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An Uncomfortable Truth: Indigenous Communities And Law In New England: Roger Williams University Law Review Symposium 10/22/2021

Roger Williams University School of Law

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9/28/21

AN UNCOMFORTABLE TRUTH: INDIGENOUS COMMUNITIES AND LAW IN NEW ENGLAND

ROGER WILLIAMS UNIVERSITY LAW REVIEW SYMPOSIUM

OCTOBER 22, 2021

REGISTER TODAY!

The Indigenous Peoples of New England were among the first in North America to experience European colonization and conquest. How have they been treated by the law and American legal institutions, from the earliest days of settlement to today, and what are Tribes doing to exercise their inherent sovereignty and build thriving native nations?

The symposium agenda, speaker bios, and registration link may be found online: <https://law.rwu.edu/events/uncomfortable-truth-indigenous-communities-and-law-new-england>

A Roger Williams University Law Review Symposium

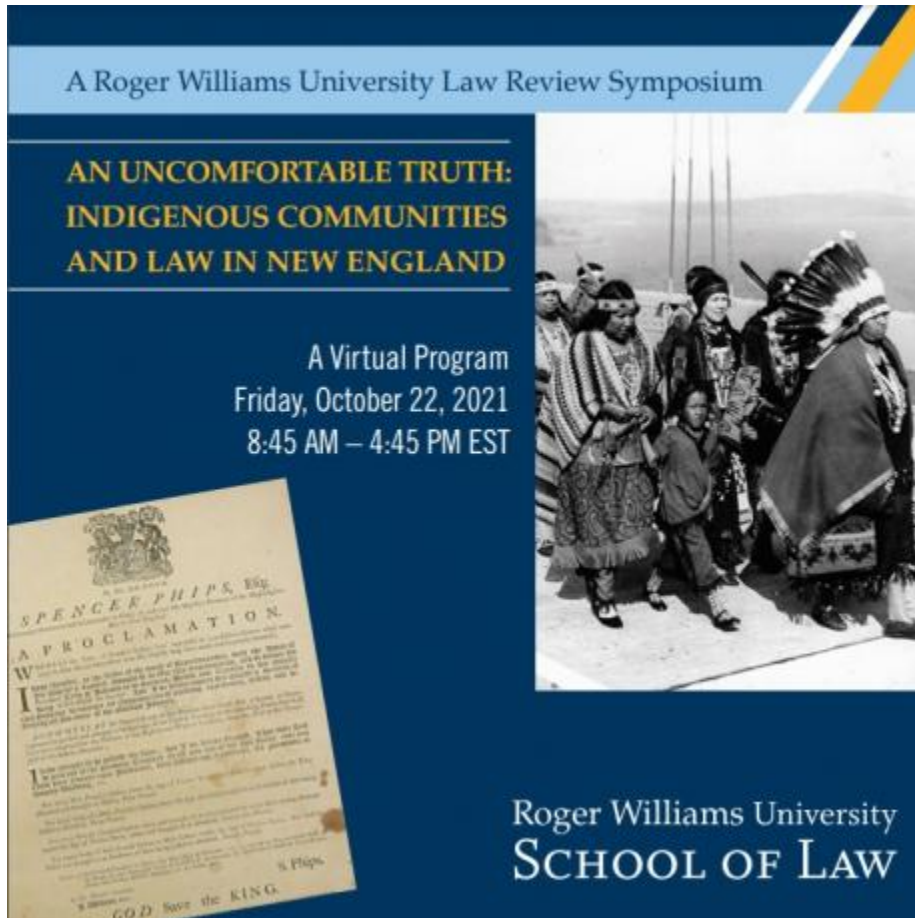
AN UNCOMFORTABLE TRUTH:
INDIGENOUS COMMUNITIES
AND LAW IN NEW ENGLAND

A Virtual Program
Friday, October 22, 2021
8:45 AM – 4:45 PM EST



Roger Williams University
SCHOOL OF LAW

An Uncomfortable Truth: Indigenous Communities and Law in New England



Friday, October 22, 2021
8:45am - 4:45pm
Virtual Program
Open to the Public
Registration Required

A Roger Williams University Law Review Symposium
An Uncomfortable Truth: Indigenous Communities and Law in New England

The Indigenous Peoples of New England were among the first in North America to experience European colonization and conquest. How have they been treated by the law and American legal institutions, from the earliest days of settlement to today, and what are Tribes doing to exercise their inherent sovereignty and build thriving native nations?

The symposium will be presented as a fully virtual experience.

8:45 AM – 9:00 AM ET - Opening
RWU Law Review, American Indian Law Students Association(AILSA)

9:00 AM ET - Welcome

[Agenda](#)

[Register Here](#)

Meet the Speakers

Bethany Berger is a well-known scholar and professor at the University of Connecticut School of Law. She is a widely read scholar of Property Law and Legal History and one of the leading federal Indian Law scholars in the country. Her highly regarded articles have been published in the *Michigan Law Review*, *California Law Review*, *UCLA Law Review*, and the *Duke Law Journal*, among other publications. Professor Berger teaches American Indian Law, Tribal Law, and Conflicts of Laws. She has also served as a Judge for the Southwest Intertribal Court of Appeals.



Diamond

Dr. James Diamond is a professor at Roger Williams University School of Law. He teaches Federal Indian Law, Tribal Courts, and Law & Governments, among other courses. He is also the Dean of Academic Affairs at the National Tribal Trial College. He is the former Director of the Indigenous Peoples Law and Policy Program's Tribal Justice Clinic and law professor at the University of Arizona College of Law and served as a Special Prosecutor in the Pascua Yaqui

Tribal Court in Arizona. Dr. Diamond is certified by the National Board of Trial Advocacy as a criminal trial specialist, has extensive criminal trial experience, and was the lead lawyer in more than 1,000 criminal cases. Dr. Diamond has been instrumental in assisting the RWU Law Review in hosting this Symposium and will be presenting his article: *An Uncomfortable Truth: Law as a Tool of Oppression of the Indigenous Peoples of New England*.

Matthew Fletcher is a Professor at Michigan State University College of Law and Director of the Indigenous Law and Policy Center. He sits as the Chief Justice of the Poarch Band of Creek Indians Supreme Court and as an appellate judge for the Colorado River Indian Tribes, the Hoopa Valley Tribe, the Mashpee Wampanoag Tribe, the MatchE-Be-Nash-She-Wish Band of Potawatomi Indians, the Rincon Band of Luiseño Indians, the Santee Sioux Tribe of Nebraska, and the Tulalip Tribes. He is a member of the Grand Traverse Band of Ottawa and Chippewa Indians. Mr. Fletcher is a highly regarded author of multiple law review articles, appearing in the *California Law Review*, *Michigan Law Review*, and *Stanford Law Review Online*, as well as case books such as *Federal Indian Law* (West Academic Publishing) and *Principles of Federal Indian Law* (West Academic Publishing). Professor Fletcher is a highly regarded scholar in the field of Federal Indian Law and will be providing the final keynote address for this symposium.

