Respect

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Opting Out of Lessons with LGBTQ+ Themed Books *by Maria Wood*

In June 2025, the U.S. Supreme Court ruled in favor of a group of Maryland parents who asked the Court to allow them to remove their young children from lessons with LGBTQ+ themed books. The parents argued that forcing their children to read or hear the literature read aloud interfered with their right to oversee their children's religious education.

In *Mahmoud v. Taylor*, the Court's majority directed the Montgomery County School District, located in Maryland just outside of Washington, D.C., to reinstitute its prior policy allowing parents of elementary school students to excuse their children from lessons using material they consider objectionable. The Court granted a preliminary **injunction** against the school district's policy prohibiting opt-outs and sent the case back to the lower court for further review.

Case background

Mahmoud v. Taylor began three years ago with the 2022–23 school year when the Montgomery County School District approved several books featuring LGBTQ+ characters for inclusion in the elementary grade level language arts curriculum. The district wanted instructional materials to reflect the diversity of the 160,000 students that attend school in the district. Teachers, parents, students, and staff along with community members collaborated on the selection of the books.

Five books were specifically mentioned in the parents' lawsuit, including *Uncle Bobby's Wedding*, which features the uncle of a young girl marrying another man, and *Born Ready: The True Story of a Boy Named Penelope*,

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Historical Look at Native American Treaties *by Robin Roenker*

In the early days of America's Westward expansion, the U.S. federal government officially viewed Native American Tribes as sovereign, independent nations. As a result, for a period of nearly 100 years—roughly between 1778 and 1871—all official diplomatic arrangements between the U.S. government and indigenous tribes came in the form of a treaty, which is a formal, binding agreement between two countries, according to the Bureau of Indian Affairs, which falls under the U.S. Department of the Interior.

In all, the U.S. negotiated approximately 370 treaties with Native American tribes before Congress officially ended treaty-making with Native Americans in 1871. Since then, formal agreements between the U.S. government and Native American tribes have come in the form of Acts of Congress or Executive Orders issued by the President.

"During the 'treaty era,' when the U.S. government wanted to reset a tribe's reservation boundaries, they would do that through a treaty," says Neoshia Roemer, a professor at Seton Hall Law School who teaches courses in Federal Indian Law. "A lot of the treaties were about land, and oftentimes the tribes didn't have a lot of bargaining power in the treaty."

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Right to Protest Protected by the First Amendment *by Sylvia Mendoza*

The United States was born out of protest. Remember the Boston Tea Party? That was a protest.

The First Amendment to the U.S. Constitution states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The right to peacefully protest originates from the "right of the people peaceably to assemble" clause within the First Amendment. This means that citizens can come together as a group to speak out for a specific cause or against an injustice, demanding change.

Right to protest not absolute

While the U.S. Constitution protects the right to protest, it does not protect acts of **civil disobedience**. The American Civil Liberties Union defines civil disobedience as "peaceful but unlawful activity in the form of protest." Examples of civil disobedience include sit-ins, popular during the Civil Rights Movement, or blocking access to private property or private businesses.

The government can also enforce reasonable "time, place and manner" regulations for protests. For example, protesters are restricted to public spaces, such as sidewalks and public parks but are prohibited from protesting on private property. In addition, cities or municipalities can require permits for large groups or rallies. The government can also restrict noise levels, which could prohibit a protest from being held late at night.

"You can certainly go out on the sidewalk and engage in political discussion, but that doesn't mean that you can just spontaneously organize a demonstration of 1,000 people and walk down Fifth Avenue in the middle of the day," says Thomas Healy, a professor at Seton Hall Law School and a constitutional law expert. "The government is allowed to regulate when and how you demonstrate in a public forum, and so most cities have permitting requirements. As long as they're not discriminating against the protesters because of the kind of speech they want to engage in, those kinds of permitting systems are fine."

What the government can't restrict is political speech even if that speech is controversial or may cause unrest. For example, in the 1978 case of *National Socialist Party of America v. Village of Skokie*, the U.S. Supreme Court **affirmed** the Supreme Court of Illinois' ruling which upheld the neo-Nazi group's right to march in Skokie, Illinois, a largely Jewish community.

