of New Jersey—School of Law—Camden*									
Seton Hall University School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

New Mexico

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
The University of New Mexico School of Law	•	•	•	•	•	•	•	•	•

New York

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Albany Law School of Union University*		•		•					
Brooklyn Law School*									
Benjamin N. Cardozo School of Law Yeshiva University*									
City University of New York School of Law*				•					
Columbia University School of Law*		•		•		•			
Cornell Law School*				•		•			
Fordham University School of Law*						•			
Hofstra University Maurice A. Deane School of Law Hempstead*									
New York Law School*									
New York University School of Law*		•		•					
Pace University School of Law*									
St. John's University School of Law*									
SUNY Buffalo Law School*									
Syracuse University College of Law*						•			

Touro College— Jacob D. Fuchsberg Law Center*									
---	--	--	--	--	--	--	--	--	--

Notes:
* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

North Carolina

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Campbell University Norman Adrian Wiggins School of Law*									
Duke University School of Law*									
Elon University School of Law*									
University of North Carolina School of Law*						•			
North Carolina Central University School of Law*									
Wake Forest University School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

North Dakota

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of North Dakota School of Law	•	•	•	•	•	•	•	•	

Ohio

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
The University of Akron School of Law*									
Capital University Law School*									
Case Western Reserve University School of Law*									
University of Cincinnati College of Law*									
Cleveland State University—Cleveland-Marshall College of Law*									
University of Dayton School of Law*									
Ohio Northern University—Pettit College of Law*									
The Ohio State University Moritz College of Law*									
The University of Toledo College of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Oklahoma

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Oklahoma College of Law	•	•	•	•	•	•	•	•	•
Oklahoma City University School of Law	•	•	•	•	•	•	•	•	
The University of Tulsa College of Law	•	•	•	•	•	•	•	•	

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Oregon

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Oregon School of Law*	•	•	•	•		•			
Willamette University College of Law*									
Lewis & Clark Law School*	•	•	•	•		•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Pennsylvania

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Temple University's Beasley School of Law*									
Widener (Commonwealth) Law School*									
University of Pennsylvania Law School*	•	•	•	•		•			
Villanova Law School*		•		•					
University of Pittsburgh Law School*									
Pennsylvania State University School of Law		•	•	•					
Duquesne University School of Law*						•			
Drexel University Kline School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Rhode Island

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Roger Williams University School of Law	•	•	•	•		•	•		

South Carolina

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Charleston School of Law*									
University of South Carolina School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

South Dakota

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of South Dakota School of Law*	•	•	•	•					

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Tennessee

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Belmont University College of Law*									
Lincoln Memorial University—John J. Duncan, Jr. School of Law*									
The University of Memphis—Cecil C. Humphreys School of Law*									
University of Tennessee College of Law*									
Vanderbilt Law School*		•							

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Texas

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Baylor University School of Law									
University of Houston Law Center*									
University of North Texas Dallas College of Law (Provisionally Accredited)*									
St. Mary's University School of Law*									
SMU Dedman School of Law*									
South Texas College of Law Houston*									
The University of Texas School of Law*									
Texas A&M University School of Law*									
Texas Southern University—Thurgood Marshall School of Law*									
Texas Tech University School of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Utah

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Utah S.J. Quinney College of Law		•	•	•	•	•			
Brigham Young University*		•	•	•		•			

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Vermont

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Vermont Law School	•	•	•	•	•	•			

Virginia

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Appalachian School of Law*									
George Mason University Antonin Scalia Law School*									
Liberty University School of Law*									
Regent University School of Law*									
University of Richmond School of Law*									
University of Virginia School of Law*									
Washington and Lee University School of Law*									
William & Mary Law School*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Washington

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Gonzaga University School of Law*	•	•	•	•		•			
Seattle University School of Law	•	•	•	•	•	•	•	•	•
University of Washington School of Law William H. Gates Hall*	•	•	•	•		•		•	

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

West Virginia

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
West Virginia University College of Law*									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Wisconsin

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
Marquette University School of Law*		•		•					
University of Wisconsin Law School		•		•		•	•		

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

Wyoming

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
University of Wyoming College of Law		•	•	•					

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.

District of Columbia

ABA-Accredited Law School	More than One Indian Law Course	One Indian Law Course	More than One Indian Law Faculty	One Indian Law Faculty	Native Faculty on Staff	NALSA Chapter	Clinics or Pro Bono	Certificate	Journal
American University Washington College of Law				•		•			
Catholic University of America Columbus School of Law		•							
University of District of Columbia David A. Clarke School of Law									
George Washington University Law School		•		•					
Georgetown University Law Center		•				•			
Howard University School of Law									

Notes:

* Information from the 2019 State of Indian Law at ABA-Accredited Law Schools.



NATIONAL
NATIVE AMERICAN
BAR ASSOCIATION

2021 Membership Committee Report

Paulene Abeyta, National NALSA President
Andrea Snowball, Board Director

Primary Tasks



Research Various online platforms for the Board to consider adopting.



Submit strategies for membership recruitment and retention.

Exploring options for NNABA online platform

OPTIONS

- Wild Apricot
- JoinIT

Exploring options for NNABA online platform

CONSIDERATIONS



Membership
type and
number of
users



Monthly/
annual/
processing
fees and
discounts



Membership
listing



Event
hosting
abilities



Online
store



Learning
curve and
timing of
transition

Exploring options for NNABA online platform

Outcome

Incoming Board will decide which platform to use in light of researched considerations.

Membership Recruitment

GOALS



Form a Membership Recruitment subcommittee.



Set a target number for annual membership recruitment.



Create a quarterly newsletter to share opportunities, Board news, vacancies, job announcements, membership spotlights, etc.

Membership Recruitment

Membership Recruitment subcommittee

Led/co-led by 1-2 Board members, plus 4-6 general members.

Consider targeting categories of current membership (i.e. private law, tribal-fed-state government, non-profits, judiciary, students, etc.).

Outline membership perks in a brochure including mention of position statements issued on various topics and letters of support filed for candidates and political appointees.

Membership Recruitment

Membership Recruitment subcommittee cont.

Encourage the sale of high-end swag (i.e. polos and collared shirts, t-shirts, lapel pins, YETI mugs, Camelback and Hydroflask water bottles).

Offer referral recognition, such as mention in newsletter or discount toward next event registration or membership renewal.

Membership Recruitment

Membership Recruitment subcommittee cont.

Create membership bundles

PLATINUM- Annual membership, access to events, part of fee supports student bar scholarship or foundation account, swag item

GOLD- Annual membership, access to events, part of fee supports student bar scholarship or foundation account

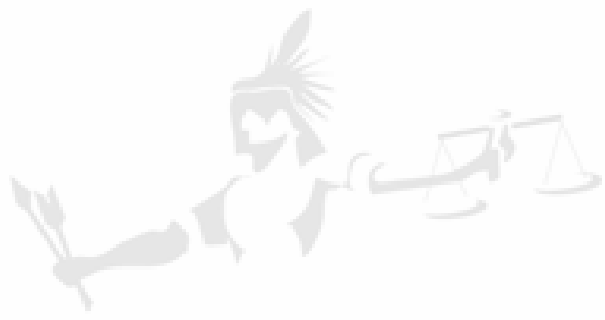
SILVER- Annual membership, access to events

BRONZE- Annual membership only

Membership Retention

GOALS

- Set membership on online platform to renew automatically unless member opts out.
- Provide initial welcome packet.
- Recognize different lengths of continued membership with thank you card and swag item (5/10/15/etc. years).



NATIONAL
NATIVE AMERICAN
BAR ASSOCIATION

We are excited to put these plans and ideas into action over the coming year and welcome input from the Board!

THANK YOU!



2021 NNABA Annual Meeting Report
by NNABA's Delegate to the ABA House of Delegates

In conjunction with the ABA's Midyear Meeting, the ABA House of Delegates held a virtual session on February 22, 2021, to consider proposed resolutions. I participated in this session for the first time as NNABA's representative. During the proceedings, I made an appearance before the House to advocate for the passage of Resolution 107D, which NNABA co-sponsored with the ABA's Civil Rights and Social Justice Section, and which urged for the implementation of the UN Declaration on the Rights of the Indigenous Peoples. The resolution passed the House with overwhelming support. Many thanks for the hard work of current and former NNABA board members, including Geneva Thompson and Lauren Van Schilfgaarde, in assisting with preparing the resolution and report and advocating for its passage (including providing me with suggested talking points).

During the Midyear Meeting, I was also able to participate as NNABA's representative in a meeting of the Minority Caucus to discuss issues of mutual concern with other affinity bar representatives among others. The Minority Caucus is considering a name change. If you have any thoughts or suggestions please let me know, as I will be working on the committee developing recommendations related to the potential change.

If NNABA plans to submit any resolutions to be considered at the ABA's 2021 Annual Meeting in August, please let me know ASAP. We have been asked to notify the ABA's Policy and Planning Division by Friday, April 9, 2021, and indicate (1) any issues which our organization is studying at this time that will likely result in the submission of a resolution with a report; and (2) the name, telephone number and e-mail address of a contact person who can provide additional information to interested parties. The information we provide should include a narrative summary of the planned resolutions. This information will be used to generate the Sneak Preview report of issues that have a high likelihood of appearing on the House's agenda at the 2021 Annual Meeting. The report will be distributed to all members of the House of Delegates and to Section and Committee Chairs and Staff Liaisons. The purpose of this report is to facilitate better coordination among interested entities.

I look forward to continuing to represent NNABA in the ABA House of Delegates. Please feel free to reach out to me if you have questions or suggestions related to my service in the House as NNABA's delegate.

Sincerely,

Matthew Archer-Beck
NNABA Delegate to ABA House of Delegates
archerbeckm@sec.gov
703-967-8321



Diversity & Inclusion (D&I) Advisory Council Delegate Report 2019-2020

Sunshine Nicholson

I was appointed my position on April 10, 2019, at our annual NNABA meeting. However, after overview calls, I discovered that the actual transition of the delegation was not until the annual ABA meeting in August 2019. I received my orientation materials and virtually attended the D&I orientation call on October 25, 2019. We had a Council call on November 12, 2019. I submitted a NNABA collaboration form outlining our organizational goal for Native American diversity in the legal profession. Unfortunately, I was unable to attend the D&I Conference Council meeting on February 16, 2020, in Austin, TX. On May 6, 2020, I attended the virtual D&I Advisory Council meeting where COVID-19's threat to diversity in the legal profession was discussed and how other groups are handling activities (e.g. moot court competitions, annual meetings, voting, etc.) during the pandemic. I truly appreciate Linda Benally's continued efforts on the D&I Advisory Council and for helping me get started. I look forward to continuing as NNABA's delegate on the D&I Advisory Council.



National Native American Law Students Association

www.nationalnalsa.org

ANNUAL REPORT

Submitted by:

Paulene Abeyta, President (2020-2021)

CONTENTS OF THIS REPORT:

1. Introduction
2. Membership
3. Accounting
4. Events
5. Competitions & Results
6. Awards
7. 2020-2021 & 2021-2022 National NALSA Board
8. Sponsor Appreciation

1. INTRODUCTION:

Leadership during a global pandemic was at the forefront of our first few days after being elected on April 20, 2020. After a strategic planning session with the Board, five themes emerged and were identified as priorities.

A. Professional Development

Board member resumes were reviewed for the purposes of selecting Chairs/CoChairs for the nine committees and other delegations. During the annual meeting, TICA provided ethics and conflict of interest training for the Board, and National NABA members organized a panel with insights to Board & Life Balance. All fourteen members of the Board submitted timely annual reports and provided reports at the annual meetings. Board members also participated in a virtual transition meeting with the incoming board via Zoom to ensure a successful transfer of roles, responsibilities, and passwords.

B. Support and Recognize our Membership

We mailed welcome/thank you cards with a sticker and coaster with the National NALSA log to new members. We included 50th Anniversary pins to Alumni and Honorary Members who donated \$50+ (we did fall behind on this during the last quarter – please be patient with us). We provided more scholarships for our members for technology assistance and emergency relief. We held more virtual events for students to meet and discuss current issues. We offered turquoise/gold graduation cords to our graduating students, JD, LLM, SJD, and Masters.

C. Promote Partnerships with other organizations

We are proud to have partnered with the following organizations for the following events.