Dr. Taino Palermo is a third-year law student at Roger Williams University School of Law. Dr. Palermo is the Kasiké (Chief) of the Baramaya Guaínia Clan, a federally nonrecognized tribal nation indigenous to the Guaínia region of Borikén (known today as Pnce, Puerto Rico). He is also the Deputy Director General of the Federation of Aboriginal Nations of the Americas. Dr. Palermo worked as an education and nonprofit leader for over a decade focusing on community and economic development, urban education, and neighborhood revitalization and earned his doctorate in educational leadership from Jones International University in 2014. As a law student, Dr. Palermo was the founding President of the American Indian Law Student Association (AILSAs), among other activities and is currently a Judicial Extern at the U.S. District Court for the District of Rhode Island. Last Spring, Dr. Palermo had the opportunity to participate in an independent research project focusing on a Legal Framework for Federally NonRecognized Tribal Nations acquiring ancestral lands. He will be presenting his research paper and answering questions on the topic.

Bethany Sullivan is a senior associate attorney with Maier Pfeffer Kim Geary & Cohen LLP. She advises broadly on tribal governance, economic development, fee-to-trust land acquisitions, gaming and business transactions, taxation, natural resources, and other matters involving tribal, federal, and state law. Ms. Sullivan was the founding Director of the Natural Resource Use & Management Clinic at the University of Arizona College of Law and has since with a variety of clients including tribal governments, and taught courses on natural resource and administrative law.

Jennifer Turner is the Assistant City Attorney in Albuquerque New Mexico. Prior to this role, Ms. Turner was an Associate at Frye & Kelly, PC and served as an Assistant Solicitor at the U.S. Department of the Interior, Division of Indian Affairs. Ms. Sullivan and Ms. Turner will be providing an update on the *Carciere* decision following the 2019 Publication of their article: *Enough is Enough: Ten Years of Carciere v. Salazar*.

Rhode Island MCLE Credit

This program has been approved for six (6) CLE hours in Rhode Island.

A Roger Williams University Law Review Symposium

An Uncomfortable Truth: Indigenous Communities and Law in New England

Friday, October 22, 2021 – Virtual Program (Zoom)

8:30 am EST – Open the Zoom; Log-on & Tech issue solution period

8:45 am EST – Opening
RWU Law Review, AILSA

9:00 am EST – Welcome

9:15 am EST – Speaker Intro
RWU Law Review, Symposium Team Members

9:20 am – 10:15 am EST – Student Speaker

Dr. Taino Palermo is a third-year law student at Roger Williams University, School of Law, Dr. Palermo is the Kasiké (Chief) of the Baramaya Guaínia Clan, a federally non-recognized tribal nation indigenous to the Guaínia region of Borikén (known today as Pnce, Puerto Rico). He is also the Deputy Director General of the Federation of Aboriginal Nations of the Americas. Dr. Palermo worked as an education and nonprofit leader for over a decade focusing on community and economic development, urban education, and neighborhood revitalization and earned his doctorate in educational leadership from Jones International University in 2014. As a law

student, Dr. Palermo was the founding President of the American Indian Law Student Association (AILS), among other activities and is currently a Judicial Extern at the U.S. District Court for the District of Rhode Island. Last Spring, Dr. Palermo had the opportunity to participate in an independent research project focusing on a Legal Framework for Federally Non-Recognized Tribal Nations acquiring ancestral lands. He will be presenting his research paper and answering questions on the topic.

10:15 am EST – Speaker Intro
RWU Law Review, Symposium Team Members

10:20 am – 11:15 am EST – Featured Speaker

Professor Bethany Berger is a well-known scholar and professor at the University of Connecticut School of Law. She is a widely read scholar of Property Law and Legal History and one of the leading federal Indian Law scholars in the country. Her highly regarded articles have been published in the Michigan Law Review, California Law Review, UCLA Law Review, and the Duke Law Journal, among other publications. Professor Berger teaches American Indian Law, Tribal Law, and Conflicts of Laws. She has also served as a Judge for the Southwest Intertribal Court of Appeals.

11:15 am – 11:30 am EST – Break

11:30 am EST – Speaker Intro
RWU Law Review, Symposium Team Members

11:35 – 12:30 pm EST – Faculty Speaker

Dr. James Diamond is a professor at Roger Williams University, School of Law. He teaches Federal Indian Law, Tribal Courts, and Law & Governments, among other courses. He is also the Dean of Academic Affairs at the National Tribal Trial College. He is the former Director of the Indigenous Peoples Law and Policy Program's Tribal Justice Clinic and law professor at the University of

Arizona College of Law and served as a Special Prosecutor in the Pascua Yaqui Tribal Court in Arizona. Dr. Diamond is certified by the National Board of Trial Advocacy as a criminal trial specialist, has extensive criminal trial experience, and was the lead lawyer in more than 1,000 criminal cases. Dr. Diamond has been instrumental in assisting the RWU Law Review in hosting this Symposium and will be presenting his article: *An Uncomfortable Truth: Law as a Tool of Oppression of the Indigenous Peoples of New England*.

12:30 – 1:15 pm EST– Break

1:15 pm EST- Speaker Intro
RWU Law Review, Symposium Team Members

1:20 – 2:30 pm EST – Featured Speakers – the Carcieri Decision

- Bethany Sullivan is a senior associate attorney with Maier Pfeffer Kim Geary & Cohen LLP. She advises broadly on tribal governance, economic development, fee-to-trust land acquisitions, gaming and business transactions, taxation, natural resources, and other matters involving tribal, federal, and state law. Ms. Sullivan was the founding Director of the Natural Resource Use & Management Clinic at the University of Arizona College of Law and has since with a variety of clients including tribal governments, and taught courses on natural resource and administrative law.
- Jennifer Turner is the Assistant City Attorney in Albuquerque New Mexico. Prior to this role, Ms. Turner was an Associate at Frye & Kelly, PC and served as an Assistant Solicitor at the U.S. Department of the Interior, Division of Indian Affairs. Ms. Sullivan and Ms. Turner will be providing an update on the Carcieri decision following the 2019 Publication of their article: *Enough is Enough: Ten Years of Carcieri v. Salazar*.

2:30 – 2:45 pm EST – Break

2:50 pm EST – Speaker Intro
RWU Law Review, Symposium Team Members

2:55 – 4:00 pm EST– Keynote Address – (Invited.)

