

# LOCKE LORD DIVERSITY AWARENESS

November 2019: Native American Heritage Month



## Why We Celebrate

Each November, the federal government honors American Indians and Alaskan Natives during Native American Heritage Month. Beginning with Red Fox James' state-by-state horseback campaign in the early 20th century, states steadily adopted official days of recognition for Indigenous peoples. From New York's 1916 declaration of the first American Indian Day to the federal government's initial honoring of American Indian Week in 1986, the past century has seen a steady growth of statewide commemoration of the country's native populations. November is marked as a time of remembrance, acknowledgment and celebration of the first Americans. It is a time for celebration of the abundantly diverse cultures, histories and contributions to this land and nation.



## Brief History of American Indian Law and Tribal Courts

Through the majority of the United States' history, the federal government has recognized sovereignty of Native American and Alaskan tribes to implement and execute their own laws. Most tribes accomplished this through ancient customs more traditionally seeking resolution by consensus rather than an adversarial system. These norms began to shift in the 1800s during a criminal case involving the Lakota Sioux tribe. In 1881, tribe member Crow Dog killed Chief Spotted Tail on the Rosebud Reservation. Traditional methods declared Crow Dog compensate his victim's family with goods and provisions, allegedly fulfilling the family's demands. The federal government, however, did not think that the punishment fit the crime, prompting the Department of the Interior to create the Court of Indian Offenses responsible for resolution of lesser criminal offenses through application of federal law rather than previous tribal customs. Eventually, with the 1934 passage of the Indian Reorganization Act, the federal government encouraged tribes to develop their own justice systems. These systems have taken many forms, with over 275 tribal nations and villages adopting their own legal systems comprising varying degrees of complexity and procedure. Many of the systems reflect Western-style judiciaries implementing written laws and rules of court procedures. Other tribes have formalized more traditional methods of dispute resolution, including peacemaking, elders' councils and sentencing circles. Many tribes, due to widespread funding concerns, continue to operate within Bureau of Indian Affairs CFR courts. Additionally, Public Law 280, which was enacted in 1953, gives Congress jurisdiction in many states when criminal offenses involving Native Americans occur on tribal lands.



Chief Spotted Tail



Crow Dog



## Cherokee Nation's First Congressional Delegate, Kimberly Teehee

The Cherokee Nation exercised its right to a congressional delegate for the first time by appointing Kimberly Teehee in August 2019. Under the Treaty of New Echota, signed in 1835, the Cherokee Nation ceded its territories in the Southeast, setting in motion the events leading to relocation and the Trail of Tears. The agreement provided the tribe with \$5 million, a new territory in present-day Oklahoma and the right to send a delegate to the U.S. House of Representatives. Though the role is non-voting, any approved delegate has the right to debate on the floor, introduce legislation and vote in committee. Teehee earned a J.D. from the University of Iowa and is currently the vice president of government relations for the Cherokee Nation. She previously served as senior policy adviser for Native American affairs to President Barack Obama.



*The heart of Locke Lord lies within our people and the many different experiences and perspectives we share. We recognize, embrace and celebrate our differences and believe we can only provide our clients with the best possible representation if we reflect the diversity of the clients and communities we serve.*



Practical Wisdom, Trusted Advice.

[www.lockelord.com](http://www.lockelord.com)

Atlanta | Austin | Boston | Brussels | Chicago | Cincinnati | Dallas | Hartford | Hong Kong | Houston | London | Los Angeles  
Miami | New Orleans | New York | Princeton | Providence | San Francisco | Stamford | Washington DC | West Palm Beach