

## **A More Perfect Union**

As someone once said, "The joy of a perfect union can come only when what has to be done is done." A perfect union is what our founding fathers wanted when they wrote and signed the Constitution 235 years ago. Looking around at the world today, have we accomplished a perfect union?

There's still a lot we have to do to achieve unity. First, it's important to look at the past hurts of the Native Americans. As discussed in a presentation to our class by Esther Labrado, a lawyer from Drummond Woodsome's Tribal Nations law firm, during the "removal period," Native Americans were stripped of their land and culture. One tragedy during this time period was the Trail of Tears in 1831. The U.S government forced the Native Americans off their land and made them go west. John . G . Burnett, a soldier assigned to translate on the Trail of Tears , said it was "The most brutal order in American warfare." Many died of starvation, dehydration and pneumonia. The walk was over 1,000 miles and was the start of an unfair union.<sup>1</sup>

Another injustice during this "removal period" were the boarding schools. Native children were forced out of their homes and forced into boarding schools. Their culture was stripped away little by little. They had to cut their hair,<sup>2</sup> which was their source of pride and had to wear American style school uniforms. The purpose of these schools was to make Indians more "American." Trust was broken and culture was lost.

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<sup>1</sup> History.com Editors. "Trail of Tears." HISTORY, 14 July 2021, [www.history.com/topics/native-american-history/trail-of-tears](http://www.history.com/topics/native-american-history/trail-of-tears).

<sup>2</sup> Esther Labrado, attorney, Drummond Woodsum's Tribal Nations Practice Group & Trial Services, March 29th 2022

Then the US tried to make things better during the "Self Determination Period," which started in 1961 and continues today. Now the US government recognizes 574 tribes as Tribal Nations. This gave Native Americans sovereignty - the right to govern themselves. One of the problems is even though tribes have sovereignty, the federal and state governments still try to control their policies, court systems, and laws.<sup>3</sup>

Criminal jurisdiction in Indian countries is very complicated. Just look at one of the most recent cases that made it to the Supreme Court - *MgGirt vs. Oklahoma*. In this case, "the Supreme Court ruled that Oklahoma cannot pursue cases against American Indians for crimes allegedly committed on tribal land." This land was a controversy because it had been promised to the Muscogee long ago in a treaty, but wasn't honored. Ultimately, the Muscogee got their reservation back in this ground breaking case. Honoring treaties (368 in total) and respecting boundaries are important in forming a "more perfect union."

The four C's that Judge Pulido talked to our class about - civic engagement , communication, civility, and compromise - are vital in a more perfect union. Americans should vote , talk to each other and actively listen , treat others with respect , and meet in the middle on diverse issues.<sup>4</sup> In addition, better education is needed on both sides. The more education tribal members have, the more successful they will be in writing up contracts and understanding their tribe's constitution. Also, all Americans need to know how Tribal Nations work. This is completely left out of the

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<sup>3</sup> Elizabeth Coronado, Picayune Rancheria of the Chuckchansi Indians, March 28th 2022

<sup>4</sup> Stephen Pulido, judge, April 1st 2022

history books. Most people have no idea about tribal sovereignty and their ignorance shows in their assumptions.<sup>5</sup>

Finally, the U.S government should give tribes money and resources to properly fund their court systems. The criminal courts lack resources and funding to realistically be implemented. Therefore many tribes don't have one, and thus these cases fall to the federal government eliminating absolute sovereignty.<sup>6</sup>

In conclusion, we unfortunately do not live in a perfect union, but it is possible. We need to work together and look towards the future while still acknowledging the past. As Leonard Sweet once said, "The future is not something we enter. It is something we create." Let's create a future that we all want to be a part of.

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<sup>5</sup> Esther Labrado, attorney, Drummond Woodsum's Tribal Nations Practice Group & Trial Services, March 29th 2022

<sup>6</sup> Kim Lawhon, teacher and member of Picayune Rancheria of the Chuckchansi Indians, April 3rd, 2022