In its ruling, the Supreme Court of Illinois stated, "Public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers."

What can go wrong?

DeRay Mckesson, a civil rights activist, organized a 2016 Black Lives Matter protest in Baton Rouge, Louisiana. During the protest, a police officer was struck by an object that a protestor threw. The police officer sued Mckesson, citing that the protest organizer is responsible for the behavior of the protestors and can be held liable for **negligence** when criminal actions are committed by a protester.

In *Mckesson v. Doe*, the officer said Mckesson "should have known" an assault could occur. Mckesson sought First Amendment protections and in September 2017 the U.S. District Court for the Middle District of Louisiana **dismissed** the case. Chief Judge Brian A. Jackson wrote, "Mckesson cannot be held liable for the conduct of others with whom he associated."

However, in December 2019, the U.S. Court of Appeals for the Fifth Circuit **reversed** the lower court's dismissal.

"By ignoring the foreseeable risk of violence that his actions created, Mckesson failed to exercise reasonable care in conducting his demonstration," wrote Judge E. Grady Jolly for the majority of the Fifth Circuit. "Mckesson owed Doe a duty not to negligently precipitate the crime of a third party. And a jury could plausibly find that a violent confrontation with a police officer was a foreseeable effect of negligently directing a protest."

Mckesson **appealed** to the U.S. Supreme Court. In April 2024, the Court declined to hear the case; however, in the Court's denial, Justice Sonia Sotomayor pointed to the 2023 U.S. Supreme

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Jodi L. Miller
Editor

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Court decision in *Counterman v. Colorado*. Justice Sotomayor wrote, "The Court explained that 'the First Amendment precludes punishment [for incitement], whether civil or criminal, unless the speaker's words were "intended" (not just likely) to produce imminent disorder.'"

In light of the Court's decision in *Counterman*, the U.S. District Court for the Middle District of Louisiana reheard the case and ruled in Mckesson's favor, dismissing the lawsuit with prejudice, which means that the **plaintiff** in the case could not file again.

Professor Healy explains how difficult it is to show that a person intended to incite imminent unlawful conduct.

"If a speaker says, 'We shouldn't take this anymore,' and then students rush the chancellor's office, the speaker can always make the argument that, 'Look, I didn't intend for them to storm the building. I just said, we can't take this anymore. But that wasn't my intent.' The government would have to prove that that was the intent, which can be difficult," Professor Healy says.

History of college protests

The right to peacefully protest also extends to students on college campuses. In fact, one of the most well-known protests—the Free Speech Movement—started in 1964 on the University of California's Berkeley Campus. The students there protested the university's restrictions on political speech and activities on campus.

"Students, who were also involved in the Civil Rights Movement, challenged those rules, engaged in civil disobedience and nonviolent direct action by occupying a campus building," explains Professor Healy. "They were arrested, continued their demonstrations in favor of free speech for several months until ultimately, the university backed down and opened up campus spaces for political speech and discussion."

Until the Free Speech Movement, colleges and universities restricted political speech on campus. Today, public universities and colleges do not have the right to dictate which topics can be protested, but students must adhere to campus regulations. For example, students can protest on campus, but not while in class.

Providing more protection

The Free Speech Movement is a practice rather than a legal rule, Professor Healy says, and public universities have an obligation to allow public expression for any individual or group. The same does not apply to private universities because they are allowed to censor speech. However, most private universities express a commitment to free speech and enact policies to protect it.

The state supreme courts in six states—California, Colorado, Massachusetts, New Jersey, Oregon and Washington—have issued rulings that broaden free speech protection on certain types of private property, specifically shopping malls. In terms of providing more protection to students at private universities and colleges, California and New Jersey lead the way. California enacted the Leonard Law in 1992.

"The Leonard Law basically says that private universities in California have to respect the free speech rights of their students as if they were public universities," Professor Healy says.