Matthew Fletcher is a Professor at Michigan State University College of Law and Director of the Indigenous Law and Policy Center. He sits as the Chief Justice of the Poarch Band of Creek Indians Supreme Court and as an appellate judge for the Colorado River Indian Tribes, the Hoopa Valley Tribe, the Mashpee Wampanoag Tribe, the Match-E-Be-Nash-She-Wish Band of Potawatomi Indians, the Rincon Band of Luiseño Indians, the Santee Sioux Tribe of Nebraska, and the Tulalip Tribes. He is a member of the Grand Traverse Band of Ottawa and Chippewa Indians. Mr. Fletcher is a highly regarded author of multiple law review articles, appearing in the California Law Review, Michigan Law Review, and Stanford Law Review Online, as well as case books such as Federal Indian Law (West Academic Publishing) and Principles of Federal Indian Law (West Academic Publishing). Professor Fletcher is a highly regarded scholar in the field of Federal Indian Law and will be providing the final keynote address for this symposium.

4:00 – 4:30 pm EST – Final Q&A
RWU Law Review & AILSA

4:30 – 4:45 pm EST – Closing Remarks

This program has been awarded six (6) Rhode Island MCLE credits.

To support this year's virtual Law Review Symposium, An Uncomfortable Truth: Indigenous Communities and Law in New England, the law library has created this guide and book display in the library with books and resources.

A Roger Williams University Law Review Symposium

In collaboration with the RWU American Indian Law Student Association (AILSAs)

**AN UNCOMFORTABLE TRUTH:
INDIGENOUS COMMUNITIES
AND LAW IN NEW ENGLAND**

A Virtual Program
Friday, October 22, 2021
8:45 AM – 4:45 PM EST

SPENCER PHIPS, ESQ.
A PROCLAMATION
GOD Save the KING

Roger Williams University
SCHOOL OF LAW

A Roger Williams University Law Review Symposium
In collaboration with the RWU American Indian Law Student Association (AILSAs)
[*An Uncomfortable Truth: Indigenous Communities and Law in New England*](#)

Speakers

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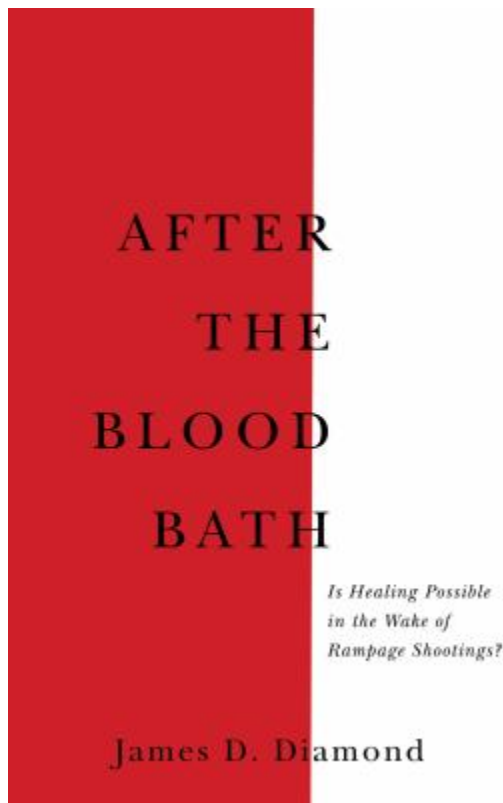
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Books/eBooks



[After the Bloodbath by James D. Diamond](#)

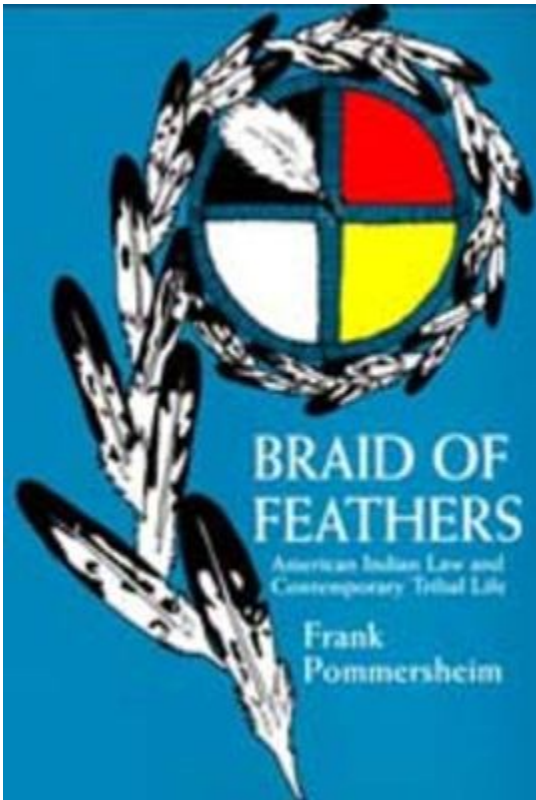
Call Number: RWU Law Reserves KF9306 .D53 2020

ISBN: 9781611863314

Publication Date: 2019-11-01

As violence in the United States seems to become increasingly more commonplace, the question of how communities reset after unprecedented violence also grows in significance. This book examines this quandary, producing insights linking rampage shootings and communal responses in the United States. Diamond, who was a leading attorney in the community where the Sandy Hook Elementary School tragedy occurred, focuses on three well-known shootings and a fourth shooting that occurred on the Red Lake Indian Reservation in Minnesota. The book looks to the

roots of Indigenous approaches to crime, identifying an institutional weakness in the Anglo judicial model, and explores adapting Indigenous practices that contribute to healing following heinous criminal behavior. Emerging from the history of Indigenous dispute resolution is a spotlight turned on restorative justice, a subject no author has discussed to date in the context of mass shootings. Diamond ultimately leads the reader to a positive road forward focusing on insightful steps people can take after a rampage shooting to help their wounded communities heal.



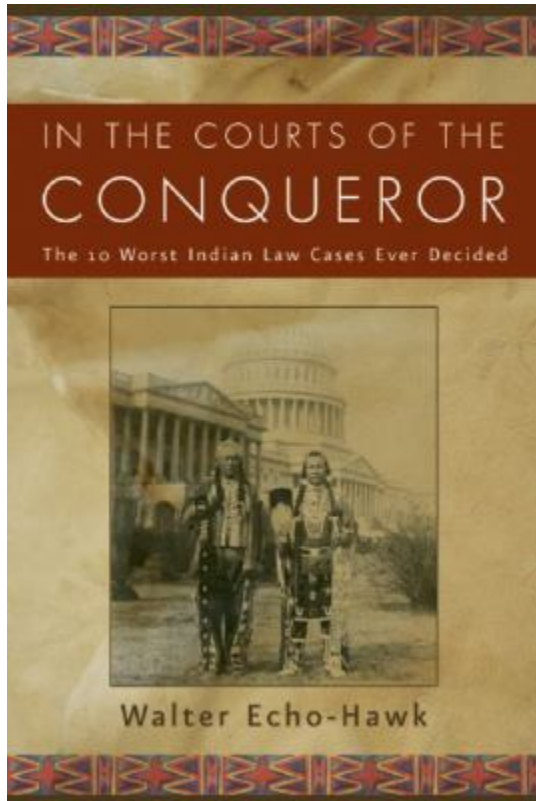
[Braid of Feathers by Frank Pommersheim](#)

Call Number: KF8205 .P6 1995

ISBN: 9780520208940

Publication Date: 1995

Frank Pommersheim, who lived and worked on the Rosebud Sioux Indian Reservation for ten years, challenges the dominant legal history of American Indians and their tribes--a history that concedes far too much power to the laws and courts of the "conqueror." Writing from the perspective of the reservation and contemporary Indian life, Pommersheim makes an urgent call for the advancement of tribal sovereignty and of tribal court systems that are based on Indian culture and values.



