



**NAME OF EVENT:** Founding Failures: Indian Country’s Sovereignty and Subordination

**DATE | TIME | LOCATION:** September 17, 2021 | 2:30 to 4:00 p.m. ET | Online

**BRIEF DESCRIPTION:**

Since its founding, the United States government has created and then abrogated treaties with tribal nations, taken tribal land, and pushed policies aimed at stripping indigenous communities of their language and culture. On a day that we celebrate the ratification of our founding document, it is important to remember and better understand the extent to which the U.S. Constitution specifically addresses tribal sovereignty and the ways in which the U.S. government, often enabled by the federal judiciary, has too often blithely violated that sovereignty and harmed the citizens of tribal nations.

This panel will explore the unique impact our constitutional “founding failures” had for Native Americans, the ways in which that legacy differs from other marginalized populations excluded from the original constitutional bargain, and the lessons we can learn to move forward in redressing the harms the United States has committed against tribal nations and their people.

**SPEAKERS’ NAMES AND BIOS:**

- **Ambassador Keith Harper**, Partner, Jenner & Block, *Moderator*
- **Matthew L.M. Fletcher**, Foundation Professor of Law, Michigan State University College of Law
- **Chase Iron Eyes**, Lead Counsel, Lakota People’s Law Project
- **Elizabeth Reese**, Assistant Professor of Law, Stanford University Law School
- **Addie Rolnick**, San Manuel Professor of Law, UNLV William S. Boyd School of Law

**AGENDA OF PROGRAM:**

- Introduction (5 mins)
- Speaker Presentations and Moderated Conversation (70 mins)
- Q&A (15 min)

**READING MATERIALS:**

Nick Estes, *Why is the US Right Suddenly Interested in Native American Adoption Law?*, GUARDIAN (Aug. 23, 2021).

Matthew L.M. Fletcher, *Politics, Indian Law, and the Constitution*, 108 CALIF. L. REV. 495 (2020).

Matthew L.M. Fletcher, *The Supreme Court and Federal Indian Policy*, 85 NEB. L. REV. 122 (2006).

Katie Fort, *Four Cert Petitions Filed in Texas v. Haaland*, TURTLE TALK (Sept. 3, 2021).

Keith Harper, *McGirt is a Chance for Greater Tribal-State Cooperation*, OKLAHOMAN (July 30, 2020).



Chase Iron Eyes, *COVID-19 and the Climate Crisis are Intertwined Threats to Native Americans and the Earth*, ENVIRO. HEALTH NEWS (May 7, 2020).

Elizabeth Reese, *The Other American Law*, 73 STAN. L. REV. 555 (2021).

Elizabeth Reese, *Welcome to the Maze: Race, Justice, & Jurisdiction in McGirt v. Oklahoma*, 87 U. CHI. L. REV. ONLINE (2020).

Addie C. Rolnick, *Recentering Tribal Criminal Jurisdiction*, 63 UCLA L. REV. 1638 (2016).

Addie C. Rolnick, *Tribal Criminal Jurisdiction Beyond Citizenship and Blood*, 39 AMER. INDIAN L. REV. 337 (2015).

*This Land: Solomon's Sword*, CROOKED MEDIA (Aug. 23, 2021).