In the Garden State, the New Jersey Supreme Court ruled in the 1980 case of *State v. Schmid* that the New Jersey State Constitution's guarantee of free speech is broader than what is provided in the U.S. Constitution's First Amendment.

The case involved Chris Schmid who was arrested in 1978 for trespassing on the Princeton University campus while passing out political literature. Schmid, who was not a student at Princeton, was convicted of criminal trespass and fined $15.

The New Jersey Supreme Court unanimously reversed Schmid's conviction, holding that under the state's constitution an individual's right to free expression on private property—in this case Princeton University—could not be unreasonably restricted. In its decision, the New Jersey Supreme Court noted the negative phrasing of the First Amendment in the U.S. Constitution—"Congress shall make no law..." compared to the positive phrasing in the New Jersey State Constitution. Found in Article 1, paragraph 6, the New Jersey State Constitution states, "Every person may freely speak, write and publish his sentiments on all subjects." In addition, Article 1, paragraph 18, in the state's constitution says, "The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances."

The right to protest continues to provide a forum for diverse perspectives on college campuses across the country.

"Students are on college campuses to debate, exchange ideas and to learn how to participate in a democracy," says Professor Healy. "One of the important lessons that came out of the Free Speech Movement is that universities, whether they're public or private, make a serious mistake when they try to restrict the ability of students to engage." •

1. If you have participated in a peaceful protest, explain what compelled you to participate. If you've never participated in a protest, what issue might prompt you to do so? Explain your answer.
2. Do you agree or disagree with the outcome in the *Mckesson v. Doe* case? Explain your answer.
3. How do you feel about protests on college campuses? What value, if any, do you think they provide? Explain your answer.

Opting Out CONTINUED FROM PAGE ONE

which tells the story of a five-year-old **transgender** child. The books were available for students to read, or the teacher could read them to the class. When the curriculum was introduced, the school district allowed parents to opt their children out when those books were read. Essentially, the students were allowed to leave the classroom.

In March 2023, however, the district reversed the opt-out policy and prohibited parents from exempting their child from classes with the LGBTQ+ books. District officials contended that complying with the parents' wishes disrupted classroom instruction and the opt-out policy had become unwieldly.

The reversal sparked a lawsuit from a group of Muslim, Roman Catholic and Ukrainian Orthodox parents who said exposing their young children to LGBTQ+ books violated their freedom to practice their religious beliefs as protected under the First Amendment to the U.S. Constitution. The First Amendment contains two clauses on religion stating: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof..."

The Establishment Clause prohibits the government from establishing a national religion. The Free Exercise Clause allows individuals to freely practice whatever religion they want, including no religion.

In court filings, the Muslim parents involved in the suit stated, "We believe there are detrimental spiritual consequences from letting authoritative figures such as school teachers teach our children principles concerning sexual and gender ethics that contravene well-established Islamic teachings." Another set of parents stated, "We believe that much of what is taught via the pride storybooks is false religiously and scientifically." The parents also pointed out that Maryland is one of 47 states plus the District of Columbia that allow opt-outs for sex education.

The school district, in its court filing, stated that the books in question are not used in lessons related to gender and sexuality and students are not asked or expected to change their views on those subjects. "Instead, the books are made available for individual reading, classroom read-alouds, and other educational activities designed to foster and enhance literacy skills." In addition, a court declaration from an associate superintendent noted her concerns with opt-outs. "When some students are permitted to leave the classroom whenever language arts lessons draw on books featuring LGBTQ+ characters, students who believe that the books represent them or their families are exposed to social stigma and isolation," she said.

Lower courts rule for school district

Mahmoud v. Taylor was first heard in the U.S. District Court for the District of Maryland where the judges ruled the school district policy placed no undue burden on the parents' religious freedom. The U.S. Court of Appeals for the Fourth Circuit **upheld** that decision, ruling, "Simply hearing about other views does not necessarily exert pressure to believe or act differently than one's religious faith requires."

