Conner & Taggart on the Impact of Gaming on Indian Nations Nationally

Thaddius W. Conner and William A. Taggart have published “Assessing the Impact of Indian Gaming on American Indian Nations: Is the House Winning?” in Social Science Quarterly. Send me an email if you need a copy.
Wenona Singel

Wenona giving her talk, “From Power Politics to Legal Duties: The Anatomy of Tribal-State Relations.”

The honoring of Linda Lockear:
MSU Indigenous Law and Policy Center Fellows

Past, present, and future (Victoria Hatch, Kate Fort, Ken Akini, and Elaine Barr). We’re missing Alicia Ivory & Peter Vicaire, but they know we’re thinking about them.
The Turtle Talks

Indian law expert and Turtle Talk blogger Matthew Fletcher gives ICTMN the backstory on his tribal law tome

BY GALE COURY TOENSING

The first legal casebook dedicated entirely to tribal law is the fruit of seven years of work by Dr. Matthew L.M. Fletcher, an associate professor of law and director of the Indigenous Law and Policy Center at Michigan State University College of Law. American Indian Tribal Law, recently published by Aspen, is an 864-page volume that traces the development of tribal justice systems from the pre-contact era, through colonization, and salt because anthropologists weren’t the greatest scholars around. I couldn’t really spend a lot of time on it until after I got tenure because I needed to write and publish a lot of stuff. Then once I had all the material selected it sort of wrote itself, which was nice.

In the chapter on constitutions, you note that the Interior secretary has to approve tribal constitutions. Isn’t there a contradiction in having the secretary approve the constitutions of sovereign nations?

What kind of impact will the Tribal Law and Order Act have on tribal judicial systems?

I think you’ll see tribes that want to expand their ability to prosecute and sentence people looking more like federal courts because there will be more federal court review of their convictions. It’s a good thing in terms of tribes’ trying to take a bit more control over their reservations, especially in the context of how much crime is going on there and the
Origins of Turtle Talk?
TO HONOR CHILDREN: Traditional Parenting

This article speaks to the environment in which Indian children were traditionally raised within the extended family system. The parenting method of honoring children has been used by generations of Indian families. The basic belief is that when parents honor their children, they will rear children who will be respectful, wise, and honorable adults. Honoring children is done by giving praise, encouragement, and affirmations about positive behavior.

There are many aspects to traditional parenting teachings, practices and beliefs, including the Medicine Wheel, extended family and clan systems, storytelling, vision quests, and honoring children. Children need and desire the warmth, concern, and encouragement that parents, grandparents, aunts and uncles, brothers, and sisters can give them. This type of nurturing and guidance was the “planting of good seeds” within the child to direct their thoughts and actions.

When an Indian woman discovered she was carrying a child within her, she would actively engage in song and conversations with the yet unborn child, to teach with words and intent. This was to ensure the infant knew it was welcome, and a foundation was made for planting the seeds of love and respect.

It was assumed the child possessed the qualities to develop into a worthwhile individual. Because a child was considered a gift from the Creator, the caretakers had the responsibility to return to the Creator as an individual who respected him or herself and others. Children knew they were the center of existence for all family members. They were honored by celebrations and feasts given by relatives, leaving no doubt as to their worth and value. Indian parents knew they could encourage good behavior by acknowledging these traits that would be helpful as the child grew into adulthood.

Excerpt from an article by D. Sabia Rigfoot, PhD.
Artwork

ILPC Artwork
The art we use on Turtle Talk is from a painting called “The Seeds Are Planted” by Zoe Levy Wood-Salamon. In 2007 we asked Zoe to do two paintings for us, one to use for the Center generally and another for our 4th annual conference.

Ever since then, we’ve tried to use original Native art for our programs and posters:

by Zoe Levy Wood-Salamon

Top Posts
- Federal Court Dismisses Pala Band Membership Claims On Sovereign Immunity Grounds
- Tribal Gaming Per Cap Payments May Decrease Labor Productivity and Increase Fertility (????)
- Table Mountain Rancheria Prevails in Membership Dispute Before the Ninth Circuit
- Advanced Topics in Indian Law: ICWA (Spring 2013)
- Sen. Feinstein Introduces Tribal Gaming Eligibility Act

MSU ILPC Current Events
- 2013 Spring Speakers Series
- TurtleTalk T-Shirts

Contributors
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Wesona T. Singel
Kathryn E. Fort
Anna Tweedy
Andrew Adams III
Kirkon Carlson
Matt Campbell
Trent Crable
Zeke Fletcher
Adrea Korthase
Bryan Newland
Vicki Pen

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- Agindaasowigamig: A Northern Ojibwa Center
Michigan Inland Treaty Rights Settlement

The big news in Michigan Indian Country is the settlement after three years of negotiation of the biggest question left open in the United States v. Michigan litigation — inland hunting and fishing rights.