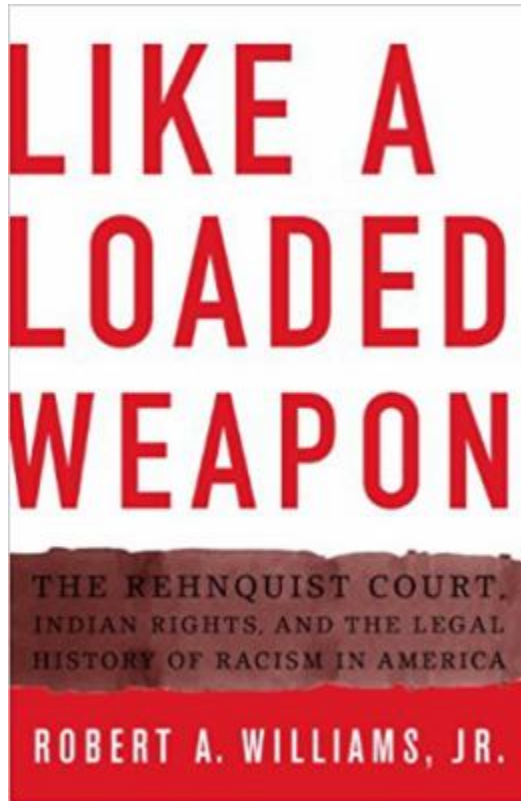
- [In the Courts of the Conqueror by Walter R. Echo-Hawk](#)

Call Number: KF8205 .E29 2010

ISBN: 9781936218011

Publication Date: 2010-06-01

The fate of Native Americans has been dependent in large part upon the recognition and enforcement of their legal, political, property, and cultural rights as indigenous peoples by American courts. Most people think that the goal of the judiciary, and especially the US Supreme Court, is to achieve universal notions of truth and justice. In this in-depth examination, Echo-Hawk analyzes ten cases that embody or expose the roots of injustice and highlight the use of nefarious legal doctrines. He delves into the dark side of the courts, calling for a paradigm shift in American legal thinking. Each case study includes historical, contemporary, and political context from a Native American perspective, and the case's legacy on Native America.



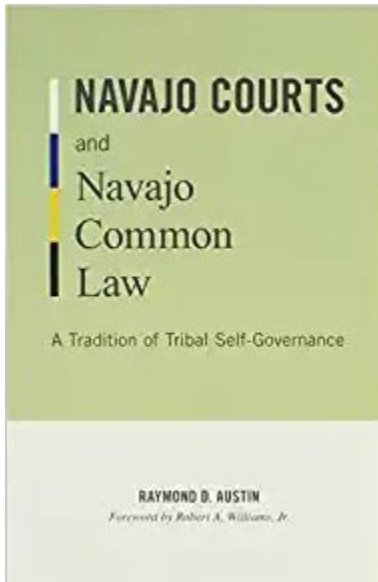
• [Like a Loaded Weapon by Robert A. Williams](#)

Call Number: KF8210.C5 W55 2005

ISBN: 9780816647101

Publication Date: 2005-11-10

Robert A. Williams Jr. exposes the ongoing legal force of the racist language directed at Indians in American society. Fueled by well-known negative racial stereotypes of Indian savagery and cultural inferiority, this language, Williams contends, has functioned "like a loaded weapon" in the Supreme Court's Indian law decisions. Williams shows how undeniably racist language and precedent are still used in Indian law to justify the denial of important rights of property, self-government, and cultural survival to Indians. Building on the insights of Malcolm X, Thurgood Marshall, and Frantz Fanon, Williams argues that racist language has been employed by the courts to legalize a uniquely American form of racial dictatorship over Indian tribes by the U.S. government.



- [Navajo Courts and Navajo Common Law by Raymond D. Austin; Robert A. Williams](#)

Call Number: KF8228.N3 A97 2009

ISBN: 9780816665358

Publication Date: 2009-11-25

The Navajo Nation court system is the largest and most established tribal legal system in the world. Since a landmark 1959 U.S. Supreme Court decision that affirmed tribal court authority over reservation-based claims, the Navajo Nation has been at the vanguard of a far-reaching, transformative jurisprudential movement among Indian tribes in North America and indigenous peoples around the world to retrieve and use traditional values to address contemporary legal issues. A justice on the Navajo Nation Supreme Court for sixteen years, Justice Raymond D. Austin has been deeply involved in the movement to develop tribal courts and tribal law as effective means of modern self-government. He has written foundational opinions that have established Navajo common law and, throughout his legal career, has recognized the benefit of tribal customs and traditions as tools of restorative justice. In this book, Justice Austin considers the history and implications of how the Navajo Nation courts apply foundational Navajo doctrines to modern legal issues. He explains key Navajo foundational concepts like Hózhó (harmony), K'é (peacefulness and solidarity), and K'éeí (kinship) both within the Navajo cultural context and, using the case method of legal analysis, as they are adapted and applied by Navajo judges in virtually every important area of legal life in the tribe.

[Head of Reference, Instruction, & Engagement](#)



[Nicole Dyszlewski](#)

Online Resources

- [American Declaration on the Rights of Indigenous Peoples](#)

According to the Indian Law Resource Center, "On June 15, 2016, after nearly 30 years of advocacy and negotiation, the Organization of American States (OAS) adopted the American Declaration on the Rights of Indigenous Peoples. The OAS is a regional intergovernmental organization of 35 member countries of the Americas, including the United States. The American Declaration offers specific protection for indigenous peoples in North America, Mexico, Central and South America, and the Caribbean. It affirms the right of self-determination, rights to education, health, self-government, culture, lands, territories and natural resources, and it includes provisions that address the particular situation of indigenous peoples in the Americas, including protections for those living in voluntary isolation and those affected by a state's internal armed conflict."

- [City of Sherrill v. Oneida Indian Nation of New York on Oyez.org](#)

Oyez.org contains recordings of the oral argument and the opinion announcement. It also has links to the opinion of the court, concurring opinion, and dissenting opinion.