Both lower courts denied the parents' request for a temporary injunction until their lawsuit is resolved. The parents then **appealed** the Fourth Circuit's decision to the U.S. Supreme Court.

Thomas Healy, a professor at Seton Hall Law School and a constitutional law expert, says the lower courts likely viewed the district's policy as neutral in that it didn't single out any one religion for unfavorable treatment.

"The Fourth Circuit Court contended that it doesn't violate anyone's free exercise rights to listen to a book being read or having to participate in instruction on certain topics," Professor Healy says. "The parents were still free to instruct their children however they wanted."

Supreme Court disagrees

In a 6-3 decision, the U.S. Supreme Court **affirmed** the parents' right to excuse their children from the lessons with LGBTQ+ themed books and granted their request for a temporary injunction, ordering that "until all **appellate** review in this case is completed, the school board should be ordered to notify them [the parents] in advance whenever one of the books in question or any other similar book is to be used in any way and to allow them to have their children excused from that instruction."

Writing for the majority, Justice Samuel Alito stated the courts have a long history of upholding the rights of parents to direct the religious training of their children.

"A government burdens the religious exercise of parents when it requires them to submit their children to instruction that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill," Justice Alito wrote in the Court's **majority opinion**.

As to the books in question, Justice Alito wrote, "Like many books targeted to young children, the books are unmistakably **normative**. They are clearly designed to present certain values and beliefs as things to be celebrated and contrary beliefs as things to be rejected."

Professor Healy explains that the majority on the Court reasoned that the books sent a message about how children should think about an issue rather than just introducing topics for discussion.

"The Court sees the use of these books as a form of **indoctrination** that violates the parents right to control the religious upbringing of their children," Professor Healy says.

David B. Rubin, a Metuchen attorney who specializes in school law and represents many New Jersey school districts, explains that the Court relied on the

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1972 decision it issued in *Yoder v. Wisconsin*, which also related to parents directing their children's religious education. In *Yoder*, the U.S. Supreme Court permitted Amish parents to take their children out of school after eighth grade.

In *Mahmoud v. Taylor*, Rubin says, parents from different religious backgrounds offered a convincing argument that the LGBTQ+ materials clashed with the religious teachings they wanted to pass on to their children. It was then up to the district, he says, to counter how the opt-outs presented an excessive administrative burden on the schools.

"The school district couldn't come up with any good reason why they couldn't accommodate the requests considering they allowed such removals previously," Rubin explains.

In a **dissenting opinion**, Justice Sonia Sotomayor wrote, "Today's ruling threatens the very essence of public education...That decision guts our free exercise precedent and strikes at the core premise of public schools: that children may come together to learn not the teachings of a particular faith, but a range of concepts and views that reflect our entire society."

In her dissent, Justice Sotomayor pointed out that permitting opt-outs creates an administrative burden on schools, pushing them to make a hard choice.

"Schools may instead censor their curricula, stripping material that risks generating religious objections. The Court's ruling, in effect, thus hands a subset of parents the right to **veto** curricular choices long left to locally elected school boards," she wrote.

Justice Sotomayor also expressed concern over isolating children from a multicultural society and exposure to ideas or concepts that conflict with their parents' religious beliefs. She wrote that "to practice living in our multicultural society is critical to our nation's civic vitality."

> ***"The decision guts our free exercise precedent and strikes at the core premise of public schools: that children may come together to learn not the teachings of a particular faith, but a range of concepts and views that reflect our entire society."***

What *Mahmoud* means for New Jersey schools

Rubin emphasizes that the Court's decision placed no limits on what could be taught in schools.

"The Court simply said that if parents have a sincere religious objection to the way a lesson is taught, they could choose to opt out unless the school district can show some real, compelling reason why that would be unworkable."

In January 2019, New Jersey passed a law requiring that the history and contributions of individuals with disabilities, as well as lesbian, gay, bisexual and transgender persons be taught at the middle and high school level. In November 2025, the New Jersey Department of Education sent a memo clarifying what is expected from New Jersey school districts in light of the U.S. Supreme Court's decision in *Mahmoud*.

