

# Arlinda Locklear



**A**rlinda Locklear is a pioneering attorney in Native American law. When she was born, her father was serving overseas in the U.S. Navy and her mother was living with her parents in Pembroke, North Carolina, the heart of the Lumbee Indian community. Her mother was taken to the nearest military installation, Fort Bragg, for the birth. Ms. Locklear's early years spent living in the Indian community were formative to her development. She became aware of the extent of discrimination against Native Americans and the deep personal pain and humiliation that such discrimination caused. Early on, she decided to become a lawyer so that she could help protect her people from this treatment.

Ms. Locklear received her undergraduate degree from the College of Charleston in 1973. While attending law school at the Duke University School of Law, she audited an undergraduate class on Indian history and was encouraged by her professor to become involved with the nonprofit Native American Rights Fund (NARF). Upon earning her law degree in 1976, she joined NARF. Ms. Locklear remained there until 1987, working first in Boulder, Colorado and then transferring to its Washington, D.C. office in order to learn more about the legislative system. As directing attorney for seven years in Washington, she supervised significant litigation of Indian issues as well as the legislative work of the office. She left NARF to form a solo practice in Washington.

For over 35 years, Ms. Locklear has represented tribal nations in a wide range of complex federal issues, including water rights, treaty rights, tax issues, reservation boundary disputes, and federal recognition. She was the first Native American woman to argue before the U.S. Supreme Court and twice has been successful. In 1984 in *Solem v. Bartlett*, she successfully challenged South Dakota's authority to prosecute an Indian for a crime that occurred on the reservation. The following year, in *Oneida Indian Nation v. County of Oneida*, the Court adopted her theory that tribes have a federal common law right to sue for possession of tribal land taken in violation of federal law. *Oneida* is the seminal case upon which all other land claim litigation since has been based. Once Ms. Locklear broke the barrier, several other Native American women have argued Indian law cases before the Supreme Court.

In addition to her significant litigation expertise, she is an expert in the federal recognition of Indian tribes. She has represented her own tribe, the Lumbee Tribe, from 1988 until 2011 in its quest for federal recognition.

Ms. Locklear has assisted in lobbying successfully for

federal legislation resolving tribal claims to water rights. Her status as a nationally-known expert on the administrative and legislative processes for federal recognition of Indian tribes is crucial to establishing a government-to-government relationship between tribes and the federal government. Ms. Locklear's impact on federal Indian law is incalculable.

While understandably proud of her two Supreme Court victories, she takes even greater pride in her accomplishments that have directly improved the quality of life for an Indian tribe or community for the long term. For instance, in 1993, the Fort McDowell Yavapai Nation in Arizona settled its federal reserved water rights, the result of a 12-year process of litigation and negotiation that culminated in the enactment of implementing federal legislation. Ms. Locklear served as lead counsel in this effort, which forever made water accessible and the reservation thus habitable. In 1994, she assisted her tribe in adopting its first written constitution. This pro bono work took years, and for the first time, the tribe has leadership that can be held directly accountable to its members. In addition, she serves on a committee to create a School of Southeast American Indian Studies at a University of North Carolina campus, a long-term project near and dear to her heart.

Among her numerous awards, in 1987 Ms. Locklear received the Outstanding Woman of Color Award from the National Institute of Women of Color. In 2008, she was honored for her contributions to the American Indian community by the Conference of American Indian Women of Proud Nations. She was honored that same year with the Albany Law School Kate Stoneman Award, given to individuals in the legal profession who have demonstrated a commitment to actively seeking change and expanding opportunities for women.

Ms. Locklear is an inspiration to other Native American women lawyers and is always available to mentor other women lawyers. Her intellect, passion, and broad vision are the hallmarks of a Margaret Brent Award honoree.