- [Indian Country Today](#)

Indian Country Today is an independent nonprofit, multimedia news enterprise which covers the Indigenous world, including American Indians and Alaska Natives. This link goes directly to the site's Newscasts feature.

- [Indians.com](#)

This is a site for Native American news, information, and entertainment. It is wholly-owned and operated by Ho-Chunk Inc., the economic development corporation of the Winnebago Tribe.

- [Mary and Carrie Dann v. United States, Case 11.140, Report No. 75/02, Inter-Am. C.H.R., Doc. 5 rev. 1 at 860 \(2002\).](#)

This published report of the Inter-American Commission on Human Rights is available via the University of Minnesota's free online Human Rights Library.

- [Native Sun News Today](#)

Native Sun News Today is a news site and publication which is distributed across South Dakota and on all 9 reservations in the state.

- Pechanga.net

Pechanga.Net was founded in 1998 by Victor Rocha, a member of the Pechanga Band of Luiseño Indians in Temecula, California. Initially, the website was created to help his tribe stay informed on the rapidly changing world of politics and gaming, but it is now a resource for all Native American tribes in North America.

- [Robert McCarthy, The Bureau of Indian Affairs and the Federal Trust Obligation to American Indians, 19 BYU J. Pub. L. 1 \(2004\).](#)

According to the text of the article, "Part II of the article provides an overview of the BIA, its history, and its current structure and responsibilities. Thereafter, the article describes in some detail the ways in which the agency carries out its statutory mandates, citing the BIA's regulatory code, highlighting current issues, noting conflicting federal policy priorities, and documenting the persistent shortage of resources to address unmet Indian needs. The article concludes with observations regarding the prospects for a revitalized BIA."

- [United Nations Declaration on the Rights of Indigenous Peoples](#)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly in 2007. According to the UN's Department of Economic and Social Affairs, "today the Declaration is the most comprehensive international instrument on the rights of indigenous peoples. It establishes a universal framework of minimum standards for the survival, dignity and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples."



This blog is edited by symposium speaker, Professor Matthew L.M. Fletcher and describes itself as "the leading blog on legal issues in Indian Country."

- [November 9th, 2021 Live Stream: Cherokee Legal History Panel with J. Matthew Martin, Stacy Leeds, and Trey Adcock](#) [This link opens in a new window](#) Oct 15, 2021

**CHEROKEE
LEGAL HISTORY PANEL
WITH
J. MATTHEW MARTIN
STACY LEEDS
AND
TREY ADCOCK**


**TUESDAY
NOV. 9TH
6 PM ET**



Cherokee Legal History Panel with J. Matthew Martin, Stacy Leeds, and Trey Adcock.

Tuesday, November 9th at 6:00pm ET

Like most of our events, this event is free, but registration is required. Prior to the event the link required to attend will be emailed to registrants.

If you decide to attend and purchase the authors' books, we ask that you purchase from Malaprop's. When you do this you make it possible for us to continue hosting author events and you keep more dollars in our community. You may also support our work by [purchasing a gift card](#) or making a donation of any amount below. Thank you!

About the Seminar:

The first legal history of the first tribal court upends long-held misconceptions about the origins of Westernized tribal jurisprudence. This book demonstrates how the Cherokee people—prior to their removal on the Trail of Tears—used their judicial system as an external exemplar of American legal values, while simultaneously deploying it as a bulwark for tribal culture and tradition in the face of massive societal pressure and change. Extensive case studies document the Cherokee Nation's exercise of both criminal and civil jurisdiction over American citizens, the roles of women and language in the Supreme Court, and how the courts were used to regulate the slave trade among the Cherokees. Although long-known for its historical value, the legal significance of the Cherokee Supreme Court has not been explored until now.

About the Speakers:

J. Matthew Martin is the first American Bar Association (ABA) Tribal Courts Fellow. In 2013 he retired after over a decade of service as an Associate Judge of the Cherokee Court, the Tribal Court for the Eastern Band of Cherokee Indians. For over 25 years, Judge Martin has been Board Certified as a Specialist in Federal and State Criminal Law by the North Carolina State Bar. In the 1991 Term, at age 31, he argued *Wade v. United States* before the Supreme Court of the United States. Judge Martin has spoken nationally and internationally on issues ranging from federal Indian law to criminal law and the judicial process. He is published in multiple peer-reviewed periodicals.

Judge Martin received a BA with Honors from the University of North Carolina at Chapel Hill and a JD from the UNC School of Law. He also holds a Ph.D. in Judicial Studies from the University of Nevada-Reno. He has taught law students as an Adjunct Professor of Law at the UNC and Elon Schools of Law. He is a long-time member of the faculty of the National Judicial College and former Secretary to the College's Board of Trustees.

Judge Martin was honored as a T.C. Roberson High School "Graduate of Distinction" and received the "Franklin Flaschner Award" from the ABA's National Conference of Specialized Court Judges as the nation's outstanding specialized court judge in 2014. *The Cherokee Supreme Court: 1823-1835* is his first book.

Trey Adcock (ᏇᏍᏏ ᏅᏍᏏ, Citizen of Cherokee Nation), PhD, is an associate professor of Interdisciplinary Studies and the director of American Indian and Indigenous Studies at the University of North Carolina Asheville. He currently serves as the Executive Director of the Center for Native Health and sits on the Editorial Board for the *Journal of Cherokee Studies*.

Stacy Leeds is 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 (2011-2018) and the first Indigenous woman to lead a law school. Learn more at <http://stacyleeds.com/biography>

- [Two In-Person CLEs: Friday, October 15th This link opens in a new window](#) Oct 15, 2021

[2021 Indian Law Seminar: Reconnecting Our Sovereign Nations](#)

Friday, October 15, 2021 from

8:00 AM to 6:30 PM CDT

Where:

Mystic Lake Casino Hotel

2400 Mystic Lake Blvd.

Prior Lake, MN 55372

In previous years, the tribal leaders, scholars, and practitioners of our Indian law community gathered at the Federal Bar Association's annual Indian Law Conference to share our knowledge, triumphs, and trials in the pursuit to protect the sovereignty of our tribal nations. As we return to congregating safely, our members now have the opportunity revive these important gatherings. In the spirit of perpetuating community, connection, and education in the Indian Law community, the Minnesota chapter of the Federal Bar Association along with the Minnesota American Indian Bar Association, the national FBA's Indian Law Section, the New Mexico Chapter of the FBA, presents the 2021 Indian Law Seminar: Reconnecting Our Sovereign Nations. This seminar will run simultaneously with a seminar in New Mexico, and attendees will hear from two live panels and two simulcast panels in each state for CLE credit.

[New Mexico Chapter: Indian Law Seminar](#)

October 15 @ 8:00 am – 3:45 pm MST

Where:

[Sandia Resort & Casino](#), 30 Rainbow Rd

Albuquerque, NM 87113

This event is the first of its kind within New Mexico and Minnesota. We will be hosting live sessions in both states while providing live simulcast to our partner state. Our aim is to provide participants in both states and surrounding jurisdictions with content relevant to attorneys who practice in the field of Federal Indian law.