- American Indian Law Center's Pre-Law Summer Institute student panel

- University of Arizona Incoming Students Panel
- Tribal In-House Association for training during the Mid-Year Conference
- National Native American Bar Association for a panel during the Mid-Year Conference
- National LGBTQ+ Bar Association for a webinar on Native student intersectionality of Indigenous, law student, and LGBTQ identity.
- National Latina/o Law Students Association for a panel during their annual conference titled “Reclaiming our Roots”
- National Black Law Students Association for support in solidarity during the stand on social injustices.
- Private law firms and attorneys who assisted us with events and programing.

D. Alumni Engagement

Increased Alumni membership by recruiting 15+ members to join. Dedicated Alumni dues to support the writing competition. We invited Alumni to collaborate on projects. We started documenting the history of National NALSA which will include, former leadership, Moot Court Host School, Writing Competition Host Schools, etc. This year we had so much Alumni engagement we needed to recognize their support. We received close to 20 Alumni nominations and narrowed it down to four who were recognized during the annual conference. John Echohawk, one of the National NALSA founders, was our keynote speaker at our annual conference and provided a fantastic overview of the history of National NALSA which included his journey through law school.

E. Review & Revamp Sponsorship Opportunities

We had an ambitious board with tons of great ideas. We did not have the budget to support our goals, so I called on the Fundraising & Finance Co-chairs along with our Annual & Mid-Year Chair to focus on reviewing and revamping sponsorship opportunities. The team successfully raised \$17,000. Note: This amount does not include the sponsorships from Moot Court and the Writing Competition. Those competitions successfully raised their own funds.

2. MEMBERSHIP:

Membership Types	Amount
Individual Students	213
Chapters	31
Alumni	19
Honorary	49
Writing Competition & COVID Donations	9
TOTAL ACTIVE MEMBERSHIPS:	321

3. ACCOUNTING:

Sources	Amount
Individual Student Memberships	\$5,325
Chapter Memberships	\$1,690
Alumni Memberships	\$950
Honorary Memberships	\$750
Writing Competition & COVID Donations	\$1,455
MID YEAR Conference Sponsorships	\$5,230
ANNUAL Conference Sponsorships	\$11,050
Merchandise	\$540
TOTAL:	\$26,990

4. EVENTS:

These are the two largest events we hosted. Please see the annual report for a full list of events.

Mid-Year Conference - November 7, 2020

Annual Conference - April 3, 2021

<https://static1.squarespace.com/static/5b498b0536099be3d3fbc81/t/60679636c449387c02327ed1/1617401404453/NNALSA+Annual+Conference+Agenda+2021.pdf>

5. COMPETITIONS & RESULTS:

MOOT COURT

29th Annual National NALSA Moot Court Competition was hosted by the University of North Dakota on February 26-27, 2021. This year's moot court was the first ever virtual event. Here are some quick stats.

- 40 Teams Participated from 19 different law schools.
- 115 Volunteer Judges from across the country
- 30 volunteer bailiffs
- Problem author: Professor Grant Christensen

Overall Winners

1st Place – Emily Depew & Zachary Kelsay, University of Kansas

2nd Place – Polina Noshkova & Eric Rolston, Columbia University

Semi-Finalist – Cassondra Church & Kacey Chopito, Michigan State University

Semi-Finalist – Alex Vanrooyen & Jessica Mall, Columbia University

2022 HOST SCHOOL – UNIVERSITY OF COLORADO BOULDER

WRITING COMPETITION

21st Annual National NALSA Writing Competition was hosted by the Indigenous Peoples' Journal of Law, Culture, and Resistance at UCLA School of Law. Co-Sponsors include the UCLA Native Nations Law & Policy Center and the UCLA NALSA Chapter.

1st Place - Tyler R. E. Heneghan, Deterring Looters and Injecting Contemporary Native American Art through Charitable Deductions, Boston University School of Law

2nd Place - Edward Ornstein, Disproportionate Police Militarization at Standing Rock Violated International Law, University of Arizona Law

3rd Place - Ryann Garcia, Disturbance, Dislocation and Disconnection: The Indigenous Struggle for a Restorative History Through International Repatriation, UCLA School of Law

2022 HOST SCHOOL – LEWIS & CLARK LAW SCHOOL

6. AWARDS

People's Choice Award (Voted on by entire student membership) – Debra Ann Haaland

1L of the Year – Celeste Gilman, University of Idaho

2L of the Year – Alyssa Kewenvoyouma, University of California-Berkeley

3L of the Year – Lora Church, University of New Mexico

Chapter of the Year – University of Colorado Boulder NALSA

Alumnus of the Year - Robert A. Rosette, Virjinya Torrez, Andrea Snowball, and Andrew Adams III

Lifetime of Achievement Award – Debra Ann Haaland

7. 2020-2021 NATIONAL NALSA BOARD (OUTGOING)



2021-2022 NATIONAL NALSA BOARD (INCOMING)

PRESIDENT	Jessica Govindu	UCLA
VICE PRESIDENT	Dante Pavan	Delaware Law
TREASURER	Sheldon Standish	University of North Dakota
SECRETARY	Brittany Habbart	Arizona State University
MOOT COURT ADMIN.	William Raley	University of Colorado Boulder
PUBLIC RELATIONS DIR.	Timothy Devine	University of Michigan
AREA 1 REPRESENTATIVE	Alyssa Kewenvoyouma	UC Berkeley
AREA 2 REPRESENTATIVE	Latasha Ball	University of New Mexico
AREA 3 REPRESENTATIVE	Jessica Goodwin	University of Oklahoma
AREA 4 REPRESENTATIVE	Alyana Jimerson	Michigan State University
AREA 5 REPRESENTATIVE	Hannah Goins	University of Arizona
AREA 6 REPRESENTATIVE	Kelsey Haake	University of Pennsylvania
AREA 7 REPRESENTATIVE	Celeste Gilman	University of Idaho
AREA 8 REPRESENTATIVE	Albert Crowe	University of North Dakota

For more information and to review the full annual report please visit our website and click “ANNUAL REPORT” under the ABOUT page. Thank you.

8. SPONSOR RECOGNITION

Mid-Year Conference Sponsors



NATIONAL
NATIVE AMERICAN
BAR ASSOCIATION



GALANDA BROADMAN
An Indigenous Rights Law Firm



TICA
TRIBAL IN-HOUSE
COUNSEL ASSOCIATION
www.tica.wildapricot.org



**HOGEN
ADAMS**



**Boardman
Clark**

Individual Sponsors

Andrea Snowball, NNALSA Class of 2020

Annual Conference Sponsors

Top Sponsor:



Bronze Sponsors:



Other Sponsors:



[Andrea Snowball](#), NNALSA Alumna, 2020

[Colleen E. Lamarre](#), NNALSA Alumna, 2011

[Julia Ernst](#), Associate Dean for Academic and Student Affairs at UND School of Law

THANK YOU National NABA!

We appreciate your support and the many opportunities to collaborate with you.

-END-



This year

The National Native American Bar Association (NNABA) Foundation 2021 Bar Review Scholarship is intended to alleviate some of the financial strains of bar study to ensure that future Native attorneys can successfully devote their mind and spirit to the final hurdle to becoming legal warriors.

The scholarship was announced in January and applications were due March 1, 2021. We received a record number of applications, 19, and had the ability to support each applicant.

Additionally, the NNABA Foundation's 2021 scholarship awards will be given in memory of some of our legal warriors who journeyed on this past year. Honorees were nominated by NNABA members. The hope is that our awardees will carry the spirit and fight of their memorial award as they prepare for the bar exam and honor our legal warriors' memories as they enter the legal profession.

2021 Memorial Honorees

Margaret "Peggy" Treuer— this year's awards are given to honor the spirit of the late Judge Margaret ("Peggy") Treuer (White Earth Ojibwe) Giiwedinoowekwe (North Wind Woman) and Aazhideyaashikwe (Crossing Flight Woman) who passed on March 18, 2020. Peggy was a trailblazing woman in many ways. Her storied career includes being the first American Indian female attorney in Minnesota and then the first Indian female judge in the country. Before entering the legal profession, Peggy was a passionate health advocate working to establish Leech Lake Reservation's Community Health Program and writing the grant to administer Red Lake Reservation's first nursing program. In 2012, the National Association of Women Judges awarded her a Lifetime Achievement Award. Peggy was a proud working mom, through law school and the bar.

To learn more about Judge Treuer, <https://www.startribune.com/margaret-seelye-treuer-minnesota-s-first-ojibwe-judge-dies-at-76/569487652/>

Claudette White – this year's awards are given to honor the spirit of the late Judge Claudette White (Quechan) who passed on February 6, 2021 after a battle with COVID 19. Claudette was a fierce advocate for tribal sovereignty, restorative justice, and the protection of the vulnerable including Indian children and victims of violence. Her history of service to the Quechan Tribe included: Paradise Casino General Manager, Quechan Tribal Court - Chief Judge, Census worker, and Quechan Tribal Councilwoman. She also served a number of tribal courts in Arizona as trial and appellate judge, and recently served as Chief Judge for the San Manuel Band of Mission Indians. Judge White also served as a board member for the National American Indian Court Judges Association and the Sovereign Bodies Institute. Judge White was a proud mom to her son, Zion, both featured in the documentary film, Tribal Justice.

To learn more about Judge White, <https://www.nytimes.com/2021/02/26/obituaries/00claudette-white-dead-coronavirus.html>

Steven Hager – this year’s awards are given to honor the spirit of the late Judge C. Steven Hager, long-time board member of the National American Indian Court Judges Association and consummate advocate for Indian children. Steven was a senior Staff Attorney at Oklahoma Indian Legal Services, where he had worked since 1990. He also served as the Chief Judge for the Kickapoo Nation in Kansas, served on the Supreme Court for the Kaw Nation of Oklahoma, and taught as an adjunct professor at the University of Oklahoma College of Law. During his tenure on NAICJA’s board, Judge Hager offered invaluable support to the Tribal Civil and Criminal Legal Assistance Project. He is the author of “The Indian Child Welfare Act: Case, Regulation, and Analysis.” Judge Hager was a proud father with secret lumberjack aspirations.

To learn more about Judge Hager, <https://turtletalk.blog/2021/02/12/hon-steve-hager-passes/>

Steven Emery – this year’s awards are given to honor the spirit of the late Steve Emery (Lakota) from the Cheyenne River Sioux Tribe. Steve Emery earned his GED at the Yankton Sioux Tribe youth program, his BA from University of South Dakota, Vermillion in 1986, and earned his JD from Harvard Law School in 1989. He served his home community as an attorney for many years in addition to serving other tribes including the Standing Rock and Yankton Sioux Tribes. Steve was known for being tied to his cultural traditions, singing and speaking his language, and defending Oceti Sakowin treaty rights. Steve was a proud father and grandfather.

To learn more about Steve Emery, <https://www.indianz.com/News/2021/01/06/legendary-lakota-legal-advocate-steve-emery-passes-on/>

Karl Gillson – this year’s awards are given to honor the spirit of the late Judge Karl Gillson (Navajo). Karl was a PLSI and UNM alumnus. At 30 years old, he was the youngest person and first Navajo, (3rd Native person ever) to serve as a Magistrate Judge in the state of New Mexico. While serving as district judge, he ensured that there were Navajo, Zuni and Spanish language translators for those appearing in his court. In 2000, he ran for McKinley County District Attorney and won. He served in that position for 17 years, until retiring in 2017. As the District Attorney in the Indian Arts capital of the world, he was one of few in the country who successfully targeted and prosecuted non-Native art dealers who sold counterfeit Indian jewelry in violation of the 1990 Indian Arts and Crafts Act. Judge Gillson was also a proud father and grandfather.

To learn more about Judge Gillson, <https://gallupindependent.com/?p=7231>

Albert Hale – this year’s awards are given to honor the spirit of the late Albert Hale (Navajo) who passed after a battle with COVID 19. His family experiences with police violence spurred his commitment to politics. His illustrious career included becoming a judge for the Pueblo of Laguna, and assistant attorney general and President of the Navajo Nation. During his presidency, Judge Hale was known as a fierce advocate of Diné sovereignty, challenging the federal government to uphold the nation-to-nation relationship. Judge Hale also served in the Arizona State Senate and Arizona House of Representatives. Judge Hale was an ASU and UNM law alumnus and proud father and grandfather.

