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Balancing Between Two Worlds:

A Dakota Woman's Reflections on Being a Law Professor

Angelique Townsend EagleWoman (Wambdi A. WasteWin[†])^{††}

There were many paths I considered as a young woman and none of them included becoming a law professor. My journey to my present life as a Dakota woman¹ law professor is about balancing between the worlds I travel back and forth in. There is my tribal world, where I feel replenished and part of an on-going community experience stretching back to time immemorial. I feel that I am part of an unfolding history of endurance, strong Native women, and a participant in sustaining our traditional Native ways.² On the other hand, there is the non-Indian world, where I often feel that I am a long-term visitor balancing in a foreign political and historical system, serving as a translator from the tribal traditional and historical world. As a law professor, I also serve as a translator between both the U.S. legal world and the tribal world of values embodied in tribal laws and norms.

In this article, I will discuss how I have balanced between these two worlds and found my way as a Dakota woman and law professor. The first sections of the article will describe my educational experiences, my sense of responsibility to my people, and my entry into the legal academy. In describing my experiences, it should be very apparent that I did not follow the usual trodden path to joining the legal academy. Rather, as a typical Dakota woman, I

[†] The author's Indian name in the Dakota language.

^{††} This article is dedicated to the Seventh Generation and all of those who will become Native lawyers, law professors and advocates. I hope this article adds light to guide you on your path and motivates you to carry on for the generations that will follow in your footsteps. Special thanks to my high school canteskuya (sweetheart) and husband, Terry G. Townsend, for his constant loving support in my life.

1. I am a citizen/enrolled tribal member of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation in South Dakota.
2. See Christine Zuni Cruz, *[On the] Road Back In: Community Lawyering in Indigenous Communities*, 24 AM. INDIAN L. REV. 229, 232 (2000) ("As a native person, a practitioner, and an instructor of Indian law, my view of community is profoundly affected by the uniqueness of tribal community and native identity. This includes both the attributes of a community or nation of native peoples and an individual's connection to that community.").

questioned academia as stemming from western civilization, struggled to assert my viewpoint as a tribal person, and dealt with real life experiences along the way. In the second section of the article, I offer my personal insights to my colleagues and those interested in joining the legal academy. This section reflects on the voices that resonated with me from the masterful and courageous work, *Presumed Incompetent: The Intersections of Race and Class for Women in Academia*. The final section concludes with my sense of commitment to continue balancing between two worlds to offer an example to the future generations of tribal peoples seeking legal educations and the fulfillment this brings.

I. INTRODUCTION: BECOMING AN EAGLEWOMAN

From a very young age, I had a strong sense of justice. In a very multi-cultural family, I learned how my relatives of different races and cultural backgrounds viewed the world. I learned the depth of history in interracial relationships that went beyond mainstream black and white dichotomies. I learned that there can be racism amongst all races in all types of combinations. In this richly diverse family, I was born with a particular parentage and skin color that shaped how I interacted within these various racial and cultural currents.

As I became more aware of my environment and my relationships within society, I learned about the hardships Native people and people of color experience in poverty conditions. I knew the tragedy of male relatives in jail as a result of racial profiling and, at times, as a result of bad choices. From a number of my female relatives, I saw the difficulties of single parenting accompanied by dependency on government assistance. The suicide of several of my family members also deeply impacted me. In my childhood, I knew the heartbreaking consequences of substance and drug abuse, violence, and rape in my peer group. These adversities were coupled with the weight of being an American Indian in the United States, where I was virtually invisible as a contemporary human being.³ I also knew the joys of family gatherings, fishing crawdads out of the local stream for a big boil in my paternal grandmother's backyard, tribal pow wows and celebrations, the annual Mexican Fiesta in the neighborhood, singing carols with my maternal grandmother, and receiving a lot of loving support as the family genius/eccentric/geek/responsible one.

