

Foreword: 2003 Tribal Law and Governance Conference

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Osiyo. I am pleased to present in this edition of the Kansas Journal of Law & Public Policy, the written record of the 2003 Tribal Law and Governance Conference.

In 1997, this conference was originated by my friend and colleague, Professor Rob Porter.¹ When I came to the University of Kansas School of Law, I began hosting the annual conference by adopting the same format -- a conference which featured the presentation of several outstanding papers followed by a reargument of an historic Indian law case from the United States Supreme Court. The rearguments are then presented to the "American Indian Nations Supreme Court," which is a panel of tribal judges assembled for the conference.

The 2003 reargument of *Santa Clara Pueblo v. Martinez* was historic in many regards. Twenty-five years after the decision of the United States Supreme Court, conference participants were given the opportunity to see two outstanding arguments by Professors Alex Skibine and Rick Collins. Collins was the attorney in the original cause of action and presented an unparalleled knowledge of the events leading up to the cause of action. Given the fact that the case is of particular interest to Indian women, an all-female panel of tribal judges heard the case -- another historic moment for the conference. The final historic note is in the outcome of the decision of the American Indian Nations Supreme Court. It is the first time to date, that the United States Supreme Court has been affirmed at this conference. The Supreme Court was affirmed, at least, in the final conclusion that the federal courts are without jurisdiction in the matter.

Attendees at the conference heard papers presented by a number of impressive women who play a multitude of roles throughout Indian country and in the Indian law academy. Professor Angela Riley, who serves on her tribe's supreme court, spoke of the role of women in protecting traditional knowledge. Professor Bethany Berger of Wayne State presented a paper on how federal Indian policy affects stereotypes and other concepts of Indian women. Sarah Deer gave a powerful presentation on the Indigenous jurisprudence of rape and the extent to which Indian women are targeted.

On the final day of the conference, prior to the reargument of *Santa Clara Pueblo v. Martinez*, the attendees were presented with two presentations that truly gave life to the story behind the case. Professor Gloria Valencia-Weber highlighted the legal context and fall-out from the Supreme Court's decision describing the tension, both real and ill-perceived, between gender equality and tribal sovereignty. Dr. Rina

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Swentzell, a female member of Santa Clara Pueblo who married outside the tribe, gave an unprecedented oral history featuring the reaction of Santa Clara women to both the decision of the U.S. Supreme Court and to the citizenship laws of the Santa Clara Pueblo.

In addition to the presentation of papers and the reargument, KU was pleased to host the Executive Board of Native American Law Students Association at this year's conference. Their presence energized us and we were honored to be a part of their successes.

A great deal of hard work went into putting the Conference together and I extend my gratitude to the speakers, to Jennifer Colaner and the staff of KU Law, and to the Kansas Journal of Law & Public Policy member for their diligent work in preparing this publication. If you have questions or comments about the conference or our tribal law program, please contact me or visit the Tribal Law and Government website at <http://www.ku.edu/~kulaw/tribal/index.html>. Wado.

Notes

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