

PRESIDENT'S MESSAGE

An Introduction to Nevada's Tribes and the Dynamics of Tribal Law

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This issue of *Nevada Lawyer* explores the makeup of tribal law across the state of Nevada, touches briefly on federal Indian law – in particular the Indian Child Welfare Act and tribal sovereignty – and hopefully introduces many of you to the amazing cultural and historical backdrop of the lands we now call Nevada.

These topics are very near and dear to me, as I relocated to Nevada because I was doing pro bono work for two Shoshone grandmothers, Mary and Carrie Dann. “Tribal law” is distinct from “federal Indian law” and from international indigenous rights. My work encompassed the legal implications of indigenous rights, which predate the formation of the U.S. – litigated at the United Nations and the Organization of American States. Traditional indigenous teachings of the connections between the people (“Newe” in Shoshone) and the land, air, water, and sun (L.A.W.S.) had to be incorporated into our legal briefings, and the more I learned, the more I fell in love with the place the Shoshone call “Newe Sogobia” (the Peoples’ Earth Mother).

Although “tribal law” is different from the international indigenous rights that formed my own path to native cultures and communities, increasingly tribes are looking to move beyond U.S.-based federal recognition and assert rights to protect environmental and spiritual sites for the benefit of all.

This month, *Nevada Lawyer* looks at the intersection of tribal law and the broader legal landscape in Nevada, emphasizing its relevance for non-tribal lawyers and judges. As a state with one of the highest numbers of recognized tribes in the U.S. and one of the most well-known traditional land rights struggles globally, Nevada presents a unique legal context in which tribal law and native communities should not be ignored.

Thankfully, several bar members and legal organizations are already involved in tribal law matters, such as Nevada Legal Services. Alexandra Rawlings highlights this organization’s excellent work in her article on “Serving Nevada’s Tribal Communities.” In addition, one of our very own tribal judges, the Honorable Patricia Lenzi, delves into the nuts and bolts of tribal courts in her informative piece on the applicable laws, court rules, and contact information for the numerous tribal courts across Nevada. Judge Kostan R. Lathouris also provides us with critical information on sovereignty and jurisdiction in Indian Country. Assemblywoman Shea Backus’ article on the Indian Child Welfare Act explains the need for this special legislation to protect

our most valuable, and oftentimes most vulnerable, asset – children.

But before you begin reading those excellent articles, let’s look at Nevada’s rich cultural tapestry, including the numerous recognized tribes that have historically inhabited the region. The legal implications of tribal sovereignty and self-governance cannot be overstated, especially in a state where the Native American population has a significant presence.

As the legal landscape continues to evolve, a comprehensive understanding of tribal law and the history of native communities, nations, and tribes is essential for ensuring justice and fairness for all residents. By acknowledging tribal sovereignty, respecting tribal court decisions, and fostering collaboration between legal systems, non-tribal legal professionals can contribute to a legal environment that embraces diversity, inclusivity, and the rich cultural heritage of Nevada’s indigenous communities.

While the number of federally recognized tribes in a state is not directly tied to the size of federal lands within that state, the presence of extensive federal lands can have implications for the relationships between tribes and various levels of government. In Nevada, where there is a substantial amount of federal land, interactions between tribes and federal agencies often involve issues related to land use, resource management, and jurisdictional matters.

The large contiguous federal lands in Nevada, including areas managed by the Bureau of Land Management (BLM), can influence tribal access to traditional lands, natural resources, and the ability to engage in cultural practices. Tribes may have interests in issues such as resource extraction, conservation, and environmental protection, which can intersect with federal land management policies.

Additionally, the federal government’s role in managing public lands can sometimes lead to collaborative efforts or disputes between tribes, state authorities, and federal agencies. Understanding the dynamics of these relationships is crucial for both tribal and non-tribal entities operating within the state.

Nevada is historically home to several Native American tribes, each with its own distinct cultural and historical background. Here are some of the prominent tribes historically associated with Nevada and their geographical locations. Also see the provided map for more detail.

1. Southern Paiute: Geographical

Location: Primarily found in the southern part of Nevada, including the Mojave Desert region. The Southern Paiute people traditionally lived in areas near present-day Las Vegas and along the Colorado River.

2. Western Shoshone:

Geographical Location: The Western Shoshone traditional and treaty (recognized in the 1863 Treaty of Ruby Valley) lands occupy a large portion of Nevada, stretching from the northern to the central parts of the state. This territory extends even into neighboring states such as Utah, Idaho, and California.

3. Northern Paiute: Geographical

Location: The Northern Paiute inhabited the northern and central regions of Nevada. Their traditional lands include areas around the Great Basin and the high desert regions.

4. Washoe: Geographical Location:

The Washoe people's traditional lands cover the western part of Nevada, particularly around Lake Tahoe and the surrounding mountainous regions. Their traditional territory also extends into parts of California.

5. Goshute: Geographical Location:

The Goshute people's traditional lands include the easternmost parts of Nevada, as well as in parts of Utah. Their territory includes the Great Basin and desert areas.

6. Mohave: Geographical Location:

While primarily associated with Arizona and California, the Mohave people also have historical connections to the southernmost part of Nevada along the Colorado River.

It is important to recognize that these geographical locations are broad generalizations, and traditional territories often overlap, like the rings on an interwoven chain. Additionally, the historical movement of native communities, forced relocations, and interactions with other tribes and settlers have shaped the distribution of Native American communities in Nevada and the surrounding regions.

We are truly blessed to be living in such a beautiful state and to have access to many native communities and heritages. I hope this issue of *Nevada Lawyer* will encourage you to learn more about the history, traditions, and laws of our tribal neighbors.

As always, if you have questions about any other issue germane to our work as a state bar, I invite you to write me with your questions and ideas. Please email me at president@nvbar.org. Thank you.

National Atlas. Indian tribes, cultures & languages:
[United States], Library of Congress Geography and Map Division