From my mother's side, I learned about my maternal great-grandfather who grew up in Michoacán, Mexico and was part of the indigenous Purèpecha people. My mother was the darkest of her ten brothers and sisters and was teased as a "throwback" to this grandfather. She encouraged me to be a writer and to be proud of my Indian heritage. Reflecting on the amount of writing I engage in as a

3. See Bethany Berger, *Indian Policy and the Imagined Indian Woman*, 14 KAN. J.L. & PUB. POL'Y 103, 105 (2004) (noting the historical Euro-American perspective of considering American Indian women as unimportant and politically non-existent).

law professor, I know she would have approved of my path.

My mother and my father divorced when I was six years old. As a single parent with two young children, my mother did her best to provide for us, working as a bookkeeper and sales clerk. I spent my childhood and teenage years in a household with income below the federal poverty line and benefitted from government assistance through programs such as the Johnson O'Malley⁴ education program for Indian children in public school systems, and later directly through my tribal government and the Bureau of Indian Affairs (BIA) education assistance program.

On my father's side, I was very close to my grandmother, Ramona DeCoteau. She grew up on the Sisseton-Wahpeton Lake Traverse Reservation.⁵ At an early age, both her mother and her father died. As an orphaned child, she was taken to several different Indian boarding schools, including the Flandreau Indian School and the Tekakwitha Indian Mission in Sisseton, South Dakota. She followed her heart in her early twenties and had two sons by a Lakota man in a relationship that didn't last. Her oldest son would become my father. Following the idea of a better life, my grandmother traveled with her sons to work in Topeka, Kansas as part of the federal Indian relocation program of the 1950s.⁶ There, working as a nurse aide, she married an African-American man and had a daughter and an additional son. Her daughter, my aunt, would later marry an African-American man who would be arrested and brutally beaten by the Shawnee County Sheriff's Office when he went in to pay a speeding ticket. Seeing my uncle and aunt on television, after he brought a successful civil suit against the Sheriff's Office, made a lasting impact on me as a child.⁷ When I was eight years old, I knew that law would bring justice and that I wanted to be a lawyer.

I spoke about this idea to my Dad who began giving me books to read about Indian issues. At ten years old, I read the Vine Deloria, Jr. classic, *Custer Died for Your Sins*,⁸ and the Dee Brown historical work, *Bury My Heart at Wounded Knee*.⁹ I began to focus on making a contribution with my life to help my own People. I had a vague notion of what a lawyer was and knew that earning good grades would lead me in that direction. I kept up with my

4. 25 U.S.C.A. § 452 (West 2014).

5. See Treaty with the Sioux, U.S. – Sisseton-Wahpaton art. III, Feb. 19, 1867, 15 Stat. 505, reprinted in 2 INDIAN AFFAIRS: LAWS AND TREATIES 957 (Charles J. Kappler, ed., 1904), available at <http://digital.library.okstate.edu/kappler/vol2/treaties/sio0956.htm>.

6. See Relocation of Indians in Urban Areas, extract from the *Annual Report of the Commissioner of Indian Affairs 1954*, in DOCUMENTS OF UNITED STATES INDIAN POLICY 238-39 (Francis Paul Prucha ed., 3d ed. 2000).

7. See LSACvideos, Indian Lawyers Translators of Two Worlds, - Chapter 3, 1999, <http://www.youtube.com/playlist?list=PLDB2E6107611EF44C>.

8. VINE DELORIA, JR., CUSTER DIED FOR YOUR SINS: AN INDIAN MANIFESTO (1969).

9. DEE BROWN, BURY MY HEART AT WOUNDED KNEE: AN INDIAN HISTORY OF THE AMERICAN WEST (1970).

schoolwork amid all of the family and community happenings and, at times, turmoil.

Experiences of living in a mid-sized urban city and a very rural location on my reservation shaped me as a teenager. One of my best memories of being a teenager is my time as a tribal school cheerleader. I would never have tried out for the cheerleading squad at the large public high school I attended prior to attending Tiospa Zina Tribal School¹⁰ on my reservation. At Tiospa, I tried out and became co-captain. I continued to achieve high grades no matter what school I attended as I was transferred back and forth between my divorced parents. One of the gifts I received from these experiences was a learned quick adaptability to new situations.