The memo acknowledges that there must be opt-out policies and procedures in place for religious objections but emphasizes that the instruction requirements have not changed. The memo states: "The Mahmoud decision does not change these curricular requirements....Moreover, because the opt-out provision applies only to individual parents who express a religious objection, it does not permit a district, school or grade level to proactively omit instruction in these areas from their curriculum."

Although the U.S. Supreme Court sent *Mahmoud v. Taylor* back to a lower court, Rubin says it's unlikely the decision will change unless new evidence emerges. He expects a permanent injunction will be put in place.

"The Supreme Court has tipped its hand, if you will, on where they're coming down on the broader legal issue," Rubin says. "I would be highly surprised if by the time the litigation concludes there's any different result." •

1. Do you agree or disagree with the U.S. Supreme Court's ruling in *Mahmoud v. Taylor*? Explain your answer?
2. Do you think there are benefits to being exposed to ideas or concepts that differ from your own? Why or why not?
3. What do you think Justice Sotomayor meant by "to practice living in our multicultural society is critical to our nation's civic vitality"? Explain.

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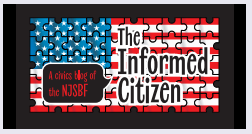

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Treaties CONTINUED FROM PAGE ONE

Today, according to the Bureau of Indian Affairs, the U.S. government federally recognizes 574 Native American tribes. According to the Office of Tribal Justice, which operates under the U.S. Department of Justice, "recognition" is a legal term and means that the U.S. recognizes a government-to-government relationship with the tribes and views them as "domestic dependent nations." The term "domestic dependent nations" comes from the 1831 U.S. Supreme Court decision in *Cherokee Nation v. Georgia* where Chief Justice John Marshall recognized a tribe's "inherent powers of self-government" but put them under the protection of the federal government. That means that Native American tribes have the right to govern themselves, including making their own tribal laws regarding membership and land management.

Other U.S. Supreme Court rulings, including *United States v. Kagama* (1886) and *Lone Wolf v. Hitchcock* (1903), established a **precedent** of federal "**plenary power**," meaning that the U.S. Congress retains broad authority to legislate on matters relating to tribes within U.S. borders. Like U.S. states, Native American tribes do not have the power to engage in relations with foreign nations, make war with other nations, or print or issue their own currency.

A complex past

In 1778, during the Revolutionary War, the U.S. and representatives of the Delaware Nation, also known as the Lenape (or Lenni-Lenape, meaning "original people"), signed an article of agreement that became known as the Treaty of Fort Pitt. The document—the first official treaty between the U.S. and a Native American tribe—promised a "perpetual peace and friendship" between the two nations.

The alliance between the Lenape and the new American government, however, quickly broke down, dissolving in a matter of weeks, according to the National Museum of American Diplomacy. The colonists failed to deliver on their treaty promises, including protecting the Lenape people from violence at the hands of American militias and settlers. For example, shortly after the treaty was signed, the Lenape leader White Eyes died. The official cause was small pox; however, many in the tribe suspected and evidence suggested that he was murdered by American militia, according to the museum. As a result, a large tribal faction shifted their allegiance to the British.

Preserving land rights

Key U.S.-Native American treaties focus on land rights, including the Treaty of New Echota (1835), which granted the Cherokee Nation $5 million and land in what is now the state of Oklahoma. In exchange, the Cherokee relinquished ownership of seven million acres of land east of the Mississippi River in Alabama, Georgia, North Carolina and Tennessee.

The treaty's legitimacy was contested by the Cherokee Nation at the time, since it had been signed only by a minority faction of the tribe. Nonetheless, the treaty was approved by a two-thirds vote in the U.S. Senate, as required by the U.S. Constitution, and led to the so-called Trail of Tears—the forced removal between 1838 and 1839 of the majority of the Cherokee Nation from their native homelands. During the 1,200-mile trek, mostly traveled on foot, an estimated 4,000 to 6,000 Cherokee deaths occurred—almost one-fifth of the tribe's population at the time. In addition to the Cherokee Nation, five other tribes—the Creek (Muscogee), Chickasaw, Choctaw and Seminole—also faced removal and the Trail of Tears. Historians estimate the number of deaths for each of those tribes in the thousands, but no definitive numbers exist.