Links to news reports/press releases are here and here. The Sault Tribe is holding a referendum. One interesting question is whether the other four tribes (Grand Traverse Band, Bay Mills, Little Traverse, and Little River) will be bound by the consent decree if Sault Tribe votes to reject it. Hopefully, that question won't come up.

Like this:  

Be the first to like this.

Filed under Inland Hunting and Fishing, Michigan, Indian, News
Tagged as chippewa, fishing, hunting, indian tribes, ottawa, treaty rights
What We’re Known For....

Federal Court Enjoins Sault Tribe from Seeking Trust Acquisition for Lansing Casino Property

News coverage here.

Link to opinion here.

DCT Order Granting Injunction

Briefs here.

Contributors
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Mary Shomin
Peter Vicaire

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- Ahalenia
And, as Bernard Would Say....
Finding Law Briefs?
Old Timey Legal Research
Nos. 10-1404, 10-1429

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA,

Petitioner,

v.

STATE OF NEW YORK, et al.

ONEIDA INDIAN NATION OF NEW YORK, ONEIDA TRIBE OF INDIANS OF WISCONSIN, ONEIDA OF THE THAMES,

Petitioners,

v.

COUNTY OF ONEIDA, COUNTY OF MADISON, STATE OF NEW YORK,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
United States Court of Appeals for the Second Circuit

BRIEF AMICI CURIAE OF LAW PROFESSORS
IN SUPPORT OF PETITIONERS

MATTHEW L.M. FLETCHER
Michigan State University
College of Law
406 Law College Bldg.
East Lansing, MI 48824

KATHY E. FOST
Michigan State University
College of Law
406 Law College Bldg.
East Lansing, MI 48824

David T. Goldberg
Donahue & Goldberg, LLP
99 Hudson St., 8th Floor
New York, NY 10013
(212) 334-8813
david@donahuegoldberg.com
What about tribal law?

Fig. 1. — Painting on a Bouldler near Spences Bridge. 1, 2, Crossings of trails; 3, 4, Fir-branches; 5, Girl’s lodge, and fir-branches hanging down from roof; 6, 7, 8, Crossings of trails; 9, 10, Fir-branches; 11, Roof of girl’s lodge with fir-branches hanging down; 12, Snake; 13, Sacrifices put up at crossing of trails; 14, Unfinished basketry; 15, Crossing of trails; 16, Two trenches; 17, Fir-branch; 18, Unfinished basketry; 19, Dog; 20, 21, Fir-branches; 22, Dog; 23, Unfinished basketry; 24, Fir-branch; 25, Crossing of trails and fir-branch put up as a sacrifice; 26, Unfinished basketry; 27, 28, Fir-branches. (See Bull. Am. Mus. Nat. Hist., VIII, pp. 227–230.)
Indigenous Law Program Events

Annual Indigenous Law Conferences


2011 Indigenous Law Conference: Beyond the Tribal Law and Order Act

2010 Indigenous Law Conference: Persuasion and Ideology

2009 Indigenous Law Conference: Global Perspectives on Indigenous Rights

2008 Indigenous Law Conference: Forty Years of the Indian Civil Rights Act

2008 EAGLE-MSU Conference: American Indian Identity Conference

2007 Indigenous Law Conference: Law and Literature

Spring Speaker Series

2013 Spring Speaker Series

2012 Spring Speakers Series

2011 Spring Speakers Series

2010 Spring Speaker Series

Top Posts

- Federal Court Dismisses Pala Band Membership Claims On Sovereign Immunity Grounds
- Tribal Gaming Per Cap Payments May Decrease Labor Productivity and Increase Fertility (?!?!)  
- Table Mountain Rancheria Prevails in Membership Dispute Before the Ninth Circuit
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Fletcher Class Materials

Class Materials (Current)
Lawyers & Ethics (Fall 2012)
Foundations of Law (Fall 2012)

Class Materials (Archived)
Advanced Topics in Indian Law: Tribal Law and Economics (Spring 2012)
Center Class (Spring 2012)
Lawyers & Ethics (Fall 2011)
Foundations of Law (Immersion Program 2011)
Federal Indian Law (Winter 2011, Univ. of Michigan Law School)
Advanced Topics in Indian Law: American Indian Tribal Law (Spring 2011)
Center Class (Fall 2010)
Federal Law and Indian Tribes (Fall 2010)
PLSI Indian Law (Summer 2010-Class Materials)
Policy Center Research Areas