Topics include:

U.S. Supreme Court's decision in *United States v. Cooley*

ICWA, State ICWA laws, and possible implications of *Brackeen v. Haaland*

Native Americans and the Criminal Justice System

Yellen v. Confederated Tribes of the Chehalis Reservation

Note: We have added a **virtual participation option** also! The cost is the same, so please register using the link below, and then email Roshanna Toya at roshannak.toya@gmail.com to request a link to the presentations.

- [Indian Law Issues in the News \(10/14/2021\) This link opens in a new window](#)
- Oct 14, 2021

Former U.S. Rep. Dale Kildee and Tribal leaders observe Pres. Obama sign the Tribal Law and Order Act in 2010



Detroit News: [Former Michigan U.S. Rep. Dale Kildee dead at 92; championed Tribal issues](#)

KFGO: [Lower Brule Sioux Tribe asks federal judge to stop BIA from seizing money](#)

Law360: [Calif. Augustine Band of Cahuilla Indians Sues State Over Delayed Gaming Compact Talks](#)

Law360: [Oglala Sioux Tribe Won't Help Army Corps' DAPL Review](#)

Taos News: [The spark that changed Taos Pueblo forever](#)

The Norman Transcript: [Tribes talk intergovernmental agreements with state following McGirt ruling](#)

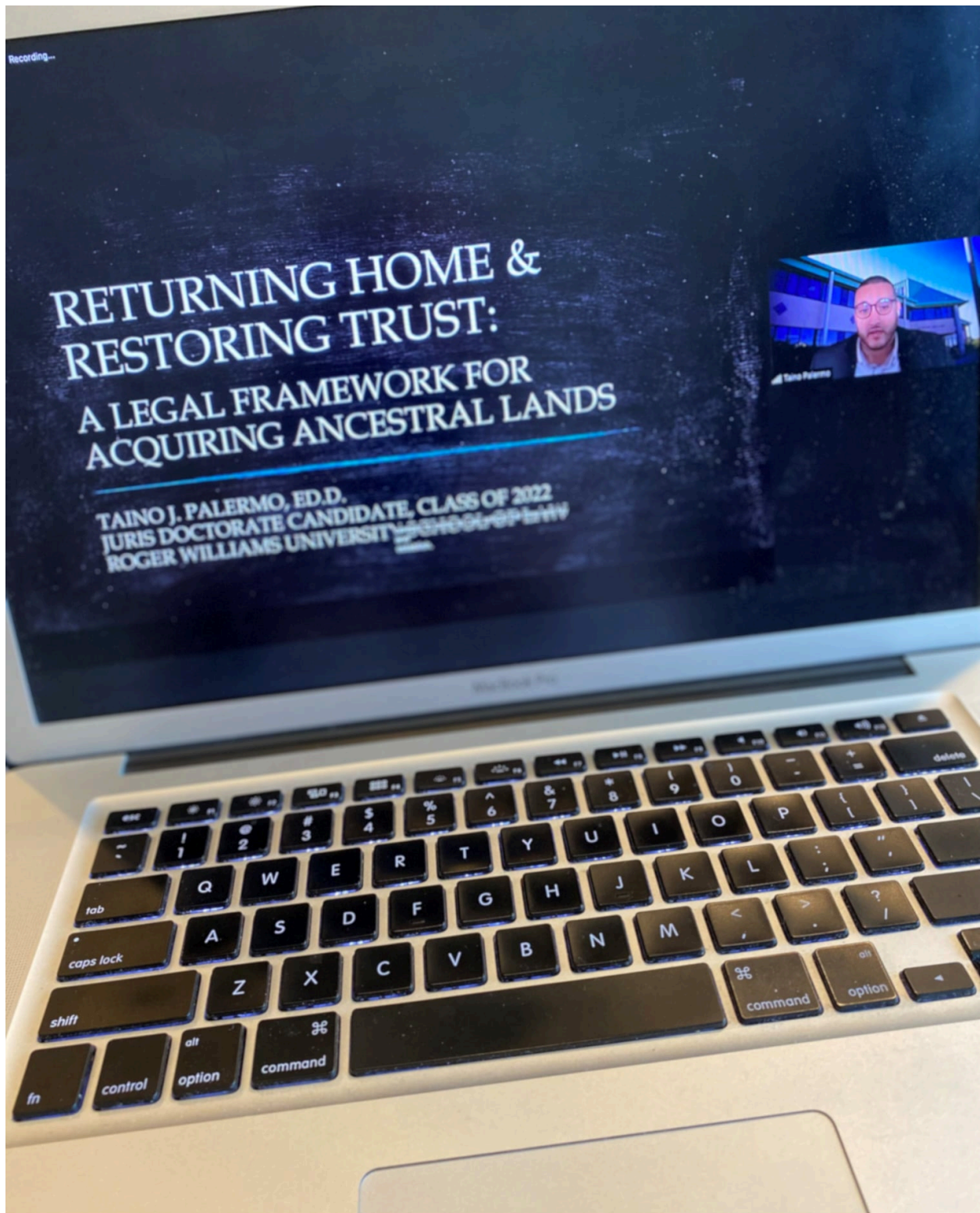
Diverse Issues in Higher Education: [Seven Tribes Request U of Alabama Return Human Remains From Archaeological Site](#)

Yahoo News: [Maxine Waters leads push to get justice for Black Native Americans](#)

[Website This link opens in a new window](#) | [Feed](#)