To learn more about Judge Hale, https://www.nytimes.com/2021/02/06/obituaries/albert-hale-dead-coronavirus.html?fbclid=IwAR1Yrkpuz8Sk2JTbAXDRaltHPLBQ-O79ZFZLvLKS5oog6ke5o6ADKb_30H0

2021 Scholars (in alpha order)

Aspen Jensen (Navajo)
Brendan Clark (Lumbee, Siksika Nation)
Cassandra Church (Pokagon Band of Potawatomi)
Craig Nichols (Oneida)
Daryl Edwards (Native Hawaiian)
Dustin Rector (White Mountain Apache)
Jens Camp (Ponca Tribe of Oklahoma)
Joy Parker (Abenaki)
Lora Church (Navajo)
Lorenzo Gudino (Fort Sill Apache)
MacArthur Stant II (Navajo)
Mariah Black Bird (Cheyenne River Sioux)
Michelle Castagne (Sault Ste. Marie Tribe of Chippewa)
Paulene Abeyta (Navajo)
Portia Skenandore-Wheelock (Oneida)
Samual Dollar (Dry Creek Rancheria)
Taylor Schad (Cheyenne River Sioux)
Winter Hayes (Nez Perce)
Zhashki "Sasha" Strong (Red Lake Band of Chippewa)

2021 BAR REVIEW SCHOLARSHIP MEMORIAL HONOREES

Claudette White **Margaret "Peggy" Treuer**



Steven Hager



Steve Emery



Karl Gillson



Albert Hale



MAY OUR
RECIPIENTS
CARRY YOUR
SPIRIT

MAY OUR
RECIPIENTS
CONTINUE
YOUR FIGHT

NNABA 2021 BAR REVIEW SCHOLARSHIP RECIPIENTS

Hon. Claudette White Memorial Scholars

Zhashki "Sasha" Strong
Daryl Edwards
Winter Hayes
Brendan Clark

Hon. Steven Hager Memorial Scholars

Cassondra Church
Jens Camp
Samual Dollar

Hon. Karl Gillson Memorial Scholars

Lora Church
Aspen Jensen
Dustin Rector

Hon. Peggy Treuer Memorial Scholars

Joy Parker
Michelle Castagne
Portia Skenandore-
Wheelock

Steve Emery Memorial Scholars

Mariah Black Bird
Craig Nichols
Taylor Schad

Hon. Albert Hale Memorial Scholars

Paulene Abeyta
MacArthur Stant II
Lorenzo Gudino

CONGRATULATIONS!



Thank you to our 2021 Sponsors!



Saunooke Law Firm, PA

APPENDIX



November 16, 2020
NNABA Annual Meeting
10:00 a.m. – 12:00 p.m. MST

To join via computer:

<https://pillsburylaw.zoom.us/j/97641280031?pwd=cmpjZlJvRzVoa2d3dVpKS09RWDRXdz09>

Passcode: Pillsbury1

To join via telephone: (877)853-5257 (Toll Free) Webinar ID: 976 4128 0031

Passcode: 0041621545

10:00 Call to Order, Welcome, & Approval of Agenda– Thomasina Real Bird, President

Call to order at 10:02am MT

Quorum established.

Rob moved to approve the agenda, Geneva 2nd, All present approved.

10:10 Remarks by American Bar Association Past Secretary – Mary L. Smith, Past President

Offered congratulations to NNABA on its work, noting the co-sponsored citizenship resolution at NCAI.

Encouraged NNABA members to get involved in the ABA and praised the young lawyers who are particularly involved in the ABA currently. There are lots of opportunities from committees, to officer positions, to taskforces. Offered herself as a resource for those who would like to learn more or need recommendations.

Spoke to President Refo's efforts on Native American issues.

10:20 Remarks by American Bar Association President – Patricia L. Refo

Second time attending NNABA's annual meeting. Last attended when Mary was NNABA President. Commended NNABA leadership and members for their current work in the ABA. NNABA membership involvement makes the ABA better and stronger. Promoted 2 programs coming up this week from ABA CRSJ Native American Concerns Committee.

Recognized the Chair of the ABA Young Lawyers Division – Christopher Brown

Commended NNABA delegates and council reps to the YLD. Shared recent YLD page dedicated to law student debt. Looks forward to learning about NNABA priorities.

10:30 A Year In Review

2019-2020 President's Report – Robert O. Saunooke

Invites everyone to read his farewell letter on the website. Rode about 60,000 miles visiting tribes all across the country. Work with ABA's judicial clerkship program was a standout – with 7 Native law students participating and returning former law students who were now clerking for judges in the ABA meeting. Tribal court judges were also in attendance. CBAC was successful, including time with Congresswoman Deb Haaland. Increased membership, increased presence in a number of organizations.



Treasurer's Report – Phil Brodeen

Report distributed with today's materials. Received significant donations for the Association from Wal-Mart, Microsoft, Intel, Eastern Band of Cherokee – with President Rob playing a vital role in obtaining those commitments and donating his own time saving NNABA expenses; For the Foundation, received significant donations from Shakopee Mdewakanton Sioux Community, NABA- DC, NBC Universal, NIGA, and continuing sponsorship commitments from the Eastern Band of Cherokee and the Miccosukee Tribe. Have a couple items to address to help with efficiency including location of bank account. Anticipating fundraising to be down due to the pandemic.

10:40 Presentation by American Bar Association Tribal Court Fellow – Honorable J. Matthew Martin

Offered background on Tribal Court Fellow program – cooperative agreement between ABA and National Highway Traffic Safety Administration to promote judicial outreach on issues of traffic safety. Call for tribal court judges with traffic issues in their jurisdiction to reach out. Attached the NHTSA Tribal Safety Plan.

10:45 Presentations from Invited Organizations

Doreen McPaul, Tribal In-House Counsel Association

Served on TICA since 2021. Exists to help connect in-house attorneys throughout the country. This includes firms serving tribes as they see the issues an in-house team would see. Offer CLEs and seminars and an annual conference in partnership with the MSU Indigenous Law and Policy Center. Appreciative of NNABA sponsorship of this year's conference. Maintain a listserv. Please visit the TICA website for more information.

Rodina Cave Parnall, American Indian Law Center, Inc. – Pre-Law Summer Institute

Offered background on PLSI – law school boot camp for prelaw Native students with over a 50 year history. Very talented class of 21 this year, all going on to law school. Working on a judicial clerkship handbook. Students attended the ABA Judicial Clerkship Program. Working with NAICJA on a handbook for tribal courts to develop judicial clerkship programs. PLSI also offers bar course reimbursements to all students not just PLSI alumni. PLSI also offers an attorney-coach program- need people to participate.

10:55 Recognition of Sponsors

NBC Universal presentation. History of NBC relationship with NNABA.

Makalika offered words on behalf of Microsoft and updated on CBAC.

11:00 Coalition of Bar Associations of Color Report 2019-2020 – Makalika Naholowaa, Geneva EB Thompson, Robert O. Saunooke

Makalika - CBAC includes 4 bar associations – NNABA, Hispanic National Bar, National Bar, and NAPABA. Working together for 28 years. Work together to develop shared policy agenda and then advocate on the Hill. NNABA hosted the lobbying days this year. Thanks to Thomasina and Rob for help scheduling meetings.



2 new policy resolutions passed this year on immigration reform and restoring the Voting Rights Act. NAPABA hosts the repository of other resolutions.

Suggestion for future CBAC's include working with all sister bar contacts on the Hill and not just the host org contacts.

Geneva - Thanks to Makalika for her leadership. Transitioned into YLC report.

11:05 NNABA Young Lawyers Committee Report – Geneva EB Thompson

Thanks to super active members of the committee, Lauren, Thomas, Arielle, Heather, Colleen, Dale, and Kori.

YLC resolutions to the Board – voting rights, protect and enhance IHS funding, immigrant communities, climate change, protection of Mauna Kea.

What Do Lawyers Do Panels – plan to do virtual this year and looking for volunteers.

State of Indian Law report – review of all ABA accredited law schools and their Indian law offerings – will be doing an update this year.

11:10 NNABA Foundation Scholarship Committee Report and Recognition of Scholarship Recipients – Lauren Van Schilfgaarde

NNABA has centered its attention to helping students cross over the bridge towards passing the bar exam. Strive to give awards directly to students to help pay for living as well as other bar related expenses.

Honored recipients. Included memo to Board on possible changes to eligibility criteria. Please consider joining the scholarship committee in the future.

11:15 NNALSA President's Report – Paulene Abeyta

NNALSA celebrating its 50th anniversary. 14 member board with 9 committees. Annual events include annual meetings and moot court competition. Encouraged all to become NNALSA members.

11:20 Resolutions

Lauren – presented UNDRIP implementation NNABA resolution and draft ABA resolution attached.

Geneva motioned to approve NNABA resolution, Paulene 2nd, All present approved. Motion passed.

Geneva – presented diversity and inclusion NNABA resolution inspired by President Real Bird's leadership on this issue. This resolution makes a call for intentional efforts to reduce the barriers of Native people entering the legal profession, as well as it encourages Native Americans to explore the career in the legal profession and to consider it as a profession where we need to have inclusion and representation of Native people to represent Indian country.



Lawrence B. motion to approve, Sunshine 2nd, point of privilege – thanks to Lawrence for his support to current leadership for addressing this issue. Helpful to have that support from a NNABA founding member, All present approved. Motion passed.

Arielle – presented reparations resolution and referenced white paper prepared by colleagues at President Real Bird's law firm.

Discussion – Jennifer Weddle offered friendly amendment to remove portions of referenced report that may be inconsistent with NCAI policies regarding tribal decisions regarding coal and uranium mining.

Motion to approve with friendly amendment by Lawrence B., Paulene 2nd, All present approved, Motion passed.

11:30 Annual Meeting Minutes and 2020 Membership Meeting Minutes – Katie Jones, Secretary

Secretary absent, presented by President Real Bird.

Motion to approve both sets of minutes moved by Lauren, Lawrence B. 2nd, All present approved, Motion passed.

11:35 Elections

President-Elect

Nomination of Colleen Lamaare by Thomasina. Colleen accepted nomination. Motion to approve Colleen by Paulene, Lauren 2nd, All present approved, Motion passed.

Secretary

Nomination of Heather Torres by Thomasina. Heather accepted nomination. Motion to approve Heather by Geneva, Colleen 2nd, All present approved, Motion passed.

At-Large Directors (3)

Nomination of Andrea Snowball, Andrea accepted nomination

Nomination of Lauren van Schilfgaarde, Lauren accepted nomination and then withdrew.

Nomination of Arielle Wagner, Arielle accepted nomination

Nomination of Sarah Lawson, Sarah accepted nomination

Motion to approve the 3 accepted nominations by Lawrence B., Phil 2nd, All present approved, Motion passed.

11:50 Looking Forward – Thomasina Real Bird, President 2020-2021

Thank you to all board members rolling off.

12:00 Adjourn

Motion to adjourn at 12:30 MT by Rob, Lawrence B. 2nd, All present approved, Motion passed.

THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION #2020-01

TITLE: TRIBAL CITIZENSHIP POLICY AND PROTECTION TASK FORCE

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA promotes and addresses social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, Indigenous societies and nations in the United States possess and have always possessed the inherent right to decide who belongs to an Indigenous society or nation; and

WHEREAS, Article 9 of the United Nations Declaration on the Rights of Indigenous Peoples recognizes and affirms that “Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right”; and

WHEREAS, Indigenous kinship and tribal citizenship have been impacted by colonial and federal treaties and laws since the eighteenth century, including the Indian Reorganization Act of 1934, which defined “Indian” to “include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and . . . all other persons of one-half or more Indian blood”; and

WHEREAS, the federal Indian Civil Rights Act of 1968, 25 U.S.C. 1302(a)(8), provides that: “No Indian tribe in exercising powers of self-government shall . . . deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law; and

WHEREAS, a growing body of Indigenous scholarship warns that arbitrary and incongruent definitions of tribal citizenship threaten the future of Indigenous citizenries and nations; and

WHEREAS, NNABA has not heretofore passed any Resolution affirming Indigenous kinship or tribal citizenship rights; and

WHEREAS, it is within NNABA’s purview to offer education, guidance, and advocacy needed by Indigenous nations as they wield their sovereign powers to establish and maintain harmonious kinship relations and protect the human and civil rights of their citizens; and

NOW THEREFORE BE IT RESOLVED, that the NNABA affirms that Indigenous nations enjoy the inherent right to decide who belongs to an Indigenous nation and individuals enjoy the right to belong to an Indigenous nation free from discrimination or due process deprivation; and

BE IT FINALLY RESOLVED, that NNABA supports the establishment of a Tribal Citizenship Policy and Protection Task Force to study, educate, and advocate regarding issues of Indigenous kinship and tribal citizenship.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association on October 14, 2020, via online voting pursuant to § 4.9 of the Native American Bar Association Bylaws.

