

# **Indian Law on State Bar Exams – Oklahoma**

By: O. Joseph Williams  
O. Joseph Williams Law Office, PLLC

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## Attachments:

Exhibit “1” – Tribal Jurisdictions in Oklahoma

Exhibit “2” – Resolution in Support from National Congress of American Indians

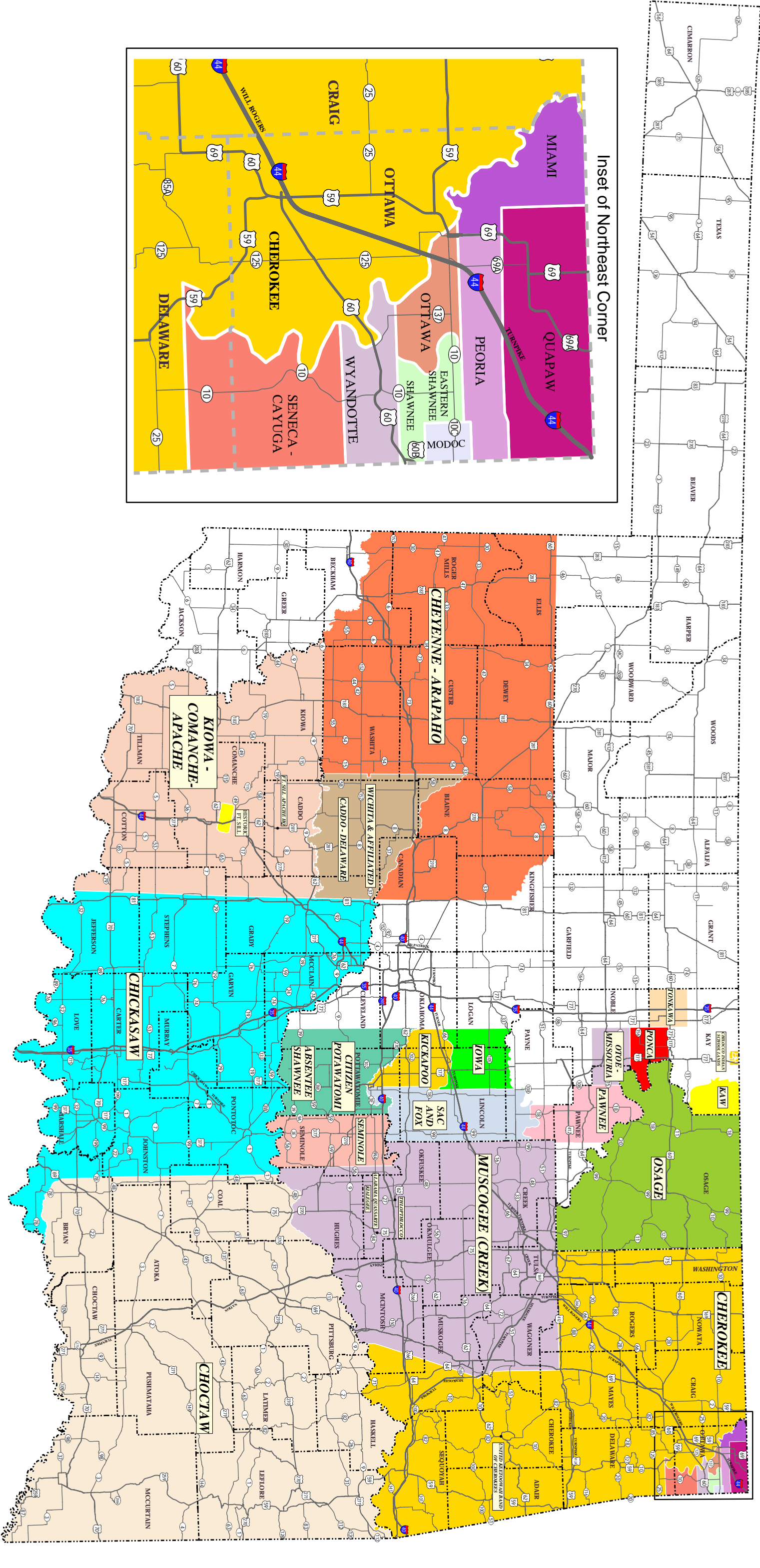
Exhibit “3” – Resolution in Support from National Native American Bar  
Association

Exhibit “4” - Resolution in Support from Oklahoma Indian Child Welfare  
Association, Inc.