As a Sisseton-Wahpeton Dakota teenager, I learned about our traditional ways, ceremonies, and values. Along with the many tragedies that were present in my life, there were also incredibly powerful moments of community togetherness, familial support, and a sense that there were expectations for me to have a life of accomplishment. During my teenage years, I became deeply connected to my tribal roots through experiences on my reservation. When I was fifteen years old on a visit to my reservation, my relatives conducted my woman naming ceremony, which was a hugely significant event in my life. I was given the beautiful, powerful name: Good Eagle Woman Who Cares About/Takes Care of the People. At the dinner after the naming, I was told that it was an important name and that it meant that I should do something for the People. One of the purposes of a Dakota life is to give to the community—“so that the People may live.”

II. EARNING MY EDUCATIONAL WINGS

In thinking about my educational experiences, the themes of being underestimated and having others project low expectations on me runs through my memories. I was a very social and outgoing young person who exerted a lot of independence in my thinking and outward expression. When I performed academically well above and beyond people’s low expectations, I received one of two responses from my almost exclusively white teachers: I would either be greeted with a surprised approval or be dismissed and pegged as a smart aleck. In short, my Native intelligence was often not respected and I was presumed incompetent repeatedly.

Four days before my high school graduation, one of my favorite cousins committed suicide under the influence of drugs and alcohol.¹¹ He was four

10. For information on this tribal school, see TIOSPA ZINA TRIBAL SCHOOL – HOME OF THE WAMBDI, www.tzts.us (last visited Apr. 20, 2014).

11. See Stella Pretty Sounding Flute, *Stella Pretty Sounding Flute*, in HONOR THE GRANDMOTHERS: DAKOTA AND LAKOTA WOMEN TELL THEIR STORIES 47, 74 (Sarah Penman ed., 2000). (“Our greatest enemy right now is alcohol and drugs and it’s a silent

months older than me and had promised to be at my graduation. I graduated from Topeka High School¹² in a blur between attending the wake and funeral for him. His suicide left a deep mark on my heart that has motivated me to seek out opportunities throughout my life to encourage and support the dreams and lives of Native youth.¹³

After attending three different high schools,¹⁴ I applied to various colleges during my senior year of high school. My father brought me an application to Stanford University, which I filled out and submitted.

Later that year, I experienced another disruption after an argument led to my moving from my father's home to my mother's home in February.

Shortly thereafter, the Stanford Admissions Office referred me to a minority post-graduate program at the Northfield Mount Hermon Preparatory School (NMH)¹⁵ in Massachusetts to determine my academic merit. I later found out that there were three reasons my application led to the referral. Unlike most applicants, I had a high number of high school transcripts from attending several different schools, the tribal school I attended was not accredited, and I had been unable to take the SAT during my senior year when I was in South Dakota. Although my high grade point average and ACT¹⁶ test scores earned me immediate admission to several colleges, I was influenced by my father's strong desire for me to attend Stanford. With that goal in mind, I accepted the full scholarship to the post-graduate program in a faraway eastern land. Traveling to NMH, I experienced my first airplane flight. I remember writing in an essay later that academic year that I had a better understanding of geometry after looking down from an airplane window and seeing how the land had been cut into squares and rectangles after Euro-Americans took over. There were few patches of natural forests and rolling lands left from the times when Natives had

massacre. Our grandchildren are getting weak. There's no hope; they want to die. Our grandchildren are dying by the hundreds. They are dying on the road and killing themselves; they pull a trigger and blow their brains out. They use alcohol more and commit crimes; the penitentiary is filled with the grandchildren. That's not the way. So this alcohol has taken a lot of lives. That's the only sadness I have. My hopes and dreams is [sic] that some day this alcohol and drugs will leave all the reservations.").

