

# Fact

# or Fiction?

## The United States Courts' Use of History to Shape Native Law Jurisprudence

Since the first court decision to articulate Native American law back in 1823, our nation's courts have repeatedly invoked historical "facts" as a basis for fashioning judicial doctrines that have been prejudicial and harmful to Native Americans. This important symposium will reveal that many of our modern Native law doctrines are based in fiction, not fact. Join us as we explore the historical foundations of key court decisions impacting Native Americans. Speakers include Stuart Banner, UCLA School of Law; Walter Echo-Hawk (Pawnee), Crowe & Dunlevy, Oklahoma; Mary Kathryn Nagle (Cherokee), Quinn Emanuel Urquhart & Sullivan, New York; and Lindsay Robertson, University of Oklahoma College of Law. Kevin Gover (Pawnee), director of the Smithsonian's National Museum of the American Indian, will moderate. The symposium is cosponsored by the National Native American Bar Association and the Federal Bar Association Indian Law Section.



Walter Echo-Hawk

Mary Kathryn Nagle

Lindsay Robertson

Stuart Banner

### DATE AND TIME

Friday, October 7, 2011

Symposium, 1:30 – 5:30 p.m., Rasmuson Theater  
Book Signing by Speakers, 5:30 p.m.,  
Rasmuson Theater Lobby

Reception to follow in the museum's  
Potomac Atrium

### LOCATION

National Museum of the American Indian  
Rasmuson Theater  
4th Street and Independence Avenue, SW  
Washington, DC 20024

Live webcast at [www.americanindian.si.edu/webcasts](http://www.americanindian.si.edu/webcasts)

### FREE AND OPEN TO THE PUBLIC

Metro: L'Enfant Plaza, Maryland Avenue/  
Smithsonian Museums exit

To RSVP or for further information, please  
contact [NMAI-SSP@si.edu](mailto:NMAI-SSP@si.edu)

Presented in conjunction with *We Are a People: The Ponca Journey*, a festival celebrating the history and culture of the Ponca Nation on October 7-9, 2011, co-hosted by the Smithsonian's National Museum of the American Indian and the Ponca Tribe of Nebraska.

**PHOTO CREDIT:** Ponca Chief Standing Bear. On May 12, 1879, in U.S. District Court in Omaha, Nebraska, in the case of *Chief Standing Bear v. Crook*, Judge Elmer S. Dundy declared Indians to be "persons" under federal law. It was the first time a federal court found that an Indian's race did not justify the government's denying him the same rights under the law as whites. Photo courtesy of the Nebraska State Historical Society.



Smithsonian  
National Museum of the American Indian