Exhibit “5” - Resolution in Support from Inter-Tribal Council of the Five Civilized  
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# Exhibit “1”

# TRIBAL JURISDICTIONS IN OKLAHOMA



OKLAHOMA DEPARTMENT OF TRANSPORTATION  
PLANNING & RESEARCH DIVISION  
200 N.E. 21ST STREET  
OKLAHOMA CITY, OKLAHOMA 73105



# Exhibit “2”



## NATIONAL CONGRESS OF AMERICAN INDIANS

### The National Congress of American Indians Resolution #MOH-04-001

#### TITLE: The Examination of Indian Law on State Bar Examinations

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Tribal economic development and the resulting increase in interaction of Indian nations and people, with non-Indian entities and individuals both on and off of the reservation, has given rise to an array of business transactions, regulatory issues and litigation matters between Tribal and non-tribal parties; and

**WHEREAS**, the American public and their attorneys do not generally understand the legal import of our Indian nations' inherent sovereign rights; nor do they understand precisely how tribal self-governance and self-determination, and the laws and ways of Indian nations, affect and intersect Anglo-American legal principles; and

**WHEREAS**, if attorneys for the American public, particularly federal, state and local government, better understood the legal concepts of Tribal self-governance and Tribal jurisdiction, there would be fewer disputes and government-to-government dialogue would be greatly enhanced; and

**WHEREAS**, in February 2002 the State of New Mexico became the first state to test the topic of Indian law on its bar licensing exam, with a view towards educating public and private legal counsel and, in turn, the American public about the legal rights of sovereign Indian nations; and

**WHEREAS**, the majority of American states, which host large populations of Indian people and/or a significant presence of Tribal lands, including Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Maine, Connecticut, Louisiana and Florida, should likewise include the topic of Indian law on their bar licensing examinations.

#### EXECUTIVE COMMITTEE

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*Mandan, Hidatsa, and Arikara Nation*

##### FIRST VICE-PRESIDENT

Joe A. Garcia  
*Ohkay Owingeh  
(Pueblo of San Juan)*

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*Jamestown S'Klallam Tribe*

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Edward K. Thomas  
*Tlingit and Haida Tribes*

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*Seneca Nation*

##### NORTHWEST

Ernie Stensgar  
*Coeur d'Alene Tribe*

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Leslie Lohse  
*Paskenta Band of Nomlaki Indians*

##### ROCKY MOUNTAIN

Geri Small  
*Northern Cheyenne Tribe*

##### SOUTHEAST

Eddie Tullis  
*Poarch Band of Creek Indians*

##### SOUTHERN PLAINS

Zach Pahmahmie  
*Prairie Band Potawatomi Nation*

##### SOUTHWEST

John F. Gonzales  
*San Ildefonso Pueblo*

##### WESTERN

Arian Melendez  
*Reno-Sparks Indian Colony*

#### EXECUTIVE DIRECTOR

Jacqueline Johnson  
*Tlingit*

#### NCAI HEADQUARTERS

1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

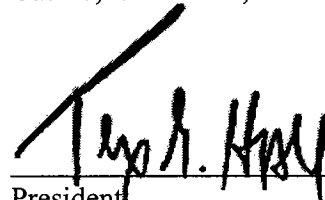
**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support the Affiliated Tribes of Northwest Indians and the Association of Washington Tribes, and their friends and colleagues in the Northwest Indian Bar Association, the Washington State Bar Association Indian Law Section and Idaho State Bar Indian Law Section, and the National Native American Bar Association, in their endeavor to have the topic of Indian law tested by state bar associations, so the American public can better understand the inherent sovereign rights of our Indian nations.

**BE IT FURTHER RESOLVED**, that the NCAI does hereby seek the assistance and collaboration of the American Bar Association, and the bar associations, boards of bar examiners and Supreme Courts in states such as Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, Louisiana and Florida, to carry out the provisions of this resolution.

**BE IT FINALLY RESOLVED**, that this resolution be immediately transmitted upon its effective date to the President and President-elect of the American Bar Association.

#### CERTIFICATION

The foregoing resolution was adopted at the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, Uncasville, CT on June 23, 2004 with a quorum present.

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

Adopted by the General Assembly during the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, in Uncasville, CT on June 23, 2004.