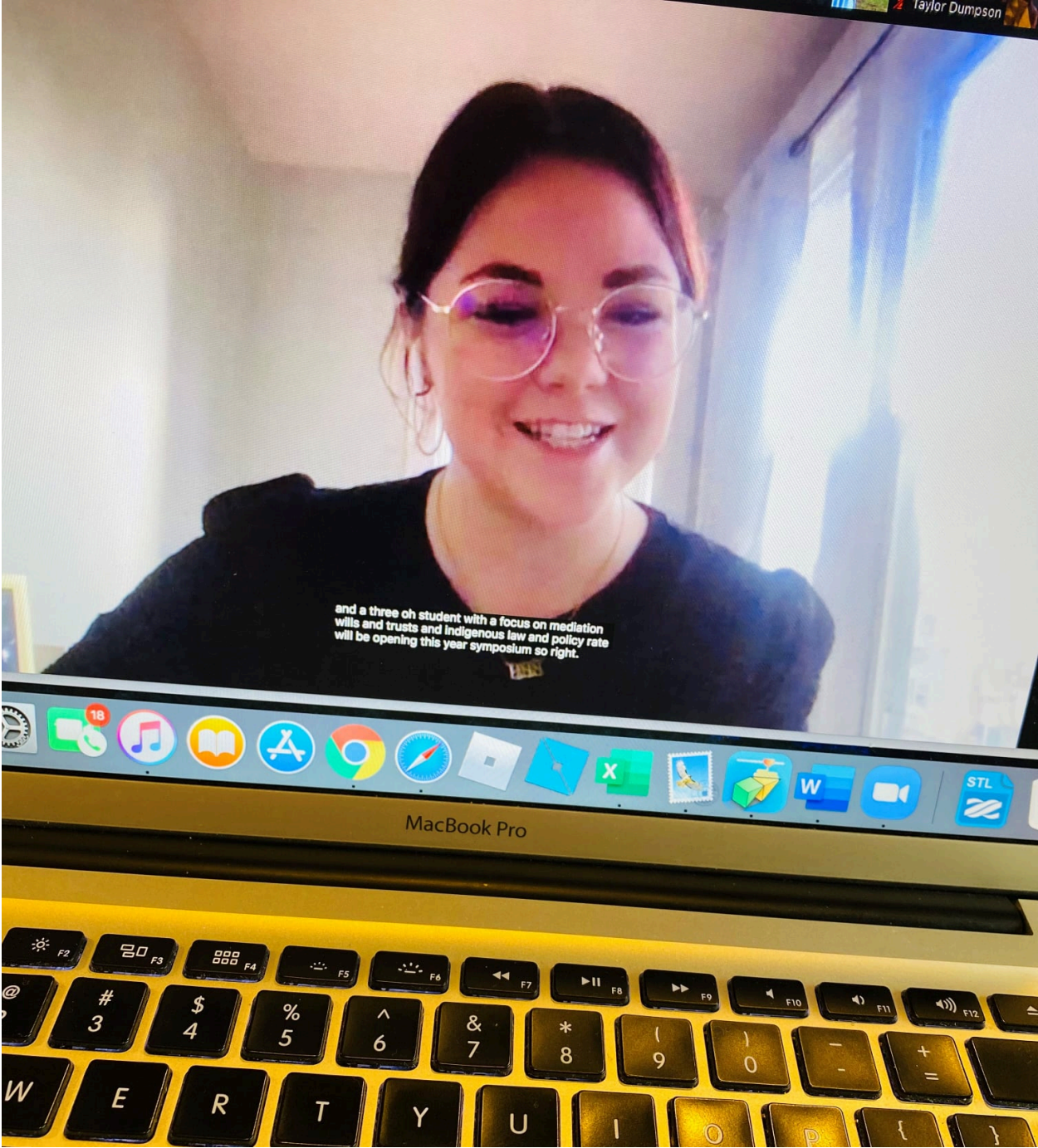


Dean Greg Bowman introduces the symposium.



3L Dr. Taino Palermo -- Kasiké (Chief) of the Baramaya Guainía Clan, a federally non-recognized tribal nation indigenous to Puerto Rico) -- had the opportunity to participate in an independent research project focusing on a Legal Framework for Federally Non-

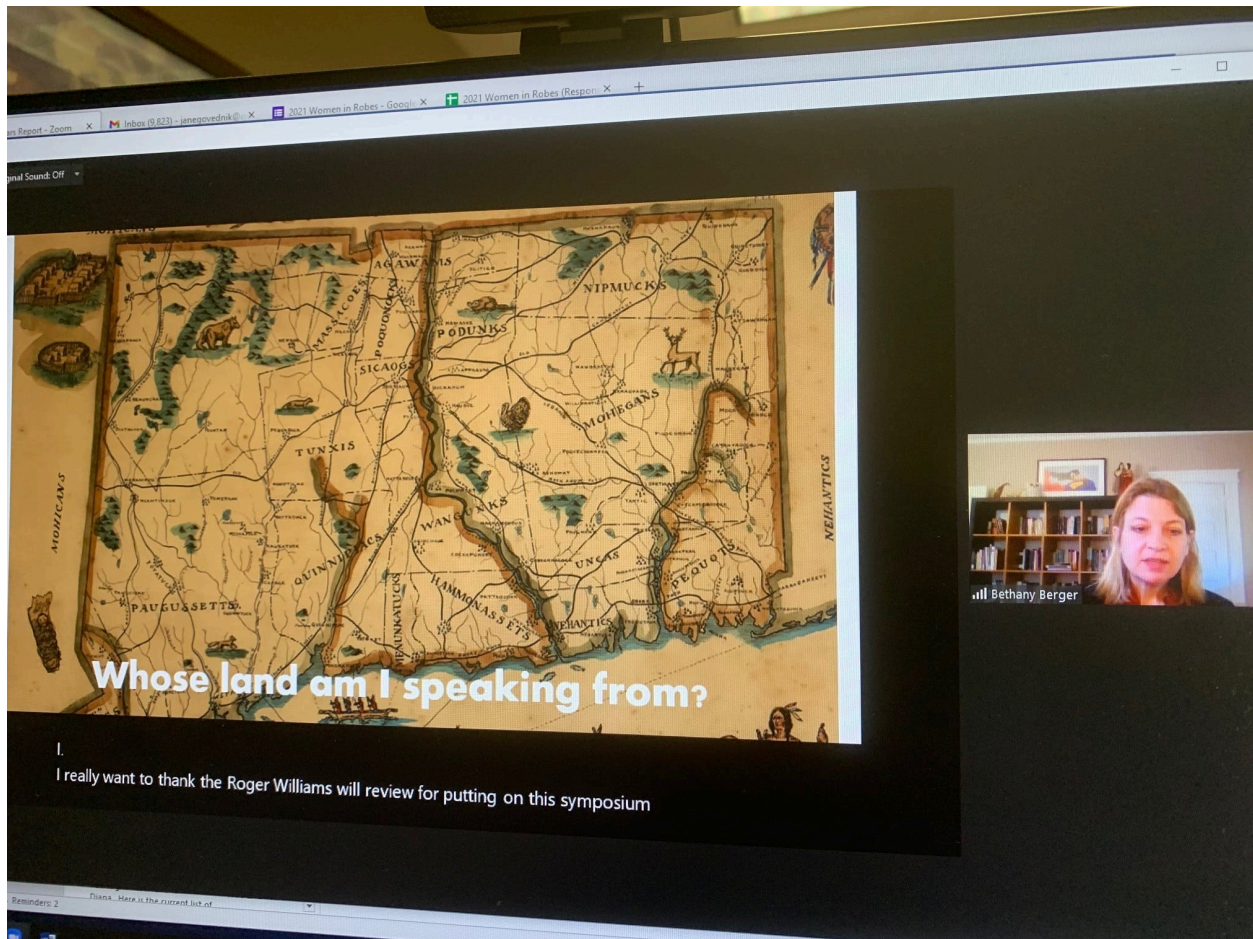
Recognized Tribal Nations acquiring ancestral lands. He presented his research paper and answered questions on the topic.