Over time, the U.S. government has repeatedly violated the terms of various Native American treaties, perhaps none more famously than the Treaty of Fort Laramie (1868). In that agreement, the U.S. government had officially recognized the Black Hills of the Dakota Territory (later to become the states of North and South Dakota) as part of the Great Sioux Reservation. The treaty promised the Sioux exclusive use of Black Hills lands.

However, when gold was found in the Black Hills in 1874, white miners flooded into the area. The U.S. government then demanded that the Sioux sell or surrender the land back to the U.S. When the tribe refused, the U.S. Army waged a military campaign against them, resulting in the formal seizure of the land in 1877.

Lasting reach

Article VI of the U.S. Constitution explicitly states, "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby."

As a result, treaties supersede state laws, and "only Congress can change, or abrogate [revoke], a treaty," Professor Roemer explains. Multiple U.S. Supreme Court cases, including *Solem v. Bartlett* (1984) and *Nebraska v. Parker* (2016) have upheld this view. Essentially, these cases held that if Congress has not explicitly altered a Native American treaty, then its terms should still hold today.

In recent years, many tribes have referenced agreements outlined in the 18th and 19th centuries in court challenges in an effort to regain what they feel is their rightful ownership of the land.

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For example, the 1974 U.S. Supreme Court decision in *United States v. Washington*—also known as the Boldt Decision—reaffirmed Washington State tribes' rights to up to 50% of the area's harvestable fish, as outlined by existing Native American treaties from 1854 and 1855.

In 2020, the U.S. Supreme Court's ruling in *McGirt v. Oklahoma* reaffirmed the binding nature of longstanding Native American treaties. In that case, the Court ruled 5-4 that because the reservation of the Muscogee (Creek) Nation had never been disestablished by Congress, reservation parameters as outlined in the treaty with the Creek Indians in 1866 still stand today—even though some areas were no longer recognized as reservation land by the state of Oklahoma.

"On the far end of the Trail of Tears was a promise. Forced to leave their ancestral lands in Georgia and Alabama, the Creek Nation received assurances that their new lands in the West would be secure forever," Justice Neil Gorsuch wrote in the Court's **majority opinion** in *McGirt*.

"After the *McGirt* decision, the Oklahoma state court then had to consider the other big tribes' reservation boundaries, following the analysis the Supreme Court had just used," according to Robert J. Miller, a professor of law at Arizona State University and co-author of the book, *A Promise Kept: The Muscogee (Creek) Nation* and *McGirt v. Oklahoma*. "So, you now have about seven or eight other reservations that have been re-recognized," says Professor Miller, who is a citizen of the Eastern Shawnee Tribe. "My own tribe's reservation of 14,000 acres from an 1888 treaty is in the process of being re-recognized. We are just waiting for a signature from a federal judge."

As a result of the *McGirt* decision and later court challenges by other tribes, more than 40% of Oklahoma has now been federally re-recognized as Indian Territory. However, these rulings, in practice, focus primarily on shifting criminal law jurisdiction for cases involving Native Americans on these lands from state courts to appropriate tribal courts, rather than reallocating land ownership there.