ILPC Research Areas

Occasional Papers from the Indigenous Law and Policy Center

Supreme Court

Supreme Court Justice Indian Law Report Card

Supreme Court of Canada Indian Law Report Card

Michigan Odawa History Project

State Bar Exam and Indian Law Materials

Federal Press Releases

Law Schools Offering Indian Law Programs

American Indian Sports Names, Mascots, and Logos

Like this:

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American Indian Tribal Law

American Indian Tribal Law
Available [here](http://example.com). Companion site [here](http://example.com).

SSRN posting with introduction, table of contents, table of cases and index [here](http://example.com).

Indian Country Today profile [here](http://example.com).

American Indian Tribal Law is an engaging narrative text that examines the development of tribal justice systems from pre-contact, through colonization, and into our modern era of self-government. A unique offering in its field, American Indian Tribal Law describes modern tribal government activities and explores how disputes are resolved within American Indian nations.

For courses or seminars on American Indian Law or Tribal Governments, this text features:

- a survey of over 300 tribal courts nationwide and over 565 Indian tribes, each following their own law
- incisive looks at flashpoints in tribal law, such as:
  - the Cherokee Freedmen citizenship disputes
  - same sex marriage in Indian Country
  - constitutional crises in tribal governments
- a comprehensive Teacher’s Manual with sample syllabi
Historical Readership Stats

March 14, 2013, 2:39 pm

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Average per Day
### Recent Readership Stats

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## Ranking

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</tr>
</tbody>
</table>
Recent Talk at Cornell

Singel and Fletcher Talk at Cornell

Rose Petoskey, GTB member and Cornell NALSA president

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- Ahahetna
- Alaska Indigenous
- American Indian Law Forum
- American Indians in Children's Literature
The Second Time Around: Looking Ahead to President Obama’s Second Term

Two weeks ago, we took a look back at some of the significant federal Indian policy developments during President Obama’s first term. President Obama’s historic inauguration last week marked the beginning of his second term, which will bring a new set of challenges and opportunities for the Administration’s Indian policy agenda.

The ongoing stalemate in Congress regarding the federal budget, a Republican House of Representatives, and the fact that the 2016 Presidential campaign will kick off immediately after the 2014 mid-term elections, will make it difficult to push significant Indian policy reforms through Congress. Nevertheless, Indian country leaders will continue to press for reforms in a number of important areas.

Look for the following issues to receive attention in the next four years:

- **Violence Against Women Act (VAWA):** Congress failed to reauthorize VAWA at the conclusion of the last term. In light of recent elections, there is growing pressure on Congress (especially the Republican Party) to pass this reauthorization. The question is whether a final bill will include provisions designed to enhance protections for Indian women (it can’t be repeated often enough that 1 in 3 American Indian women will be raped in their lifetimes) by restoring tribal criminal
Turtle Talk Poll: Obama Administration Report Card

Once again, another super-scientific Turtle Talk poll!

What grade does the Obama Administration deserve for its efforts in Indian law and policy? Last week, the President held his third tribal nations conference. Early returns on the conference were pretty good, but at least one commentator strongly dissented.

What do you think?

What Grade Does the Obama Administration Deserve from Indian Country?

- A: Nixonian
- B: Clintonian
- C: Bushian
- D: Reagarian
- E: Jacksonian

Vote

View Results Poll Daddy.com

---

Turtle Talk @ Vimeo

- Defending Cultural and Intellectual Property Rights June 30, 2010

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- Ahaleim
- Alaska Indigenous
- American Indian Law Forum
- American Indians In Children's Literature
- Arizona State Indian Law Program Blog
- Dissenting Justices
- Eklaska
Proudest Moment (Okies Excepted)

The poll was here, and the results are in. The most votes we've ever had for a Turtle Talk poll — 344 votes.
Yes: 268 votes (78 percent)
No: 50 votes (15 percent)
Maybe: 10 votes (3 percent)
I don't know: 15 votes (5 percent)
Greatest Cases Tournament

Turtle Talk Greatest Cases Poll Concludes with Final Round

Today, I will reluctantly present the final round of the Turtle Talk Greatest Cases Tournament. I am reluctant because it mostly was fun to do this, and I don’t really want it to end. So I’ll keep doing them. They’re fun, and most everyone likes them.