Thomasina Real Bird

Thomasina Real Bird, President

ATTEST:

Katie Jones

Katie Jones, Secretary



THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION #2020-02

TITLE: Urging Adoption and Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA promotes and addresses social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, Native Americans have been the subject of exclusionary policies and language which sought to erase Native Americans from the body politic of the United States since its founding, including by the United States Supreme Court, which stated in *Johnson v. M’Intosh* that Native Americans are not “citizens” but instead “perpetual inhabitants” of the United States “with diminutive rights,” at the hands of the “discovery and conquest” by European colonizers; and

WHEREAS, Indigenous people were actively involved in the drafting and implementation process of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) since 1999; and

WHEREAS, the Declaration is an historic statement of rights intended to guard against the genocide, the theft of lands and resources, the discrimination, and the political exclusion that tribal nations and many other Indigenous Peoples have suffered – and too often continue to suffer today; and

WHEREAS, the Declaration contains the “minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world”; and

WHEREAS, NNABA believes that implementation of the Declaration by the United Nations, the government of the United States, individual states, and other governments—including tribal nations—is critical for protecting and furthering the rights of Indigenous Peoples both domestically and internationally; and

WHEREAS, years after the adoption of the Declaration, Indigenous rights are still regularly violated, with Indigenous Peoples in all regions continuing to face atrocities that violate their individual and collective rights; and

WHEREAS, Indigenous peoples and individuals will benefit vastly if the principles of the Declaration are implemented by the United States, the individual states, tribal governments; and other governments; and

WHEREAS, much work remains to be done to implement the Declaration; and

WHEREAS, Indigenous peoples have the opportunity to set an example for nations, states, and other governments regarding the importance of implementing the Declaration; and

WHEREAS, some tribal governments and Native nations have already begun to set such an example by adopting Resolutions stating various types of support for the Declaration;

NOW THEREFORE BE IT RESOLVED, that NNABA hereby endorses the Declaration, and commits to undertaking efforts to encourage implementation of the Declaration through awareness-building and advocacy activities;

BE IT FURTHER RESOLVED, that NNABA encourages Native nations and other Indigenous peoples to consider endorsing and/or adopting the Declaration as tribal law; and

BE IT FURTHER RESOLVED, that NNABA calls on the federal government to commit to the implementation of the Declaration, including through the development on a national action plan;

BE IT FURTHER RESOLVED, that NNABA calls on all state and local governments to commit to the implementation of the Declaration;

BE IT FINALLY RESOLVED, that NNABA supports this resolution as policy until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on November 16, 2020, with a quorum present.

Thomasina Real Bird

Thomasina Real Bird, President

ATTEST:

Heather Torres

Heather Torres, Secretary



THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION #2020-03

TITLE: Urging Representation of Native People in Studies of Diversity, Equity, and Inclusion Efforts at All Levels of the Legal Profession

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA promotes and addresses social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, Native Americans have been the subject of exclusionary policies and language which sought to erase Native Americans from the body politic of the United States since its founding, including by the United States Supreme Court, which stated in *Johnson v. M’Intosh* that Native Americans are not “citizens” but instead “perpetual inhabitants” of the United States “with diminutive rights,” at the hands of the “discovery and conquest” by European colonizers; and

WHEREAS, but one example of the United States’ exclusion of Native Americans from the legal framework of the United States occurred during passage of the Fourteenth Amendment to the United States Constitution, during which Congress expressly excluded “Indians not taxed” from citizenship along with an ability to participate in the electoral process; and

WHEREAS, rampant exclusion and erasure of Native Americans continues in the United States, with a recent example being that, even though Native Americans are largely acknowledged to have played a pivotal role in the recent 2020 presidential election, including but not limited to the outcome of the election in Arizona, a major news network included Native Americans in the catchall category of “something else” when describing the breakdown of the electorate; and

WHEREAS, Native Americans have, among American minority groups, unique legal issues stemming from Native tribal sovereignty and the lack of recognition thereof by many levels of government in this country, the unique constitutional status of Native Americans, centuries of legal precedents addressing Native status and its implications; and

WHEREAS, a 2015 National Native American Bar Association study found that there were 2,640 Native American attorneys in the United States, comprising 0.2% of the more than 1.2 million lawyers in the United States; and

WHEREAS, the United States Census Bureau estimates that, in 2019, American Indian and Alaska Native people constituted 2.15% of the population of the United States; and

WHEREAS, the American Bar Association’s National Lawyer Population Survey results for 2020 indicated that the number of Native lawyers in the United States rounds down to zero percent and that Native American lawyers are declining as a share of the population of lawyers compared to other minority groups; and

WHEREAS, it is impossible to identify the number of Native Hawaiian attorneys because the United States Census Bureau does not count Native Hawaiians separately from other “Other Pacific Islanders”; and

WHEREAS, despite the significance of the law and legal profession to Native Americans, Native Americans remain underrepresented in the legal profession to a striking degree, and indeed, considering the American Bar Association’s National Lawyer Population Survey results for 2020, Native Americans are more underrepresented in the legal profession than any other minority group in the United States; and

WHEREAS, Native American lawyers and law students are regularly rendered invisible, even in studies purporting to present the struggles of people of color more broadly in the legal profession, and to highlight diversity, equity, and inclusion efforts and challenges; and

WHEREAS, one prominent example of this phenomenon involved a 2020 study by The Center for Women in Law and the National Association for Law Placement Foundation titled “Women of Color – A Study of Law Student Experiences,” and

WHEREAS, the introduction to this study specifically notes that “women of color are not a unitary block - the data shows their experiences often differ considerably, depending on their specific race/ethnicity,” and

WHEREAS, despite acknowledging the significant variance in experience for women law students of color based on race/ethnicity, the study fails to engage in any separate reporting for Native American law students, citing the “low number of responses” from Native law students; and

WHEREAS, the study authors rebuffed efforts, after publication, to obtain more data from Native students through contacts at Native American Law Student Association chapters nationwide; and

WHEREAS, this reaction is consistent with NNABA’s 2015 study “The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession,” which concluded that “[t]raditional diversity and inclusion programs are not reaching Native American attorneys. ‘Inclusion’ in these programs does not seem to extend to Indian lawyers”; and

WHEREAS, the invisibility of Native American women in the legal profession is specifically detrimental in view of the Missing and Murdered Indigenous Women and Girls crisis in the United States, as a result of which murder is the third-leading cause of death among Native American

women and more than four in five Native American women will experience violence in their lifetime; and

WHEREAS, improved efforts to obtain data for use in studies of Native American law students and legal professionals are needed to ensure the unique challenges and experiences of Native American law students and lawyers are reflected in studies addressing topics of diversity, equity, and inclusion, in order to improve representation of Native Americans in the legal profession more broadly.

NOW THEREFORE BE IT RESOLVED, that the National Native American Bar Association calls upon The Center for Women in Law and the National Association for Law Placement Foundation to supplement their “Women of Color – A Study of Law Student Experiences” study by engaging in specific efforts to target Native law students in order to obtain statistically meaningful data.

BE IT FURTHER RESOLVED, that the National Native American Bar Association calls upon all organizations studying the legal profession to engage in specific efforts to ensure Native Americans are not subject to the erasure which continues to plague the Native American legal community even as such studies ostensibly seek to remedy this erasure as to other minority groups.

BE IT FURTHER RESOLVED, that the National Native American Bar Association calls upon law schools, law firms, legal employers, and relevant educational institutions to make intentional efforts to reduce barriers to entry into the legal profession for Native Americans, in order to increase the representation of Native Americans in the legal profession, particularly in view of the importance of the law and legal profession to Native people.

BE IT FURTHER RESOLVED, that the National Native American Bar Association encourages Native Americans to explore a career in the legal profession, in order to address the social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians, and to protect the rights of Native Americans and Native communities in the United States.

BE IT FINALLY RESOLVED, that NNABA supports this resolution as policy until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on November 16, 2020, with a quorum present.

Thomasina Real Bird

Thomasina Real Bird, President

ATTEST:

Heather Torres

Heather Torres, Secretary



THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION # 2020-04

TITLE: Calling on Congress to Introduce and Support Reparation Legislation for the Treatment of American Indians and Alaska Natives

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA promotes and addresses social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, reparations, or the concept of governmental compensation for past wrongs, has been a recent policy topic in the mainstream media and politics, including the 2020 presidential elections; and

WHEREAS, the vast majority of the national reparations conversation so far has not addressed the United States’ litany of wrongs and human rights violations undertaken against American Indian and Alaska Native people, ignoring the forced removal, land theft, and genocide that the United States is founded on; and

WHEREAS, the atrocities the United States has carried out against American Indians and Alaska Natives can be directly traced to the European “Doctrine of Discovery” and its religious, cultural, and racially based ideas of the superiority of Europeans over indigenous people; and

WHEREAS, the Doctrine of Discovery was embraced by the United States Supreme Court in *Johnson v. M’Intosh*, a case that continues to serve as the foundation of modern U.S. Indian policy, where the Court referred to Indians as “heathens” in justifying the United States’ attempt to divest Tribes of Indian land, resources and governmental rights; and

WHEREAS, since *M’Intosh*, all three branches of the United States government have continued to apply this imperialist doctrine to justify the decisions and policies that have sought to assimilate, dispossess, and eliminate every aspect of American Indian and Alaska Native life, culture and sovereignty; and

WHEREAS, the United States’ policies and actions have profoundly handicapped American Indian and Alaska Native sovereignty and self-determination and continue to present barriers to the creation of Tribal economic success and American Indian and Alaska Native peoples access to jobs, housing, education, and health care; and

WHEREAS, while various efforts have been made to settle American Indian and Alaska Native claims for the United States’ historical wrongdoings, those efforts have been woefully inadequate due to procedural hurdles and the inadequate representation and remedies that do not account for Tribal treaty rights or Tribes standing as sovereign governments; and

WHEREAS, for these reasons, in order to meaningfully address the long legacy of legal and moral harms inflicted on American Indians and Alaska Natives, the United States must study and enact a policy of reparations; and

WHEREAS, any reparations policy should be developed with and informed by American Indians and Alaska Natives who continue to suffer from the inter-generational historical trauma inflicted by the United States and should not be limited to monetary compensation; and

NOW THEREFORE BE IT RESOLVED, that NNABA hereby calls on members of the United States Congress to develop, introduce, and support legislation that seeks to address the policies, decisions, and institutions of the United States which have caused and continue to cause historical trauma and harm to American Indians and Alaska Natives through enactment of reparations legislation.

BE IT FURTHER RESOLVED, that NNABA makes the recommendations set forth in Exhibit A to the United States Congress;

BE IT FINALLY RESOLVED that NNABA supports this resolution as policy until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on November 16, 2020, with a quorum present.



Thomasina Real Bird, President

ATTEST:



Heather Torres, Secretary

Exhibit A

Reparations for American Indians –

A White Paper on the Necessary First Step to Healing Historical Wrongs

[attached]

Reparations for American Indians – A White Paper on the Necessary First Step to Healing Historical Wrongs

I. INTRODUCTION

There is a common misconception that reparations can be applied uniformly to all historically disadvantaged minority groups. Search the news for discussions regarding reparative efforts and one will notice that minority races are often lumped together as one homogenous group and characterized as wanting one thing—money.

Initial suggestions of reparations are often met with valid, but preemptive questions Who deserves reparations? What form of payment is warranted? How much will they be paid? Who is responsible for paying them? These questions look past the *purpose* of restorative efforts and targets only the *practicalities* of their implementation. This paper will describe why reparations to American Indians are necessary, why these reparations need to be informed by the unique experiences of different tribes and tribal peoples, and how these reparations can go beyond naked monetary payments to take the form of policies and economic development initiatives.

Just as minority groups must be separated so injuries can be separately compartmentalized, so must individual Native American Tribes. The first inhabitants of this country have unique stories to tell and have all been impacted differently by actions of the United States. In seeking to remedy these harms, the United States must first accept the fact that the devastation imposed on Native Americans through the enactment of governmental programs is ultimately irreparable. Generations of lost time on culturally sacred lands can never be returned. Murdered children, wives, and husbands can never be brought back to life. The aftershock from these historical atrocities committed against Native American tribes continues to plague its members today. As a result, “writing a check” will never be enough to make the original inhabitants of this land whole. However, ignoring wrongs and convoluting the purpose of reparative efforts with the practicalities of their implementation is not a response that is consistent with the values of this country.