Back to Fort Laramie Treaty

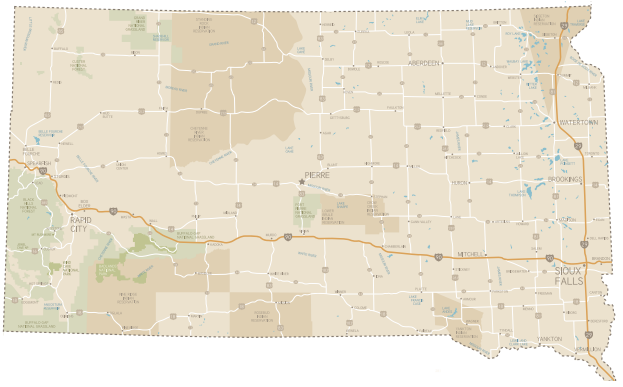
In its landmark *Sioux Nation v. United States* (1980) ruling, the U.S. Supreme Court found that the U.S. government had broken the Treaty of Fort Laramie when it took the land in the Black Hills of South Dakota away from the Sioux. The Court ordered the U.S. to pay the tribe a $105 million settlement. The Sioux Nation has repeatedly refused the monetary settlement, arguing that they instead want their land to be returned to them. The funds have been sitting in a federal bank account and—with the value of accrued interest over time—are now valued at more than $1 billion.

"That money will likely never be touched. The Sioux have said they can't take money for the land because the land is sacred," explains Jane Massey Licata, a Marlton, N.J. attorney who teaches classes on Indian Law at Rutgers Law School in Camden. "It's really a matter of principle for the Sioux."

Other tribal nations have litigation pending for land claims on the grounds of a broken U.S. treaty. For example, the Onondaga Nation's 2014 case against the state of New York argues that the state violated the Treaty of Canandaigua (1794), which was signed by George Washington. The treaty granted the tribe 2.5 million acres of land in central New York.

Unlike other tribal nations, the Onondaga avoided U.S. courts, electing to seek **redress** with an international body known as the Inter-American Commission on Human Rights (IACHR).

"Our elders were always afraid of going into courts," Sidney Hill, Spiritual Leader of the Nation, told *The New York Times*. Many, he said, were concerned that losing in a U.S. court could lead to them losing what little land they had left—about



11 square miles outside of Syracuse, N.Y.

In June 2023, after almost nine years, IACHR granted the Onondaga Nation admissibility, meaning that it determined the case met initial criteria and could proceed to a decision on the actual human rights violations alleged by the Onondaga. At press time, there was no ruling in the case. Even if the IACHR rule for the Onondaga Nation, it would largely be symbolic, as the U.S. government would not recognize a ruling from them as binding. Only a U.S. court can issue a settlement order.

"The passage of time does not diminish our determination to protect our people and regain our land, which has sustained us for millennia," Hill said in a statement about the Onondaga's ongoing land rights challenge. "In this case, justice has certainly been delayed. We hope it will not be denied." •

1. What do you think of the treaties between the U.S. and Native American tribes enacted in the 18th and 19th centuries? Should the U.S. still be bound by them? Why or why not?
2. What do you think of the Sioux Nation's refusal to accept the settlement money, awarded in 1980? Explain your answer.

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Glossary

affirm—to uphold, approve or confirm. **appealed**—when a decision from a lower court is reviewed by a higher court. **appellate**—dealing with applications for a court decision to be reversed. **civil disobedience**—refusal to comply with certain laws as a peaceful form of protest. **dismissed**—the termination of a lawsuit, resulting in no liability for a civil defendant or no conviction for a criminal defendant. **dissenting opinion**—a statement written by a judge or justice that disagrees with the opinion reached by the majority of their colleagues. **indigenous**—native to the land. **indoctrination**—the process of teaching a group to accept a certain set of beliefs without question. **injunction**—a judicial order that requires halting a specific action. **majority opinion**—a statement written by a judge or justice that reflects the opinion reached by the majority of their colleagues. **negligence**—the failure to use the care that a reasonable person would use. **normative**—establishing a standard of behavior. **plaintiff**—in a civil action, the person or persons bringing the lawsuit against another person or entity (the defendant). **plenary power**—complete and absolute power to take action on a particular issue. **precedent**—a legal case that will serve as a model for any future case dealing with the same issues. **redress**—satisfaction for a wrong committed. **reverse**—to void or change a decision by a lower court. **sovereign**—indisputable power or authority. **transgender**—a person whose gender identity—their deeply held knowledge of their gender—and/or their expression of gender is different from cultural expectations based on the gender they were assigned at birth. **upheld**—supported; kept the same. **veto**—to reject.