Final Round Match-up

(1) Worcester v. Georgia versus (?) Williams v. Lee

I’ve been characterizing these two cases lately as old-timey sovereignty versus somewhat younger old-timey sovereignty. Here’s part of what I wrote about Worcester when I wrote about what I do when I teach the case:

[I]n the 1832 Term, the Marshall Court voted 5-1 to declare unconstitutional the laws of Georgia purporting to invalidate the entire Cherokee Nation in Worcester v. Georgia. Though Chief Justice Marshall’s wife Polly had passed during the previous recess and his health waivered, he delivered an opinion one commentator declared as “one of the most powerful he ever delivered.” Justice Story wrote to his wife, “Thanks be to God . . . the Court can wash their hands clean of the iniquity of oppressing the Indians and disregarding their rights.”

Here’s what I wrote about Williams recently in an unpublished paper:
Salacious Post of 2012

Open Letter No Doubt

An excerpt:

We commend No Doubt, Interscope, and Supersonic for making the decision to pull the "Looking Hot" video immediately from the Internet upon learning of the overwhelming response from the Native community. We also want to make clear that, while No Doubt's apology claimed to have consulted "Native American studies experts at the University of California," to our knowledge, no such person from UCLA was consulted about the video prior to its release. Nevertheless, in furtherance of our educational and collaborative mission, we extend to you an invitation to engage with the American Indian Studies Center and the Los Angeles Indian community, as we see this unfortunate incident as presenting an opportunity for growth and mutual understanding.

Lots of screen shots from this video here.

A sampling:

TurtleTalk @ Vimeo

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- 2013 Spring Speakers Series
- TurtleTalk T-Shirts

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- Arizona State Indian Law Program Blog
- Dissenting Justice
- Falmouth Institute/American Indian Report Blog
Salacious Post of 2013

Tribal Gaming Per Cap Payments May Decrease Labor Productivity and Increase Fertility (?!?!)  

By Matthew L.M. Fletcher | March 13, 2013 - 4:26 PM | Edit

Tribal Gaming Per Cap Payments May Decrease Labor Productivity and Increase Fertility (?!?!)  

Here is a study of the effects of gaming per capita payments on tribal members of three Michigan tribes (Kweseenaw Bay Indian Community, Saginaw Chippewa Indian Tribe, and Pokagon Band of Potawatomi Indians). In line with the [1912] hilarious video in which a candidate for tribal office runs on the platform of "progression, procreation, per cap," the study suggests that tribal members receiving per caps leads to "decreased work efforts," while "weak" evidence exists that per cap payments increase fertility. Enjoy.

Here is the study:

The Effects of Per Capita Tribal Payments on the Fertility, Education, and Labor Force Participation of Tribal Members

The abstract:

The purpose of this research is to provide a preliminary examination of the effects of per capita tribal payments on the decision making of tribal members. Standard microeconomic theory suggests that unearned income changes the labor-leisure tradeoff in utility maximization models. While the
Top Ranked Post of All Time

GOP VP Nominee Sarah Palin Married to Alaska Native

At least according to Wikipedia, citing the book Sarah: How a Hockey Mom Turned Alaska’s Political Establishment Upside Down:

Her husband, Todd, is a Native Yup’ik Eskimo. Outside the fishing season, Todd works for at an oil field on the North slope and is a champion snowmobiler, winning the 2000-mile “Iron Dog” race four times. The two eloped shortly after Palin graduated college, when they learned they needed witnesses for the civil ceremony, they recruited two residents from the old-age home down the street. The Palin family lives in Wasilla, about 40 miles (64 km) north of Anchorage.
Can’t Even Make This Up

Election/Federal Recognition Fails

BY MATTHEW L.M. FLETCHER | MAY 18, 2012 · 11:08 AM | EDIT

CourtArtist: “Low Jinks at the Court”

Here:

In a playful break of decorum a lawyer at respondent’s table stuck the quill pen that is traditionally given to counsel behind his ear. It should be noted that this occurred a half-hour before the Justices would take the bench, and spectators had just begun to be seated.

The case being argued was Salazar v. Ramah Navajo Chapter.

Top Posts

- Federal Court Dismisses Pala Band Membership Claims On Sovereign Immunity Grounds
- Tribal Gaming Per Cap Payments May Decrease Labor Productivity and Increase Fertility (?!?)
- Table Mountain Rancheria Prevails in Membership Dispute Before The Ninth Circuit
- Advanced Topics in Indian Law: ICWA (Spring 2013)
- Sen. Feinstein Introduces Tribal Gaming Eligibility Act

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- 2013 Spring Speakers Series
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