From a legal perspective, American society embraces the notion that harms should be remedied. When a state commits a wrong, that state should be responsible for the harm caused to the injured. If something is broken, it should be repaired. The fact that this country was built via human rights violations of an entire group of people is no longer a farfetched concept. Those historical traumas have transcended through generations and are starkly visible today. Tribes and the United States must work together via meaningful consultation to mitigate the generations of damage that has been imposed on tribal members.

Reparations are generally framed as a financial or non-financial payment intended to restore a victim back to where they would have been had the wrong not occurred. Tribes are distinct nations, so no two tribes have the same history. As a result, there is no one-size-fits-all approach to restoration. Therefore, reparations need not be consistent in their application, rather, reparations should take on the form most suitable to repairing the specific harm imposed. Reparations are best implemented through an omnibus bill, and the United States need not enact

separate reparations legislation for each tribe. However, general reparation legislation must be developed through consultation with tribes to understand and address differing experiences and needs. Reparations can go beyond monetary payments and take unique and long lasting forms.

A. Origins of Reparations

“Everyone has the right to an effective remedy by the component national tribunals for acts violating the fundamental rights granted him by constitution or by law.”- Universal Declaration of Human Rights Article 8

Indigenous peoples implemented, and some continue to implement, a variety of justice systems that generally differed from the European adversarial, punitive model of justice. These Indigenous justice systems have been described as peacemaking or restorative justice. Any form of Indigenous justice also tends to be viewed as a healing process.¹

Based on the principles and values of restorative justice and peacemaking, reparations should not be viewed solely as a product of European origin, but rather a concept inherent within Indigenous justice. While the community seeks to regain dignity and control over the conflict, and accountability from the United States, the repair of the relationship will need to be determined within each community. For example, in 1613 the Haudenosaunee made a treaty with the Dutch settlers via a wampum belt. This wampum belt depicted two rows of purple beads, which signified the relationship between the Dutch and the Haudenosaunee:

*We shall call each other Brother, as we are equal. In one canoe is our way of life, laws, and people. In the other is your ship with laws, religion, and people. Our vessels will travel side by side down the river of life. Each will respect the ways of each other and will not interfere with the other, forever.*²

This relationship based on equality and respect served as the foundation for subsequent treaty agreements with the United States.³ Such a relationship could serve as the goal for Native Nations seeking reparations from the United States.

The composition of reparations is essentially limitless, but broadly speaking, there are two main categories which any type of reparation can fall under. First, material reparations involve the restoration of something to the injured. Examples of material reparations may include the restitution of communal lands, the return of cultural or religious property, the implementation of rehabilitation plans, or monetary compensation. Second, symbolic reparations typically involve transcending the black letter of the law and focusing on relationship building as an investment for a better future for all parties. Examples of symbolic reparations include story and truth-telling, apologies to victims, and the creation of reports to be studied by future generations.

B. The Case for Reparations

American politics and peoplehood have always centered to some extent on nationalism and patriotism. Regardless of politics, to celebrate freedom and democracy while forgetting America's genocide of its Indigenous peoples and theft of their land is patriotism à la carte.⁴ The United States is directly responsible for creating and implementing foundational theories of law, including

the doctrine of discovery, from which essentially all historical atrocities against Native Americans stem. These foundational theories and their devastating effects stand in the way of tribal sovereignty and the success of Native American communities.

For many tribes, reparations are the only path to healing. The history of the United States is replete with unique harms specific to Native Americans, including Boarding Schools, Allotment policies, and Removal policies. These harms resulted in the theft of homeland, culture, identity, and intergenerational historical trauma. Thus, many of the resources that were either destroyed or taken by the United States are non-fungible, meaning these resources cannot be interchanged with other resources. For example, there is no replacement for an Indigenous language that was lost through United States' policies of assimilation. There is no replacement for cultural resources like the Black Hills, the center of the Sioux universe, or the San Francisco Peaks, one of the four sacred Navajo Nation mountains. There is no replacement for spiritually and materially valuable buffalo populations that were decimated by Westward expansion. Monetary compensation is inadequate to tribes who have experienced these losses; the resources that were lost have unique meaning to the community and fulfill purposes that only those resources can fulfill. Thus, the United States must contemplate reparations that represent true atonement as well as creative solutions to the problems caused by such losses.

Reparations have become a popular policy topic in mainstream media and politics, especially during the 2020 presidential election season. While growing in popularity, calls for the United States to atone for its wrongdoings are not new. The United States has advocated for or provided reparations for victims of the Holocaust and Japanese Internment,⁵ and there have been efforts to secure reparations for slavery since slavery was abolished.⁶ Recently, theories regarding the necessity and justifications for reparations are gaining traction. Two particularly persuasive theories on reparations include ethical collectivism theory and restitution theory. Ethical collectivism asserts that members of a group have group-level rights and duties. Under ethical collectivism theory, reparations are just because the two groups, here the wrongdoers/colonizers and the victims/colonized, are the same even though time has passed.⁷ Within the context of reparations for Native Americans the two groups are easily identifiable, especially since colonization is not a historical event but rather an ongoing process.⁸ Under restitution theory, there is a strong case for reparations where the government is the wrongdoer.⁹ As every citizen of the United States benefitted from oppressive political violence against Native Americans through securing Native land and resources for settlement and development, Native Americans deserve restitution from their government that has wronged them.¹⁰

As the arguments for reparations become more persuasive, arguments against reparations grow weaker. Taxpayers who object to the use of their taxes for reparations do not have constitutional standing, because federal expenditures cannot be challenged unless the expenditure violates the Establishment Clause¹¹ Additionally, arguments regarding who should be eligible to receive the reparations are easily dismissed as the tribes and Native American communities who experienced atrocities remain intact today as politically and culturally cohesive groups. As opposed to reparations for slavery of African Americans, there are no issues of identification of recipient groups since the reparations owed to Native Americans are group reparations not

individual reparations. As arguments for reparations become more cogent and arguments against become weaker, the case for reparations for Native Americans has become a topic which must, at the very least, be seriously addressed.

II. DOCTRINE OF DISCOVERY

"Our nation was born in genocide when it embraced the doctrine that the original American, the Indian, was an inferior race... We are perhaps the only nation which tried as a matter of national policy to wipe out its indigenous population. Moreover, we elevated that tragic experience into a noble crusade. Indeed, even today we have not permitted ourselves to reject or feel remorse for this shameful episode. - Rev. Martin Luther King, Jr. ¹²

Seizure of Native American lands and resources has been "justified" by a Eurocentric Christian vision of conquest and superiority, dating back to the Crusades in 1095.¹³ During the fifteenth and sixteenth centuries, the Christian nations of Europe embraced this vision by claiming that non-Christian, non-European lands throughout the world could be appropriated by Christians as a matter of divine right.¹⁴ When colonists first made contact with North America, the arriving immigrants were instructed by European nations to acknowledge the legal rights of the Indigenous nations of North America to secure a peaceful and orderly settlement.¹⁵ However, the colonists frequently adopted the opinion that Native Americans did not possess recognizable property rights to the land in which they occupied due to the fact that the "discovered" lands were inhabited by non-Christian, non-European individuals.¹⁶ European nations eventually granted colonists the right to govern Native peoples which restricted tribal international political relationships and trade.¹⁷ As a result, the sovereignty of the tribes was unilaterally eroded throughout the early colonization period so that "Indians could be disposed of the lands they claimed by a race of cultivators destined... to plant the seeds of a superior civilization in the New World."¹⁸

The primary legal doctrine used by colonists to justify the dispossession of indigenous communities from their lands is commonly known as the Doctrine of Discovery.¹⁹ According to the Doctrine of Discovery, European arrival on discovered lands essentially converted the Indigenous owners into tenants on those lands. The underlying title to the land belonged to the discovering sovereign, in this case, the Europeans (and eventually the United States).²⁰ In 1823, the United States Supreme Court affirmed the centuries-old Doctrine of Discovery.²¹ In *Johnson v. M'Intosh*, Chief Justice John Marshall explained that "all the nations of Europe, who have acquired territory on this continent, have asserted in themselves, and have recognized in others, the exclusive right of the discoverer to appropriate the lands occupied by the Indians."²² Marshall stated the original Indian inhabitants of the United States were "fierce savages, whose occupation was war... [t]o leave them in possession of their country, was to leave the country a wilderness."²³ The Court further held that the U.S. government had become the owner of all the land within the United States by virtue of the "discovery" of the North America continent by Europeans and the "conquest" of its inhabitants.²⁴ Despite the fact that Native Americans had existed on North American soil as sovereign nations for thousands of years prior to European contact, the United

States relied upon the Doctrine of Discovery to provide a self-assured foundation to empire in the New World.²⁵ Almost 200 years later, the Doctrine of Discovery is still good law.²⁶

Although the Doctrine of Discovery concept is widely criticized by modern scholars and tribes alike, the doctrine has been used by all three branches of the United States government to justify the decisions and policies that have sought to assimilate, dispossess, and eliminate every aspect of Native American life, prosperity, and sovereignty. The United States continues to enforce its Doctrine of Discovery principles over Native Americans by exercising control over tribal political, commercial, real estate, and other property issues.²⁷ From a Constitutional perspective, blurred lines between the separation of church and state are ever-present when the federal government and the Supreme Court frequently apply the Christian-centric doctrine to unilaterally assume plenary power over Indian nations and their resources.²⁸ The United States must acknowledge these policies are built upon religious and ethnocentric prejudices central to the formation of its nationhood and have resulted in gross injustices against the original sovereigns of this land.

III. HISTORICAL ATROCITIES

“It’s called genocide. That’s what it was: genocide. There’s no other way to describe it. And that’s the way it needs to be described in history books.”

-California Gov. Gavin Newsom

What follows are examples of historical atrocities committed by the United States against Native Americans. These historical atrocities were committed in furtherance of or in relation to the Doctrine of Discovery and other United States imperialist doctrines, such as the plenary power doctrine. This is not an exhaustive list of examples, but rather a sample of well-documented events and policies that have had lasting effects upon Native American communities.

A. Indian Removal

They took...everything we had on our farms, and put them in one large building. We told them that we would rather die than leave our lands; but we could not help ourselves...Many died on the road. Two of my children died. After we reached the new land, all of my horses died. The water was very bad. All our cattle died; not one was left. I stayed until one hundred and fifty-eight of my people had died. Then I ran away with thirty of my people...

-Standing Bear, Ponca, 1879

From the early to mid-1800s the United States forcibly removed thousands of Native Americans from their homelands.²⁹ Indian Removal was an explicit national policy implemented by the United States federal government in order to acquire lands for white settlement.³⁰ Indian Removal stems from and relates to the Doctrine of Discovery in furthering westward expansion and dispossessing land from Native Americans. Additionally, underlying legal principles of the Doctrine of Discovery remained at work when the Removal Act of 1830 required tribal consent for removal and sale of their original lands through treaty.³¹ Though in most cases the consent for

removal was fraudulent, the implementation of those principles nevertheless legitimized the taking of Native American land through law.³²

Indian Removal policy resulted in the displacement of many tribes and the death of thousands of Native Americans, not only on the forced marches, but upon arrival to new reservations due to disease and starvation.³³

B. Allotment

I spent the early days of my life on the farm up here of 3000 acres, and arranged to be comfortable in my old age; but the allotment scheme came along and struck me during the crop season. . . I have 60 acres of land left . . . I have a piece of property that doesn't support me, and is not worth a cent to me, under the same inexorable, cruel provisions of the Curtis law that swept away our treaties, our system of nationality, our very existence, and wrested out of our possession our vast territory...

—Dewitt Clinton Duncan, Cherokee Nation³⁴

The Dawes General Allotment Act of 1887 forcibly broke tribal landholdings into individual land ownership that could become alienable.³⁵ Small parcels of land were given out to individual Native Americans, and the 60 million acres of “surplus” land was then opened up to white settlement.³⁶ Individual landholders were made vulnerable to land speculators and squatters who were able to purchase land, often fraudulently, from Native Americans.³⁷ The Allotment Act resulted in the loss of over 90 million acres of Native American owned land, and led to impoverishment, social upheaval, and a complex system of Indian and non-Indian owned land within many reservations.³⁸ Allotment legislation sought to destroy the “savagery” of tribal autonomy and to force Native Americans into the American melting pot.³⁹ Through allotment the United States exercised its authority based on the Doctrine of Discovery more strongly than ever by seeking to end tribal existence under the force of law.⁴⁰

C. Boarding Schools

The soldiers came and rounded up as many Blackfeet children as they could. The government decided we were to get White Man's education by force...Once there our belongings were taken from us, even the little medicine bags our mothers had given us to protect us from harm. Everything was placed in a heap and set afire... Next was the long hair, the pride of all the Indians. The boys, one by one, would break down and cry when they saw their braids thrown on the floor...We were told never to talk Indian and if we were caught, we got a strapping with a leather belt...I remember one evening when we were all lined up in a room and one of the boys said something in Indian to another boy. The man in charge of us pounced on the boy, caught him by the shirt, and threw him across the room. Later we found out that his collar bone was broken.