3L Hannah Devoe, Editor-in-Chief of Roger Williams University Law Review.



3L Raymond Two Hawks Watson spoke, representing the RWU American Indian Law Student Association (AILSAs).



Professor Bethany Berger, a well-known scholar and professor at the University of Connecticut School of Law, presented "Mohegan Women, Missionary Women, and the Survival of the Mohegan Nation." She has also served as a Judge for the Southwest Intertribal Court of Appeals.



The Symposium's keynote speaker was Matthew Fletcher, a Professor at Michigan State University College of Law, and Director of the Indigenous Law and Policy Center.

Professor Fletcher sits as the Chief Justice of the Poarch Band of Creek Indians Supreme Court and as an appellate judge for the Colorado River Indian Tribes, the Hoopa Valley Tribe, the Mashpee Wampanoag Tribe, the Match-E-Be-Nash-She-Wish Band of Potawatomi Indians, the Rincon Band of Luiseño Indians, the Santee Sioux Tribe of Nebraska, and the Tulalip Tribes. He is a member of the Grand Traverse Band of Ottawa and Chippewa Indians. Mr. Fletcher is a highly regarded author of multiple law review articles, as well as case books such as "Federal Indian Law" (West Academic Publishing) and "Principles of Federal Indian Law" (West Academic Publishing).

WELL SETTLED?: THE INCREASING WEIGHT OF HISTORY IN AMERICAN INDIAN LAND CLAIMS **VERMONT ABENAKIS**

Joseph William Singer*

[It is] a settled principle, that [the Indians'] right of occupancy is considered as sacred as the fee simple of the whites.

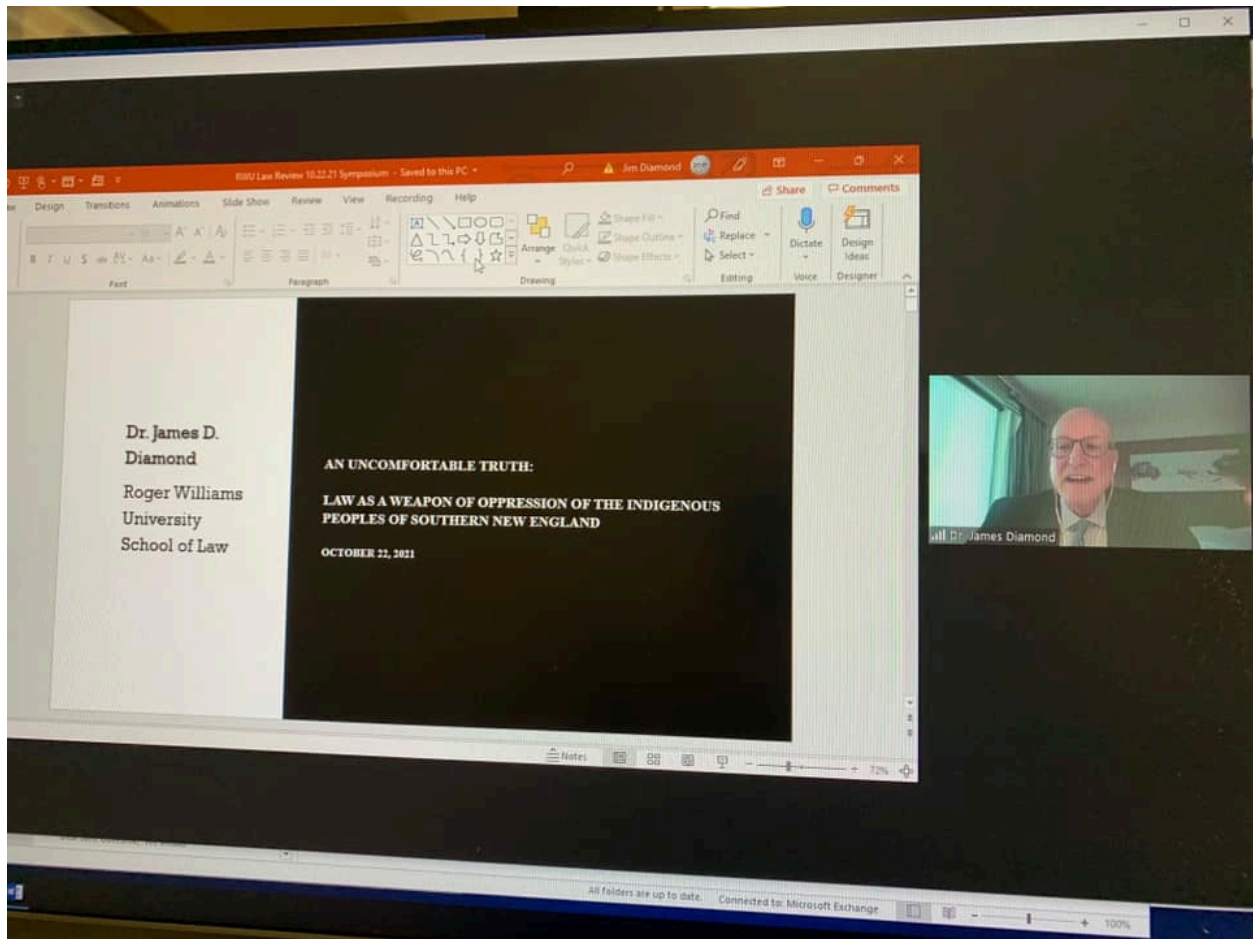
Justice Henry Dale
Mitchel v. United States (1835)

It is well settled that in all the States of the Union the tribes who inhabited the lands of the States held claim to such lands after the coming of the white men, under what is sometimes termed original Indian title or permission from the whites to occupy. That description means mere possession not specifically recognized as ownership by Congress. After conquest they were permitted to occupy portions of territory over which they had previously exercised "sovereignty," as we use that term. This is not a property right but amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties but which right of occupancy may be terminated and such lands fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians.

Justice Stanley Forman
Tee Hit Ton Indians v. United States (1911)

* Professor of Law, Harvard University. Thanks and affection go to Marika & Philip Friskey, Ken Halpern, Nell Joseph Newton & Ari Soffer.





Faculty Speaker Dr. James Diamond is a visiting professor at RWU Law. He was instrumental in assisting the RWU Law Review in hosting this Symposium, and he presented its namesake paper, "An Uncomfortable Truth: Law as a Weapon of Oppression of The Indigenous Peoples of Southern New England."

Dr. Diamond teaches Federal Indian Law, Tribal Courts, and Law & Governments, among other courses. He is also the Dean of Academic Affairs at the National Tribal Trial College. He is the former Director of the Indigenous Peoples Law and Policy Program's Tribal Justice Clinic and law professor at the University of Arizona College of Law and served as a Special Prosecutor in the Pascua Yaqui Tribal Court in Arizona.