

Native American Heritage Month

“From military service to agriculture to the conservation of water and land, our tribes have always played a hugely significant role in shaping the world around us. ... Our heritage speaks to our defining ability to meet every challenge, to transcend even the most difficult circumstances, and to contribute to the fabric of this country.” Gila River Tribal Gov. Stephen Roe Lewis, Ariz.

This month provides a moment to consider and appreciate the pride, achievement and hope within the Native American community, along with the suffering, displacement and cultural denial realized by these first people to inhabit America. This year holds extra meaning as it brings a distinct moment of change and inclusion, with Interior Secretary Deb Haaland becoming the first Native American woman to sit within a President’s cabinet. On Interior’s commitment to Native Americans and Alaskan Americans, Secretary Haaland reflects that:

“(Daily) we honor the gifts of our ancestors by celebrating Indigenous knowledge, traditions, language, and culture. We center our work on the voices of Indigenous people as we address the Missing and Murdered Indigenous peoples crisis and take action to help people heal from the painful forced assimilation practices of the Indian Boarding Schools.”

Our colleague, Pamela Paradis, a PDD Administrative Assistant with a proud Native American heritage, reflected on the practices at boarding schools, noting a history of threatening parents into sending their children. Once in attendance, the young people were not allowed to be themselves, toward being assimilated into white society, including with regard to language, haircuts and dress, and as one extreme, being bathed in lime or kerosene to “cleanse” them. . The Carlisle Indian Industrial School was an extreme, for engaging these practices and more, under school philosophy to “kill the Indian, save the man.” These degrading experiences led many children to not return home on completing this education, leaving families [seeking to](#) reconnect through today.

There are 574 tribes recognized by the federal government, including two in Massachusetts, the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts. Wampanoag, means People of the First Light. In the 1600’s there were an estimated 40,000 tribal members living in 67 villages that comprised the Wampanoag nation. The geography they lived in included Massachusetts (as well as the Cape and Islands) and parts of Rhode Island. Today, some 4,000-5,000 members reside in New England, with some members more recently identified in the Caribbean islands, as a legacy of enslavement.

Massachusetts recognizes the following tribal communities:

- Chappaquiddick Tribe of the Wampanoag Indian Nation
- Chaubunagungamaug Band of the Nipmuck Nation, Webster/Dudley
- Herring Pond Wampanoag Tribe.

- Nipmuc Nation (Hassanamisco Band)
- Pacasset Wampanoag Tribe Seaconke Wampanoag Tribe

First people share history that spans over 15,000 years on this North and Central American earth identified as Turtle Island, the result of a creation story shared among people in Canada and the United States, as described in the additional materials below.

In relation to our work, Native Americans find great challenge in the area of public defense, where tribal legal assistance is the least funded legal services need in the United States. Moreover, by federal law, tribal groups are not required to provide public defense on misdemeanors, child abuse or neglect, juvenile delinquency, status offenses or truancy. This harsh reality of limited access to counsel sometimes results in advocacy only for those who can pay for services. However, there has been some legislation of note, new collaborations between tribal and state governments and bar-related innovative strategies, providing reasons for hope.

For this community of first people, there is a moment of new opportunity amidst the struggle, coupled with a broad and powerful history and tradition of culture, contribution and commitment to the United States. In this time, we can all stand to learn more, build our understanding and empathy and do more to support our Native American colleagues, friends and those who seek change.

Additional Reading References

Turtle Island story, key historic figures and cultural reference points

https://www.deadlystory.com/page/culture/articles/World_s_Indigenous_Peoples_Day/Turtle_Island

Brackeen v. Haaland, pending Certiorari petition, 21-380, 5th Cir.

Issues: (1) Whether the Indian Child Welfare Act of 1978's placement preferences — which disfavor non-Indian adoptive families in child-placement proceedings involving an "Indian child" and thereby disadvantage those children — discriminate on the basis of race in violation of the U.S. Constitution; and (2) whether ICWA's placement preferences exceed Congress's Article I authority by invading the arena of child placement — the "virtually exclusive province of the States," as stated in *Sosna v. Iowa* — and otherwise commandeering state courts and state agencies to carry out a federal child-placement program.

<https://www.scotusblog.com/case-files/cases/brackeen-v-haaland/>

Background Article on Brackeen v. Haaland

<https://www.abajournal.com/news/article/in-325-page-opinion-5th-circuit-splits-on-federal-provision-giving-tribes-preference-in-native-american-adoptions>

Family Justice Initiative

<https://familyjusticeinitiative.org/advocacy/demonstration-sites/>

American Bar Association Journal Article - ABA-backed Family Justice Initiative has improved access to counsel in child welfare cases

<https://www.abajournal.com/magazine/article/aba-backed-family-justice-initiative-has-improved-access-to-counsel-in-child-welfare-cases>