12. For more information, see the Topeka High School website, TOPEKA HIGH, <http://ths.topekapublicschools.net/index.html> (last visited Apr. 22, 2014).

13. See, e.g., Center for Native American Youth, *Fast Facts on Native American Youth and Indian Country*, ASPEN INSTITUTE, <http://www.cnay.org/uploads/FastFacts.pdf> ("Suicide rates are more than double, and Native teens experience the highest rate of suicide of any population group in the United States.").

14. There was a fourth high school I attended for no more than two weeks during my sophomore year in Humboldt, Texas, before returning to Topeka High School in Topeka, Kansas.

15. For more information, see NORTHFIELD MOUNT HERMON, <http://www.nmhschool.org/> (last visited Apr. 22, 2014).

16. During my senior year at tribal school, I registered to take the ACT, as the SAT was not available in my region. For the first time, I entered the doors of the local public school in Sisseton, South Dakota, located about twenty miles from where my family lived. One of the tribal teachers, a nun, picked me up that Saturday morning and took me to the testing site. I was the only person of color in the room taking the ACT for college entry.

cultivated and stewarded all of North America.

At NMH, I had both supportive experiences and some very negative experiences. Among the positive experiences were interacting with, and getting to know, the other Native students enrolled at the school and those attending the post-graduate program. There was a very supportive couple who hosted community gatherings throughout the school year for the Native students. On the negative side, I was assigned to a guidance counselor who told me that I would never get into Stanford University. When she proceeded to ask me to describe my ideal college and I described Stanford, she pulled out a large catalog of the colleges and universities in the United States. As a punishment, she gave me the assignment of writing a page on each college, starting with the letter “A”, and explaining whether it would be a good fit for me. I was to hand her the one-page summaries every week until I was accepted to a college. Instead, I went to the post-graduate program office and sat down at the typewriter. I typed out a personal essay and sent it along with my application to the UC Berkeley Early Admission Program. I was quickly accepted, gave a copy of the acceptance letter to that counselor, and never interacted with her again.

Attending NMH gave me the opportunity to take the SAT, a test not offered in Sisseton, South Dakota. This led to the magic moment when I received my acceptance letter from Stanford. I remember the handwritten word, “Bravo!” at the bottom of the letter and how overjoyed I truly felt. As I remember it, there were only three students from NMH accepted by Stanford that year – two Native males along with me, a Native female. Shortly thereafter, a rumor spread that a white female student attempted suicide on campus when she was denied admission to Stanford. The three of us who had been accepted overheard sharp comments about affirmative action as we walked between classes and the dining halls.¹⁷ A certain chilliness occurred for the last few months at NMH as other students regarded me with a certain standoffishness, which was somewhat offset by the warmth exuded by the teachers and

17. Often people of color accepted into universities, particularly elite universities, are challenged as less capable by white students and labeled as gaining admission based solely on race per affirmative action admission policies. Further, the argument has been extended to equate the admission of a non-white person as directly denying a white person admission. This line of argument fails to account for the hundreds of years that non-whites were denied admission and whites were given preferential treatment in U.S. public institutions. White students rejected for admission at educational institutions across the country continue to challenge admission policies that allow consideration of racial background for applicants as a means to admit a diverse student body on campuses. *See, e.g.*, *Fisher v. Univ. of Tex. at Austin*, 133 S. Ct. 2411 (2013) (White student rejected for admission at the University of Texas at Austin challenged the admission policy of considering race as a factor in evaluating undergraduate applicants); *Grutter v. Bollinger*, 539 U.S. 306 (2003) (White students rejected for admission at the University of Michigan Law School challenged the admission policy of considering racial background as one component in the admissions decision for law school applicants); *Gratz v. Bollinger*, 539 U.S. 244 (2003) (White students rejected for admission at the University of Michigan challenged the admission policy of considering racial background of undergraduate applicants).

administrators. I chose not to participate in the graduation ceremony and was forced to meet with several administrators who insisted I would not have proper closure. In the end, I was anxious to get back to my family and left as soon as my last class was dismissed.