—Lone Wolf, Blackfeet Nation⁴¹

The United States continued to implement its policy of forced assimilation by systematically removing Native American children from their families to place them in government or church-run boarding schools, with the objective of expunging them of their Native American identities.⁴² By attempting to assimilate new generations of Native Americans into the dominant white culture, the United States continued to operate under the Doctrine of Discovery's assertion of religious and cultural superiority. Army officer Richard Pratt, founder of the Carlisle Indian school, coined the phrase, "kill the Indian, save the man," in instituting the boarding school policy in the 1880s, which continued well into the mid-1900s.⁴³ Children were forced to abandon all their cultural ways, including clothing, hair, religion, and language, and often suffered abuse.⁴⁴

D. Buffalo Genocide

Everything the Kiowas had came from the buffalo. Their tipis were made of buffalo hides, so were their clothes and their moccasins. They ate buffalo meat. Their containers were made of hide, or of bladders or stomachs. The buffalo were the life of the Kiowas. Then the white men hired hunters to do nothing but kill the buffalo. Up and down the plains those men ranged, shooting sometimes as many as a hundred buffalo a day. Behind them came the skinners with their wagons. They piled the hides and bones into the wagons until they were full, and then took their loads to the new railroad stations that were being built, to be shipped east to the market. Sometimes there would be a pile of bones as high as a man, stretching a mile along the railroad track.

-Old Lady Horse, Kiowa Tribe⁴⁵

In the mid-nineteenth century, professional hunters severely thinned the buffalo herds on the Great Plains. Part of the reason for the increase in hunting of buffalo by white hunters was an international demand for buffalo hide, the other reason being the desire of the United States to expand Western settlement by acquiring lands of Plains Indians.⁴⁶ Not only did the United States deliberately refuse to enact legislation to prevent over-hunting of buffalo, but the United States Army actively encouraged white hunters to exterminate buffalo.⁴⁷ Hunting methods were systematic, the weapons designated for the job were of the highest quality.⁴⁸ It is estimated that nearly 10 million buffalo were killed within 10 years.⁴⁹ Once the buffalo were gone from the Great Plains, the United States government and land speculators could easily force Native Americans into signing treaties and moving onto reservations, since the only other choice was starvation.⁵⁰

E. Land Dispossession: Pick-Sloan Plan

[The] Pick-Sloan Plan was, without doubt, the single most destructive act ever perpetrated on any tribe by the United States.

-Vine Deloria Jr., Standing Rock Sioux⁵¹

The Pick-Sloan Plan was a collection of Congressional projects authorized by the 1944 Flood Control Act.⁵² The 1944 Flood Control Act authorized the Army Corps of Engineers to construct and operate five massive earthen dams on the Missouri River for flood control, navigation, and hydropower.⁵³ The Pick-Sloan Plan did not mention any mitigation for impacts upon tribes within the area. The Pick-Sloan plan forcibly took 350,000 acres of the most fertile riparian land from tribes and Native American individuals. Burial grounds along the Missouri River, the ancestral homeland of the Sioux Nation, the Mandan Nation, and several Missouri Basin tribes, were completely destroyed to complete the projects.⁵⁴ Subsequently, the Tribes rich agricultural, timber, hunting, and livestock practices either disappeared or became unproductive. Tribes were relocated, but the new areas lacked infrastructure such as roads, irrigation, schools, and community facilities. Tribes continue to feel impacts of the project as acres of their land and cultural resources erode with every dam release.⁵⁵

The Pick-Sloan Plan is not an isolated story, but rather emblematic of the historic and ongoing erosion of tribal land. While the taking of Indian land by Congress is largely connected to the plenary power doctrine,⁵⁶ it also reflects the Doctrine of Discovery in demonstrating notions of United States superiority by placing the desire for natural resources and land above the wellbeing of tribes.

F. Taking of Paha Sapa/Black Hills

The government offered compensation...of \$350 million. Of course the People of the Seven Council Fires rejected that offer. The Black Hills are a sacred grandmother to us, filled with sacred power sites. How can one sell a sacred grandmother?

—Leonard Little Finger, Oglala Sioux⁵⁷

After numerous military engagements, the Sioux Nation and the United States entered into the Fort Laramie Treaty in 1868.⁵⁸ The Fort Laramie Treaty designated land for the Sioux Reservation, including the Black Hills.⁵⁹ The Black Hills are central to the Sioux Nation's creation story, necessary for continued religious and spiritual sustenance, and are often called the center of the Sioux Nation universe.⁶⁰ Years after the Fort Laramie Treaty had been in force, vast quantities of gold and silver were discovered in the Black Hills, increasing the demand for white settlement in the area.⁶¹ At first the United States Army prevented prospectors and settlers from trespassing on the Sioux Nation reservation, as trespassing on the reservation was prohibited under the Fort Laramie Treaty. Soon after however, the United States abandoned its Fort Laramie Treaty obligations and negotiated with Sioux Nation leaders for the Black Hills.⁶² The Fort Laramie Treaty required the consent of three-fourth of adult Sioux males before the Sioux Nation could cede any reservation land. The United States ignored this requirement and only received signatures ceding the Black Hills from 10% of the adult male Sioux population.⁶³ In 1877 the United States passed an Act ratifying this fraudulent agreement, legitimating an invasion of settlers into the Black Hills.⁶⁴

As early as 1920 the Sioux Nation has attempted to litigate the taking of the Black Hills.⁶⁵ Finally in *United States v. Sioux Nation of Indians*, the Supreme Court awarded \$17 million to the

Sioux Nation for the United States' taking of the Black Hills.⁶⁶ The award in *United States v. Sioux Nation* has grown to over \$1.3 billion in a trust fund.⁶⁷ The Sioux Nation refuses to take the award, as they believe taking the money would constitute a final sales transaction and foreclose future claims related to the Black Hills.⁶⁸ Despite the Sioux Nation being one of the poorest tribes in the country,⁶⁹ no amount of money, even \$1.3 billion dollars, is enough to purchase the Black Hills.

G. Desecration of San Francisco Peaks

The hearts of my people will again be broken, their health will inevitably suffer, and we will again witness the continued erosion of one of the oldest indigenous cultures in North America at the hands of the US Government.

- Joe Shirley, Navajo Nation President⁷⁰

The San Francisco Peaks of Northern Arizona are sacred to several tribes, including the Navajo Nation, Havasupai Tribe, White Mountain Apache Nation, Yavapai-Apache Nation, Hualapai Tribe, and Hopi Tribe. These tribes conduct religious ceremonies on the Peaks and gather plants, water, and other materials from the Peaks to make medicine bundles.⁷¹ In the 1930s the United States Forest Service designated the Snowbowl ski area on the San Francisco Peaks.⁷² In 2005 the Forest Service approved a proposal to create artificial snow for the Snowbowl using recycled sewage water.⁷³ In 2008, the Ninth Circuit Court of Appeals in *Navajo Nation v. United States Forest Service* held that the spraying of 1.5 million gallons of recycled sewage water per day on the San Francisco Peaks did not substantially burden free exercise of religion by tribes who practiced ceremonies on the Peaks.⁷⁴

The Court stated that even if the government action would virtually destroy the ability of the various tribes to practice their religion, the government cannot satisfy every citizen's religious needs and beliefs.⁷⁵ The United States Forest Service actions and the court's review of those actions reflect a belief of the superiority of white, Christian religion and culture over Native American religion and culture. Although the court in *Navajo Nation v. United States Forest Service* argued that the decision is based on the need to treat all religions equally under the law, as some have pointed out, spraying sewage water on any Christian church would not be tolerated.⁷⁶

IV. EFFECTS OF ATROCITIES: HISTORICAL TRAUMA AND POOR SOCIOECONOMIC CONDITIONS

Historical atrocities committed by the United States against Native Americans and tribes had immediate consequences. But beyond the initial devastating effects, these historical atrocities produced several effects that manifest in current and new generations to this day. In particular, historical atrocities created historical trauma that has negative impacts on the daily lives of Native Americans. Poor socioeconomic conditions of Native American communities can be traced to United States implementation of policies related to historical atrocities as well.

A. Historical Trauma

Historical trauma is cumulative emotional and psychological wounding over an individual's lifespan and across generations, emanating from massive group trauma.⁷⁷ Historical trauma can be broken into three phases.⁷⁸ First, the dominant culture perpetrates mass trauma on a population leading to cultural, familial, societal, and economic devastation. Second, the original generation responds to trauma showing biological, societal, and psychological symptoms. Third, the initial responses are conveyed to successive generations through environmental and psychological factors, prejudice, and discrimination.⁷⁹

Colonization and historical atrocities resulted in the disruption of Native American social structures.⁸⁰ The United States' deliberate implementation of devastating forced assimilation policies and land dispossession eroded traditional family and community ties which resulted in traumatic losses for Native American communities.⁸¹ Preliminary results of empirical studies suggest thoughts about historical losses are associated with symptoms of emotional distress and can manifest psychological issues and toxic behaviors.⁸² Historical losses may interrupt optimal functioning, influence parenting, or contribute to maladaptive behaviors. The harms that have led to this trauma did not come from an isolated event, the harm is perpetual and ongoing.⁸³ Native Americans experience daily reminders of losses of land, traditional family systems, traditional languages, religious ceremonies, and healing practices. For Native Americans, historical losses are only "historical" in the sense that they began a long time ago.⁸⁴ Historical trauma links the past to the present, and demonstrates why reparations are necessary since harms towards Native American communities are continuous.⁸⁵ While the United States tends to focus on individual wrongdoers and individual victims when administering justice, historical trauma validates the need for group reparations in illustrating harm throughout groups and across generations.⁸⁶

B. Socioeconomic Conditions

Colonization and the legal doctrines used to effectuate colonization resulted in historical atrocities and wrongdoings against Native Americans and tribes across the United States. Policies implemented by the United States to further colonization resulted in poor socioeconomic conditions that persist to this day.

a. High Rates of Death and Illness

National data trends continue to illustrate a grim reality for the health of Native Americans. Life expectancy for Native Americans is 5.5 years less than the average American.⁸⁷ Native Americans continue to die at higher rate than other Americans in many categories, including chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, and chronic lower respiratory diseases.⁸⁸ Native Americans experience higher rates of mental and behavioral health challenges compared to other populations in the United States.⁸⁹ Native Americans have the highest rates of suicide and drug induced deaths of any group in the United States.⁹⁰ Indigenous women are more than twice as likely as all other women to be victims of violence and one in three Indigenous women will be raped in her lifetime.⁹¹ Native Americans on reservations generally lack access to emergency services, health care facilities that provide preventative healthcare, and healthy food options.⁹² Factors contributing to high incidences of

death and disease among Native Americans include poverty, inadequate housing, discrimination in delivery of health services, limited access to services, and low educational achievement.⁹³

The United States history of mistreating Native Americans has had lasting impacts upon the health of Native American communities. Native Americans have always had social and health problems, but colonization wiped out the family and cultural systems that dealt with and resolved these problems. Colonization of Native nations led to social disruptions in the form of poverty, substance and alcohol abuse, disproportionately high health problems, and substandard education and healthcare.⁹⁴ Deliberate colonial policies such as the geographical isolation of Native American communities on reservations has had dangerous consequences for Native American health and safety. Native Americans learned to distrust the people who colonized them and their lands, and thus distrusted the institutions the colonizers created, as a result of oppressive policies, treaty violations, and broken promises.⁹⁵ Euro-American service providers were also distrusted as they either intentionally or unintentionally imposed their values, beliefs, and systems of care upon individuals, families, and communities for whom these services or practices may be harmful or ineffective. The factors leading to poor health such as low income and low educational attainment reflect disparities in wealth and power that have endured since early colonization. These disparities have created an environment that makes it practically impossible for Native Americans to thrive.⁹⁶

b. Environmental Justice Concerns

Native American communities and tribes face a disproportionate effect from environmental problems upon certain demographic groups, that jeopardize health and safety. Because many tribes and Native American communities have cultural and religious connections to landscapes and natural resources such as bodies of water, they are also disproportionately harmed when these resources are threatened or damaged.⁹⁷ Mainstream media has recently covered tribes and Native American communities challenging construction of pipelines, fracking, and drilling near cultural resources and Native American communities. Climate change also has a disproportionate effect on Native American communities as it causes further loss of lands and threatens natural resources that are crucial for religious purposes or subsistence lifestyles.⁹⁸