# Exhibit “3”

## National Native American Bar Association

### Resolution No. 2004-2

WHEREAS, tribal economic development and the resulting increase in interaction of Indian nations and people with non-Indian entities and individuals both on and off of reservations has given rise to an array of business transactions, regulatory issues and litigation matters between tribal and non-tribal parties;

WHEREAS, the American public, including attorneys, generally lack understanding as to the legal importance of our Indian nations' inherent sovereign rights, how tribal self-governance and self-determination works, the laws and ways of Indian nations in general, and how federal Indian law affects and intersects with other non-Indian legal principles;

WHEREAS, the National Native American Bar Association believes that if attorneys licensed to practice in the United States, particularly those that work for federal, state and local governments, better understood the legal concepts of tribal sovereignty and tribal self-governance there would be fewer disputes and greater government-to-government dialogue between Indian tribes and federal, state, and local governments;

WHEREAS, in February 2002 the State of New Mexico became the first state in the union to test the topic of Indian law on its bar licensing exam, with a view towards educating public and private legal counsel and, in turn, the American public, about the legal rights of sovereign Indian nations;

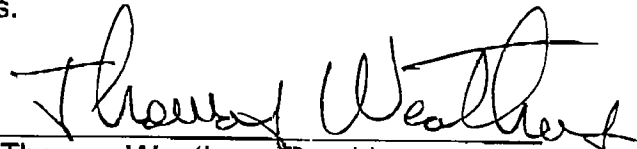
WHEREAS, the National Native American Bar Association believes that if states with a large Indian population tested Indian law on their bar licensing exams that would greatly improve knowledge and understanding about tribal sovereignty and tribal self-governance and lead to a decrease in disputes and litigation between Indian tribes and federal, state, and local governments;

NOW THEREFORE BE IT RESOLVED, that the National Native American Bar Association requests that Indian law be tested on bar licensing exams in states with large Indian populations and that the National Native American Bar Association will work with other bar associations, including the American Bar Association, to achieve this goal.

### CERTIFICATION

I, Thomas Weathers, the duly-elected President of the National Native American Bar Association, hereby certify that the foregoing Resolution was enacted by a vote of 12 in favor, 0 against, and 0 abstaining, at a duly-noticed meeting of the Board of Directors.

Date: 5/4/04

  
Thomas Weathers, President



# Exhibit “4”

OKLAHOMA INDIAN CHILD WELFARE ASSOCIATION, INC.RESOLUTION

**WHEREAS**, we, the members of the Oklahoma Indian Child Welfare Association, Inc., in support of the efforts of the Oklahoma Bar Association-Indian Law Section to advance the understanding, study, adoption, application, interpretation, and improvement of Oklahoma state and tribal laws, rules, and regulations that pertain to Indians, Indian tribes or Indian country, and to their administration and enforcement, to understand and improve the relationships of these bodies of law and judicial and administrative systems, and to encourage and support mutual respect for, and understanding of, the cultures, values, customs, and heritages which underlie them, hereby submit this Resolution; and

**WHEREAS**, the recent growth in tribal economic development and the resulting increase in interaction of Oklahoma's thirty-seven (37) federally recognized Indian tribes with non-Indian entities and individuals, both on and off-reservation, has given rise to an array of business transactions, regulatory issues, and litigation matters between tribal and non-tribal parties in this State; and

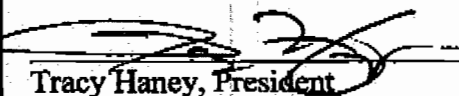
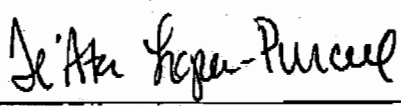
**WHEREAS**, the citizens of Oklahoma and many attorneys in Oklahoma do not generally understand the sovereign legal rights of Oklahoma Indian tribes; nor do they understand precisely how tribal self-governance and self-determination, and the laws and ways of Oklahoma Indian tribes, affect and intersect Anglo-American legal and jurisdictional principles; and

**WHEREAS**, the integrity and competence of the legal profession in this State would be enhanced if attorneys licensed by State of Oklahoma generally understood significant federal jurisdictional Indian law principles, particularly the common law doctrines of tribal sovereignty, tribal sovereign immunity, tribal subject matter jurisdiction (both criminal and civil), and the federal Indian Child Welfare Act as well as the Oklahoma Indian Child Welfare Act; and

**NOW THEREFORE BE IT RESOLVED**, that we do hereby support and urge that the Oklahoma Supreme Court and the Oklahoma Board of Bar Examiners work together with the Oklahoma Bar Association-Indian Law Section to include Indian law principles and subject matter on the Oklahoma Bar Exam, such that every bar-licensed attorney will receive knowledge reasonably necessary to maintain competent representation and integrity in the practice of law in the State of Oklahoma.