Attending Stanford University was both one of the most challenging and rewarding experiences of my life. I was involved with the Stanford American Indian Organization (SAIO),¹⁸ the People's Platform, a student political group that ran candidates for student government offices, and advocated for the development of an American Indian Studies program at the university.¹⁹ I hit emotional barriers in some of my classes where I felt that falsehoods were being taught about the Indigenous peoples of the Americas. This made me feel disconnected, disempowered, and frustrated with my courses and professors. I can remember moments when I would call relatives and break down crying as I expressed this sense of isolation, as being one student and feeling as if I lacked a voice to counter the teachings at such a powerful elite institution.

I took issue with many of the texts and teachings on the Dakota/Lakota/Nakota (commonly referred to as "Sioux" by the United States).²⁰ The terminology in those texts presented a linear progression of human development with tribal people labeled "primitive" and whites labeled "civilized." The barbaric acts of whites entering the North America continent and the atrocities committed against tribal people are in stark contrast to such a linear progression. In many texts, the language used to refer to the Dakota was offensive, and the "scientific observations" were full of projections by the outside white observers.²¹ In U.S. historical accounts, tribal peoples are often dehumanized to legitimize the unjust actions of taking tribal lands and of perpetuating genocide against tribal communities.

I had difficulties with term papers because so much of the knowledge I drew upon was undocumented, or required me to cite to telephone calls with tribal elders and experts. This challenge has been a common experience for Natives conducting research.

18. For more information about this organization, see STANFORD AM. INDIAN ORG., <http://www.stanford.edu/group/saio/> (last visited Apr. 22, 2014).

19. See generally NATIVE AM. STUDIES, <http://nas.stanford.edu/> (last visited Apr. 22, 2014) ("Finally, in 1997, Native American Studies was officially established as part of the Center for Comparative Studies in Race and Ethnicity.").

20. See ELIZABETH COOK-LYNN, *NEW INDIANS OLD WARS* 111 (2007). ("In any case, the function of colonial history obvious in these accounts to even the most careless, cursory readers is to blame Indians for the crimes of the aggressors. Between the 1862 Little Crow War and 1890 when the Wounded Knee killings occurred, literally hundreds of captive narratives and fraudulent historical stories were told.").

21. See Angelique Townsend EagleWoman, *Wintertime for the Sisseton-Wahpeton Oyate: Over One Hundred Fifty Years of Human Rights Violations by the United States and the Need for a Reconciliation Involving International Indigenous Human Rights Norms*, 39 WM. MITCHELL L. REV. 486, 513-17 (2013).

From the beginning of the literature on, about, and sometimes by Indians, we have been the subjects of white curiosity. Regardless of what the tribal leaders and elders might have wanted to say, nothing was understood as authoritative unless a non-Indian had written it. In many areas that attitude has declined, but it is by no means absent from the minds of academics and the public at large.²²

At times, the culture clash was enormous and I thought about dropping out every quarter. But, I found ways to hold on and maintain my balance. I often called my elders and relatives back on the reservation and in Kansas to seek encouragement.²³ I relied on the American Indian program office staff lending an ear or a shoulder after I left a particularly difficult class discussion. Finally, I drew upon my sense of spiritual purpose to contribute to tribal communities through advocacy and truth telling.²⁴

During my second quarter at Stanford, I received an award for the highest grade in the political science course, American Government. This accomplishment led to declaring political science as my major for undergraduate studies and requesting that the course professor be my advisor. I planned to complete a senior thesis on tribal judicial systems, but not one professor in the department would serve as my advisor for the thesis. The department chair offered to circulate the thesis proposal to the Law School faculty and the anthropology department. I objected to reaching out to the anthropology department for a thesis on contemporary tribal governments and court systems. After several weeks, I was notified that no one at the university had the expertise and/or interest in providing oversight for the completion of my proposed thesis. Therefore, I completed the major requirements without pursuing the thesis option.