These issues are directly related to the United States' colonial policies. Because colonization involves acquisition of Indigenous land and resources, the United States has made decisions without regard to the wellbeing of tribes and Native American communities whose very existence is an obstacle to those goals. Water protectors consider pipeline construction to be just another example in a long history of the federal government acting to the detriment of Indigenous people.⁹⁹ Colonization has also pushed or relocated Native Americans and tribes to less desirable locations that are more susceptible to damage from climate change.¹⁰⁰

c. Poverty and Lack of Economic Development

National data shows that Native Americans have fallen behind in terms of economic success as well. According to the American Housing Survey, Native Americans are 1.9 times more likely to live in inadequate housing compared to non-Hispanic white populations.¹⁰¹ The total number of Native American owned employment firms in 2016 was just 29,089 out of

5,601,758 employment firms.¹⁰² In comparison, the number of white owned firms in 2016 was 4,534,290.¹⁰³ The unemployment rate for Native Americans in 2017 was 10.2% while the national unemployment rate was just 3.7%.¹⁰⁴ In 2016 the median household income of single race Native Americans was \$39,719 compared to the national average of \$57,617.¹⁰⁵

While a variety of factors contribute to economic status and success, and there are a variety of different theories as to why poverty is such a reoccurring issue for Native Americans,¹⁰⁶ the current status of Native American socioeconomic conditions illustrate a need for reparations. It is not difficult to see the connection between historical atrocities committed by the United States that destroyed Indigenous education, took valuable land and resources, and impaired health and the current environments that make it difficult for Native American communities to succeed.¹⁰⁷ Reparations provide a material benefit to communities that are in the process of healing from historical trauma associated with historical atrocities. Considering the overall poverty and slow economic development of Native American communities, reparations in the form of economic and policy development are a natural outflow as a forward-looking, restorative remedy. In the long run, considering the current socioeconomic status of Native Americans and the need to further tribal self-sufficiency, reparations are an investment in the future of the United States.

V. RECOMMENDATIONS

The ultimate goal of reparations for Native Americans is to secure a national apology and receive compensation for the United States' oppressive political violence against them. Implementation of these reparations would restore some measure of power and resources to the Native Nations so that they may individually have agency in determining the best course of action for the tribe. Restoring power and agency to tribes leads to an increased opportunity for tribal economic development, including clean energy projects and community-based development projects. These actions ultimately allow Native Nations and cultures to flourish and transform, improving the public perception of Native Americans in the United States. Reparative efforts with Native Americans can take a variety of forms, including: policy reform and development, public apology, restorative community based justice, self-help reparations and land acknowledgement.

A. Failed Attempts At Reparations

Past attempts to provide redress for historical wrongs committed by various nations or governments, including attempts by the United States to address wrongs against Native Americans, while admirable, have been seen as inadequate or unsuccessful. Two forms of reparations previously undertaken include individual monetary awards and adjudications. The discussion below highlights some of the shortcomings of these efforts, and then recommends ways reparations could be implemented to improve their effectiveness.

a. Individual Monetary Awards

Some countries offered monetary awards to individual survivors of historical atrocities as a form of reparations. In South Africa the Truth and Reconciliation Commission ("TRC") was created to investigate human rights violations that occurred during apartheid. The TRC included a committee that was solely focused on reparation and rehabilitation of apartheid victims. This

committee had no independent budget and only recommended reparations programs to the government; it was unable to implement the reparations on its own. The TRC published recommendations in 1998 that the South African government pay victims \$3,500 per year for six years. The South African government has only paid 18,000 people a onetime grant of \$3,500.¹⁰⁸ More than 4,000 apartheid victims who were promised a monetary award in the TRC recommendations report have never received compensation.¹⁰⁹

As the result of a class action litigation, in 2017 the Ontario Superior Court ordered the Canadian government to provide \$875 million in reparations to survivors of Canada's residential school era.¹¹⁰ Similar to survivors of United States Indian boarding schools, survivors of Canada's assimilative policies suffered not only loss of language and culture but also physical and sexual abuse while attending these schools. Organizations that investigate the residential school era and provide support to the survivors found the deal to be inadequate as a resolution to unspeakable crimes against Canada's Indigenous children. Some community organizations are providing tools for survivors to heal at their own pace. These tools include therapy, wellness workshops, and traditional healing such as sweat lodges and ceremonies.¹¹¹ Community based approaches such as these suggest a need for an ongoing commitment to heal communities and multiple types of reparations, as opposed to a one-time payout. The process is still underway, and survivors have not yet received their payouts.

The Canadian and South African examples illustrate that not only are individual monetary awards difficult to administer, but they are often viewed by survivors as inadequate in allowing communities to move forward. Survivors of historical atrocities have noted that material reparations felt hollow without an official and societal acknowledgement that they were wronged.¹¹² Many victims are focused on securing positive forward-looking measures that could improve the chances of future generations. Single payments are not enough to provide for the repair that is meant to sustain generations, especially when historical atrocities effect entire communities and family systems.¹¹³

b. Adjudications

Fueled by the horror of the treatment of ethnic minorities, particularly the treatment of Jewish people in Europe, the United States began to consider the human rights dimension of its treatment of Native Americans shortly after World War II. Some United States policymakers argued the assertion of 'manifest destiny' over Native Americans was strikingly similar to the ambitions of Hitler in gaining more 'lebensraum' for the German people during the land invasions of Czechoslovakia and Poland.¹¹⁴ Until this point, Indian land claims were often settled disproportionately, giving preference to those who had the resources to efficiently move through the claims system. Due to the direct conflict with the spirit of post-war egalitarianism, Congress enacted the Indian Claims Commission Act (ICCA) in 1946 to give Indian tribes equal access to the Court of Claims.¹¹⁵ Essentially, the ICCA provided tribes with a method to bring future claims against the United States, while simultaneously creating a commission to investigate and settle historic wrongs arising before 1946.¹¹⁶ The ICCA certainly had reparative aspects, in that it intended to give tribes an individual way to settle land confiscation claims against the United States. However, despite these positive intentions, the Act did not explicitly acknowledge the

governmental wrongs inflicted upon Native Americans nor did it issue an apology to the tribes. Instead, the Act's major goal— was one of forced assimilation, “to permanently settle ancient tribal grievances in order to prepare them for the termination of their special status under United States Law.”¹¹⁷ Additionally, as the ICC was a claims court, the only remedy tribes could recover were monetary damages. This is significant because the United States did not show any concern with remedying non-fungible losses or returning the sacred lands to tribes; rather, the ICCA sought to extinguish claims with only monetary payments, that were often too low, without accepting blame for the historic wrongs committed by the United States. The focus of these adjudications was often absolving the United States of liability, rather than healing and remedying wrongs.

B. Process

Reparations should be viewed as a process, particularly a healing process. While this process may change and need to be adapted to fit each recipient tribe or Native American community, the following steps are integral to any form of reparation.

a. Community-based consultation first

It is imperative the recipient community or tribe ultimately decides the priorities and design of the reparation.¹¹⁸ However the community should not be burdened with the costs and labor of designing the reparations, instead the United States in creating the reparation should operate at the direction of the community. This may require additional preliminary steps such as the creation of special committees or agencies that work closely with and support the community in creating a reparation. Consulting with the recipient tribe or Native American community is critical since some reparations will be for all Native Americans, while others will need to be tribe or community specific. For example, allotment and boarding schools affected tribes and Native American communities across the nation and thus the reparations for allotment and boarding schools should be designed with all tribes in mind. Yet only a few specific tribes would receive reparations for an atrocity such as land confiscation administered under the Pick-Sloan Act. When working with tribes to create reparations, the United States should keep in mind Native Americans are not an undifferentiated population with a uniform bloc of interests.¹¹⁹

b. Collaborative Studies

It is also necessary for studies and investigations to be conducted prior to designing the reparations. These studies and investigations would have objectives of: 1) identifying wrongdoings and atrocities; 2) identifying continuing wrongs; 3) identifying the victims, survivors, and/or recipient tribes or Native American communities; 4) determining the effects of the wrongdoings, atrocities, and continuing wrongs; and 5) determining types of reparations and possible solutions.¹²⁰ These studies and investigations must be completed in collaboration with the tribes and Native American communities receiving the reparations. The findings and information produced in these studies and investigations will also serve as an assertion of obligation on behalf of the United States to provide reparations.

c. Education of Public/Truth Sharing/Acknowledgement

Once the studies and investigations are completed by the United States they should be published in official reports and widely disseminated, with the permission of the recipient tribes or communities. The tribes or Native American communities may want to keep the findings within the community or may want a limited release of the reports. Tribes may also wish to edit the reports to protect survivors and victims. Alternatively, the United States and the recipient tribe or Native American community may wish to engage in an educational campaign in order to ensure the report reaches a wide audience. Allowing the findings to be shared is a critical step in the reparations process as public acknowledgement of the wrongdoing.

This stage of the reparations process may also include an official announcement that reparations will be provided to the recipient tribe or Native American community. Even if the investigation or study is completed in stages, there may be a need to consult with the tribe or community about the findings regarding the atrocities and effects before making a final decision on the design of the reparation. This stage in the reparations process may also include a public apology, if the recipient tribe or Native American community has expressed a desire to receive one. Acknowledgement serves as a meaningful step towards restoration, recognizing not only the wrongdoings committed by the United States against Native Americans, but also the suffering endured by the recipient.

d. Accountability/Implementation/Enforcement

One of the final stages in the reparations process will be to enforce the reparations. The enforcement stage should identify who will be implementing and enforcing the reparations, and any accountability measures that can be put in place to ensure that retrogression and resistance in implementing reparations is addressed. It may also be necessary to include additional stages of the reparations process after enforcement. These stages could include conducting post-enforcement evaluations. The purpose of these evaluations would be to identify any deficiencies of the reparations and how the reparations are or are not helping the community to heal. Once evaluations are conducted the United States should again work with tribes to redesign or amend the reparations.

C. Potential Forms

There are several potential forms of reparations that would benefit Native Americans, tribes, and the United States as a whole. The reparation should always be explicitly framed as a reparation in order to acknowledge the wrongdoing that occurred as well as the beginning of a healing process. While the following descriptions serve as examples, the ultimate reparation must be created in collaboration with the recipient tribe or Native American community. This is not an exhaustive list of potential forms of reparations, the four forms described below are intended to give tribes and the United States a starting point in visualizing the success of these programs.

a. Policy Reform/Development

Historical atrocities and colonization created structural inequalities that systemically disadvantage Native Americans and tribes. To right these structural wrongs, the United States must restore some measure of power and resources to Native Nations.¹²¹ There are several policy

areas that could be developed or reformed in order to restore self-sufficiency that was lost through historical atrocities.

An example of reparations in the form of policy development is the 1978 Indian Child Welfare Act (“ICWA”).¹²² While not explicitly developed as a reparation, the form and implementation of ICWA is regarded as an attempt to reverse assimilative policies leading to mass removal of Native children, recognize and respect familial traditions and responsibilities of Native American nations, and restore agency to tribes.¹²³ The ICWA legislative hearings collected testimony which allowed for recognition of not only historical wrongs regarding Indian child welfare but also ongoing wrongs of disproportionate removal of Indian children into the foster care system.¹²⁴ ICWA sought to put an end to continuing wrongs against Native American families by empowering tribes to intervene in child welfare proceedings. Seeking to stop colonization from doing further damage to Native American communities reflects an integral forward-looking aspect of reparations. A component of reparations that was missing from ICWA was a type of enforcement or accountability mechanism, something to ensure that the reparations would be implemented. ICWA has not been consistently applied and is often resisted by foster care workers as well as members of the non-Indian public who wrongfully challenge ICWA as an unconstitutional racial preference.¹²⁵

i. Economic Development

Reparations should include policies that drive economic development, in order to improve the socioeconomic status of tribal communities. When community-based economic development projects are classified as reparations, the wrongdoing to the tribe or community as a whole is recognized.¹²⁶ Having a single project to focus on is also symbolically powerful as it provides a starting point as well as visual representation in rebuilding social and community structures that were destroyed by colonization. Such projects also give the community or tribe a voice in prioritizing and designing projects that are most important.¹²⁷ Economic development projects are an attractive form of reparations as they avoid the dilemma of choosing between reparations and other priorities.¹²⁸

A more specific type of reparative development project is the implementation of clean energy on Native lands. Creating reparations in the form of clean energy projects for tribes is a common-sense response to not only the geographic isolation of tribes through Removal, but also allowing harmful extractive industries such as mining near Native American communities. Indigenous lands have great wind and solar potential, as well as hydroelectric and geothermal resources.¹²⁹ Some tribes have even created tribally owned utilities.¹³⁰ Unfortunately there are many regulatory and tax structures that make it difficult for tribes to currently develop clean energy. Reparations that remove these hurdles and fully support clean energy projects provide a means of moving forward from historical atrocities that ravaged Native communities. Clean energy projects also involve a forward-looking component of reparations by allowing tribes to sustainably support future generations.