CERTIFICATION

The foregoing Resolution was adopted on this 9th day of May, 2008, at Miami, Oklahoma with a quorum present.

  
Tracy Haney, President  
Te' Ata Loper-Purcell, Secretary

La'Trenda D. Sanders  
Commission #06003137  
Expires March 24, 2010  
La'Trenda D. Sanders

# Exhibit “5”

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

## The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES organized February 3, 1950



Bill John Baker  
Principal Chief



Bill Anoatubby  
Governor



Gregory Pyle  
Principal Chief



George Tiger  
Principal Chief



Leonard M. Harjo  
Principal Chief

### *A Resolution of the Inter-Tribal Council of the Five Civilized Tribes in Support of Including Indian Law principles and Subject Matter on the Oklahoma Bar Exam*

#### Resolution No. 13-03

**WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the Tribal Governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 500,000 Indian people throughout the United States; and,

**WHEREAS,** the ITC is in support of the efforts of the Oklahoma Bar Association-Indian Law Section to advance the understanding, study, adoption, application, interpretation, and improvement of Oklahoma state and tribal laws, rules, and regulations that pertain to Indians, Indian tribes or Indian country, and to their administration and enforcement, to understand and improve the relationships of these bodies of law and judicial and administrative systems, and to encourage and support mutual respect for, and understanding of, the cultures, values, customs, and heritages which underlie them, hereby submit this Resolution; and,

**WHEREAS,** the recent growth in tribal economic development and the resulting increase in interaction of Oklahoma's thirty-nine (39) federally recognized Indian tribes with non-Indian entities and individuals, both on and off-reservation, has given rise to an array of business transactions, regulatory issues, and litigation matters between tribal and non-tribal parties in this State; and,

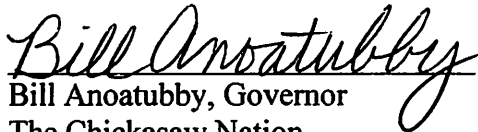
**WHEREAS,** the citizens of Oklahoma and many attorneys in Oklahoma do not generally understand the sovereign legal rights of Oklahoma Indian tribes; nor do they understand precisely how tribal self-governance and self-determination, and the laws and ways of Oklahoma Indian tribes, affect and intersect Anglo-American legal and jurisdictional principles; and,

**WHEREAS,** the integrity and competence of the legal profession in this State would be enhanced if attorneys licensed by the State of Oklahoma generally understood significant federal jurisdictional Indian law principles, particularly the common law doctrines of tribal sovereignty, tribal sovereign immunity, tribal subject matter jurisdiction (both criminal and civil), and the federal Indian Child Welfare Act as well as the Oklahoma Indian Child Welfare Act; and,


**NOW THEREFORE BE IT RESOLVED**, That the Inter-Tribal Council of the Five Civilized Tribes do hereby support and urge that the Oklahoma Supreme Court and the Oklahoma Board of Bar Examiners work together with the Oklahoma Bar Association-Indian Law Section to include Indian law principles and subject matter on the Oklahoma Bar Exam, such that every bar-licensed attorney will receive knowledge reasonably necessary to maintain competent representation and integrity in the practice of law in the State of Oklahoma.

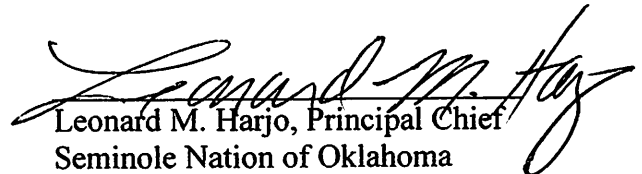
**CERTIFICATION**

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Durant, Oklahoma on this 1<sup>st</sup> day of February, 2013, by a vote of All in favor for None against and 0 abstentions.

  
Bill Anoatubby, Governor  
The Chickasaw Nation

\_\_\_\_\_  
George Tiger, Principal Chief  
Muscogee (Creek) Nation

  
Gregory E. Pyle, Chief  
Choctaw Nation of Oklahoma

  
Leonard M. Harjo, Principal Chief  
Seminole Nation of Oklahoma

\_\_\_\_\_  
Bill John Baker, Principal Chief  
Cherokee Nation