Throughout my coursework in the department, I did inspire my advisor to begin learning about some basic aspects of American Indian governments. Unfortunately, in my final meeting with him, when I expressed my intent to

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22. Vine Deloria, Jr., *Marginal and Submarginal*, in *INDIGENIZING THE ACADEMY: TRANSFORMING SCHOLARSHIP AND EMPOWERING COMMUNITIES* 16 (Devon Abbott Mihesuah & Angela Cavendar Wilson eds., 2004).
 23. Chairman Roger Jourdain of the Red Lake Band of Chippewa Indians had a profound impact on my sense of purpose to advocate for tribal sovereignty and basic human rights for American Indians. See DEAN CHAVERS, *MODERN AMERICAN INDIAN LEADERS: THEIR LIVES AND THEIR WORK* 79 (2007).
 24. See generally Daniel Heath Justice, *Seeing (and Reading) Red: Indian Outlaws in the Ivory Tower*, in *INDIGENIZING THE ACADEMY: TRANSFORMING SCHOLARSHIP AND EMPOWERING COMMUNITIES* 102 (Devon Abbott Mihesuah & Angela Cavendar Wilson eds., 2004) (“Many of us have been educated to believe that we don’t belong in this place of meaning-making, that we don’t have anything worthwhile to contribute as Native peoples, that the intellectual traditions of our families and communities aren’t powerful understandings of the world and her ways. But who is better qualified to understand this land than the peoples who have shared life with her for untold ages? We belong to this land; we’re not guests of the Invaders, to be given access at their whim. The knowledge of Native peoples is the voice of Turtle Island that speaks closest to all of humanity. This is our inheritance.”).

return home to the reservation rather than enter law school, he was less than supportive. I explained that, rather than look to the law for a source of power, I was choosing to rely on our Native spiritual ways, which were truly powerful. He replied with words that I will never forget. He asked me why, if my Native ways were so powerful, was I sitting in the office of a white man with power, and why were whites in power controlling the country. I got up and left his office.

Despite graduating with a high grade point average and receiving high scores on both the LSAT and the GRE, I felt demoralized by the many encounters I had with racism, ignorance, elitism, and intolerance. It got to the point where I lost my desire to be involved in U.S. educational institutions for a time. After graduation, I returned to my reservation and began applying for employment. For the summer following graduation, I worked as a reporter for our tribal newspaper, *Sota Iya Ye Yapi*.²⁵ In the fall, I traveled with friends to the Spirit Lake Tribe,²⁶ a closely-related Dakota Tribe in North Dakota, and sought employment.

Even though I thought I was moving away from law school, my sense of justice and the legal field continued to call to me. I was offered the position of tribal prosecutor at the Tribal Court and declined because I was not law-trained and would be targeted as a young newcomer taking such a position. I did happily accept the next position I was offered as a truancy officer at Tate Topa (Four Winds) Tribal School,²⁷ for students in grades kindergarten through eighth grade. After accepting the position, I learned that I had the responsibility of filing petitions in the Spirit Lake Tribal Court against parents whose young children were repeatedly truant. I was also asked to teach a course on federal Indian law as a political science offering at the local tribal college, Cankdeska Cikana (Little Hoop) Tribal College.²⁸ I later joined the Tribal College staff on a full-time basis, serving as the Outreach Counselor, where I advised students to follow their dreams in pursuing educational degrees. During one of my encouragement talks, I realized that I wasn't following my own advice—I had let go of my dream to go to law school.

When I applied to law school, I was unaware of the tremendous weight the legal academic world places on law school rankings and attendance at elite law

25. For information about the tribal newspaper, see *SOTA IYA YE YAPI ON-LINE: NEWS OF THE LAKE TRAVERSE RESERVATION*, <http://www.earthskyweb.com/news.htm> (last visited Apr. 22, 2014). The editor of the newspaper, Chuck Floro, has been a lifelong friend and supporter of my efforts.