Economic development projects as a form of reparations does have drawbacks. The biggest drawback is that it conflates two separate obligations of the government: making

reparations for wrongs it committed and providing essential services to the population.¹³¹ Some have criticized this approach to reparation as an abdication of the government's duties and taking focus away from the act of wrongdoing.¹³² This is particularly relevant for tribes since the United States has a unique legal trust responsibility to tribes. In the 19th century, the United States had an active, paternalist role in carrying out its trust responsibility.¹³³ Yet as federal Indian law and policy has shifted over time, the federal government has placed greater emphasis on strengthening the self-determination of tribes by funding tribes so they can administer their own programs.¹³⁴ However, programs providing healthcare and education have suffered due to underfunding, demonstrating a failure of the United States to meet its trust responsibilities.¹³⁵

For separate reasons, the United States should remedy both its failure to meet trust obligations and the historical atrocities it has committed. The economic development policy drawback of conflation with government obligations may be easily overcome through conscious framing, design, and communication that such projects are redress for historical harms, and not merely a fulfillment of existing duties. Providing reparations to tribes for committing devastating historical atrocities against them is a separate obligation that goes beyond typical bounds of law and relies instead on notions of justice, atonement, and restoration.

ii. Language Revitalization

Language revitalization is another obvious remedy to historical atrocities that attempted to wipe out Native American culture. Language loss is directly related to the boarding school experience.¹³⁶ Tribes such as the Cherokee Nation and Mille Lacs Band of Ojibwe have created online language classes and language immersion programs for schools.¹³⁷ Policies that support these efforts would be a direct response to the United States destruction of Native language and culture. Indigenous language revitalization is also often linked to a larger project of tribes attempting to regain political autonomy, a land base, or regain a sense of identity.¹³⁸ Additionally, there is evidence that language revitalization programs help Indigenous students obtain higher educational performance and develop a positive self-image.¹³⁹ The United States implementing a nationwide policy that fully supports language revitalization will be particularly impactful as it is often difficult to set up an immersion school that complies with local and state regulations.¹⁴⁰

iii. Governance

Reparations should also include policies that develop and restore governance of Native Nations. Historical atrocities such as Removal, Allotment, Boarding Schools, Land Dispossession, and other assimilation policies deeply disrupted traditional governance structures for Native Nations. Some federal policies such as the Indian Reorganization Act of 1934 and Termination policies terminated tribes or forced them to adopt Euro-American forms of governance. Thus, creating policies that recognize and restore traditional governance structures would help tribes and Native American communities regain political autonomy. Imagining different forms of officially recognized tribal governments would be a meaningful reparation considering the complexity of similar processes such as legal federal recognition of tribal governments. Another possibility is to give Native American communities who no longer have a government structure an autonomous

state or territory within the United States. These actions provide a necessary foundation for restoring governments or autonomy that such communities would otherwise lack.¹⁴¹ Another idea is providing Native American communities and tribes with more political representation in Congress.¹⁴² This would acknowledge the discrepancy between colonization removing political power from tribes and yet the federal government making decisions that affect tribes and Indigenous land without tribes having a fair say.

b. Public Apologies

A public apology is a necessary part of reparations. An attempted apology issued by the United States in 2009 was hidden in an unrelated piece of legislation and received little public attention, which cheapens the effect of its sincerity. Native Americans deserve more than a shameful apology buried deep within a defense appropriation spending bill for the official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes. The bill disclaims that the apology in no way supports any legal claims, nor does it settle any claims against the United States. Further, citation of the killing of Indian women and children, the Trail of Tears, the Long Walk, the Sand Creek Massacre, Wounded Knee, the theft of tribal lands and resources, the breaking of treaties, and the removal of Indian children were removed from the final draft of the bill.

A proper apology should come in its own stand-alone legislation or order to give it the importance that it deserves. It should acknowledge the horrific atrocities authorized and carried out by the United States and the long-lasting effects of those actions. A formal apology must be sincere, and also look to the future, towards healing and reconciliation.

As an example, in June 2019, California's Governor Gavin Newsom authorized a stand-alone executive order which recognizes and apologizes for the brutal treatment of Native Americans and the implementation of prejudicial policies against Native Americans. The Executive Order also calls for the Governor's Tribal Advisor to establish a "Truth and Healing Council" to investigate these admitted historical atrocities and consult with Native American tribes so that Native Americans can be more accurately represented. Unlike the federal defense appropriations bill, Governor Newsom's apology on its face appears to be more direct, sincere, and calls for specific action to take reparative steps in improving the relationship between the State government and its tribes.

c. Restorative/Community based justice

Some communities may prefer reparations that are more symbolic, rather than material in nature. Yet apologies and reports are not the only types of symbolic reparations. Indigenous justice systems present a way for the community to heal that is focused more on repairing relationships. For example, in 2001 the estate of Lakota leader Crazy Horse settled a defamation lawsuit over the use of his name in the marketing of Crazy Horse malt liquor.¹⁴³ The estate wanted to stop breweries from distributing the alcoholic beverage because the tribal leader denounced the introduction of alcohol to American Indians. One of the named defendants personally travelled to

the reservation to issue an apology to the plaintiff's and also made a non-monetary peace offering settlement. In addition to the public apology, the defendant offered 32 blankets, 32 braids of sweet grass, 32 twists of tobacco, and 7 thoroughbred horses.¹⁴⁴ The recipients of the peace offering acknowledged the importance of a large company conducting due diligence in learning about Sioux culture and extending non-monetary compensation to restore justice. The tribal members also viewed the offering as an "awakening" in that the company took the time to recognize the tribal members as human beings.¹⁴⁵

This type of symbolic gesture, combined with elements of traditional peacemaking, signifies a deep emotional effort on behalf of the wrongdoer to make things right. And as with any reparation, the Crazy Horse liquor example illustrates what reparations look like when they are defined by the recipient community's culture and traditions. To implement restorative justice requires consultation, research, and due diligence with Indian tribes. The United States should seek to implement targeted, culturally informed reparations wherever possible.

d. Land Returns and Stewardship Models of Property

Returning land to tribes and Native American communities is a powerful and healing form of reparations. Indigenous people come from the land, are defined by the land, and have a responsibility to the earth that is integral to their identity as peoples.¹⁴⁶ A symbiotic relationship is formed between the Indigenous peoples and lands that they regard as sacred, as the lands benefit from the stewardship of Indigenous groups.¹⁴⁷ Because sacred land and landscapes are tied to the unity and identity of tribes and Native American communities, the taking of such lands by the United States is considered an attempt to destroy the tribe or community itself, and return of the land is an appropriate remedy.

A key example illustrating land returns as reparations is the return of Blue Lake to Taos Pueblo. Located in the Sangre de Cristo Mountains of New Mexico, Blue Lake is a ceremonial and religious site for the Taos Pueblo. In 1906 President Theodore Roosevelt created a national forest that included Blue Lake within its boundaries, opening up Blue Lake for recreational use by the public.¹⁴⁸ Taos Pueblo issued a fierce campaign to regain exclusive use of Blue Lake. In the 1930s the United States issued Taos Pueblo permits to use the land. In 1965, the ICC ruled in favor of Taos Pueblo but only awarded monetary compensation.¹⁴⁹ Like the Sioux Nation's stance on the Black Hills, Taos Pueblo refused to accept money in exchange for its most sacred land. After years of negotiations and attempts at legislation through Congress, Taos Pueblo sought help from President Nixon. The Nixon administration had a poor record with racial minorities, and the Blue Lake issue caught the administration's attention as a public relations opportunity. Blue Lake had become a national symbol of Native Americans and the Nixon administration saw this as a chance to repair the strained relationship between the "Indian community" and the United States.¹⁵⁰ With the support of Nixon in 1970, a bill finally passed that returned complete ownership of Blue Lake to Taos Pueblo. To this day Blue Lake is off-limits to all but members of Taos Pueblo.¹⁵¹

The Blue Lake case illustrates the importance of timing as well as the commercial value of the land, especially in comparison to the Black Hills which have never been returned to the Sioux Nation. The story of the return of Blue Lake is also indicative of how expensive and difficult land returns can be for tribes and Native American communities to accomplish on their own. Thus, reparative returns of land to tribes and Native American communities are extremely powerful, as the decision to return lands as a form of reparation acknowledges the United States wrongdoing without forcing tribes and Indigenous communities to engage in an uphill battle with their limited resources.

Another option involves reparations centered on a stewardship model of cultural property. A stewardship model of property would secure Indian entitlement to property without transferring title from the current government or non-Indian owner. Focusing on cultural property claims within the framework of stewardship thus takes emphasis off property title and ownership. Certain Indigenous cultural property is inextricably bound up with peoplehood, and as such is both non-fungible and necessary to a people's identity formation.¹⁵² There is often a reluctance on the part of Indigenous peoples to characterize their relationship to their land in terms of ownership and dominion.¹⁵³ And in many cases, it is simply not possible to coordinate a return of land to the tribe or Native American community. Thus, reparations may instead reflect Indigenous traditions of property.

The United States has already engaged with a stewardship model for handling Native American property via implementation of the Native American Graves Protection and Repatriation Act ("NAGPRA").¹⁵⁴ Under NAGPRA, tribes do not have a property right in the ancestor, but rather a right in the nature of a custodian to hold and protect the ancestor until burial.¹⁵⁵ Reparations that are centered on a stewardship model of Indigenous property would go beyond consultation with tribes and actually prevent activities such as extractive industries and recreation on sacred sites during certain periods or within certain areas. While stewardship models do not mandate a transfer of title or widespread exclusion of other from the cultural property, in contrast to land returns, stewardship models do expressly recognize the interest of Native Americans in the preservation and maintenance of continued access to sacred places.¹⁵⁶ A reparation that gives tribes and Native Americans stewardship rights to cultural properties is a potential compromise that still acknowledges the rights of Indigenous peoples to these lands.

Historical atrocities resulted in the taking or loss of one of the most important resources that tribes and Native American communities have—land. Land is connected to culture, identity, language, and governance, and is integral to indigenous communities. Return of lands is not only important culturally, but also could solve jurisdictional issues resulting from checkerboarded land as a result of allotment policies. Tribes may also be able to develop revenue-generating business with the acquisition of lands.¹⁵⁷ With these considerations in mind, any manner of land return which is classified as a reparation has great significance to tribes or Native American communities.

D. Conclusion

Reparations represent much more than compensation. They represent a process of healing that includes acknowledgement, atonement, understanding, and moving forward. Reflection on

the pain and hardships suffered by Native Americans and tribes leads to the idea of reparations as not only an emotional reaction but a logical reaction as well. In fact, reparations become something of a necessity once one realizes that the United States continues to justify its harmful actions in something as supposedly neutral and just as legal doctrine. As Ta' Nehesi Coates stated in relation to reparations for African Americans, reparations represent an existential question for all Americans. In reckoning with the United States treatment of Native Americans, Americans must accept that the conditions under which tribes and Native Americans exist are not inexplicable but rather exactly what the United States intended to result from centuries of legal policy. Not only were these atrocities committed in furtherance of imperialist and racist legal doctrines including the Doctrine of Discovery, but often these atrocities were committed with the desire to eradicate Native Americans from this country completely. These atrocities have left Native Americans and tribes in desperate circumstances. Tribes and Indigenous communities are overflowing with beautiful culture, art, knowledge, and ideas to contribute to this country. Many of the psychological and socioeconomic effects of these atrocities weaken not just the communities but also this nation as a whole. As a matter of right, justice, and morality the United States must view reparations for Native peoples not only as atonement, but an investment in its people and future.

The path forward in providing reparations to Indian tribes need not be a single monetary payout to tribal members. As explained above, multiple creative options exist for the United States to engage with tribes and provide meaningful reparations with widespread and long-lasting benefits.

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