26. For more information about the Spirit Lake Tribe, see *SPIRIT LAKE TRIBE*, <http://www.spiritlakenation.com/> (last updated Apr. 22, 2014).

27. For more information about the school, see *FOUR WINDS CMTY. SCH.*, <http://www.fourwinds.k12.nd.us/education/district/district.php?sectiondetailid=1&> (last visited Apr. 22, 2014).

28. For more information about the college, see *HISTORY, CANKDESKA CIKANA CMTY. COLL.*, <http://www.littlehoop.edu/content/index.php/history> (last visited Apr. 22, 2014).

schools.²⁹ I had one main goal in mind: to be as close to my reservation as possible so I could go home on weekends. While I was accepted to several law schools, I ultimately chose to attend the University of North Dakota School of Law³⁰ in Grand Forks, North Dakota, approximately two and a half hours from my home reservation, the Lake Traverse Reservation. I felt very alone in my law school classrooms. This led me to reach out to the undergraduate Native community. One of my strategies for lessening my sense of loneliness was to bring one of my undergraduate Native friends to my law school classes for company. I also invited a few undergraduate Native friends to attend my first oral argument as a 1L student. My law school class was very small and not very diverse. As I remember it, I was the only person of color in my graduating class. While I considered transferring to another law school, the ability to travel to my reservation on the weekends kept me in Grand Forks, North Dakota. I vividly remember dropping the federal Indian law class after the non-Indian law professor invited tribal officials to class and then, in the next class period, appeared to ridicule the officials and their “notion of tribal sovereignty.”

Expressing my sense of standing up for justice, I devoted a great deal of time and energy during my time in law school working with other Native students to organize educational events on why the university mascot should be changed from an image and nickname of a “Sioux” man.³¹ During the summers, I clerked at a top Indian law firm in Washington, D.C. where I learned about federal policy-making, federal court litigation on behalf of Tribal Nations, and gained an appreciation for the Native attorneys and allies who had dedicated their lives to the field. I also wrote two law review articles on Indian law topics that I was passionate about.³² In the end, I graduated in the top ten of my law school class and felt like I had survived the law school experience. I did not

29. *See Best Law Schools*, US NEWS & WORLD REPORT LP, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings> (last visited Mar 14, 2014).

30. For more information about the law school, see UND SCH. OF LAW, <http://law.und.edu/> (last visited Apr. 22, 2014).

31. I also continued to submit opinion letters and participate on panels as an alumna of the UND School of Law on the issue. *See, e.g.*, Angelique Townsend EagleWoman, Letter to the Editor, *UND now violating indigenous rights*, INDIAN COUNTRY TODAY, (Oct. 2, 2007), <http://indiancountrytodaymedianetwork.com/ictarchives/2007/10/02/und-now-violating-indigenous-rights-91526> (Click “October 2007”, scroll down to the archived articles and the article can be found on page 16 of 17); Angelique Townsend EagleWoman, *Mascot mischaracterizes*,” INDIAN COUNTRY TODAY (Oct. 17, 2008) available at: <http://indiancountrytodaymedianetwork.com/ictarchives/2008/10/17/mascot-mischaracterizes-80157>; UND Nickname: Debate Raged to Changed Nickname Since 1930s, Grand Forks Herald, Sept. 26, 2000, available at http://www.und-fraud.com/UND/Native%20American%20Issues/und_nickname.htm.

32. *See* Wambdi A. WasteWin, *Federal Courts - Indians: Eleventh Amendment and Seminole Tribe: Reinvigorating the Doctrine of State Sovereign Immunity*, 73 N.D. L.REV. 517 (1997); Wambdi A. WasteWin, *Strate v. A-1 Contractors: Intrusion into the Sovereign Domain of Native Nations*, 74 N.D. L. REV. 711 (1998).

receive mentoring while in law school on how to pursue the path to becoming a law professor. Upon receiving my law degree, I intended to become an attorney advocate for Tribal Nations.

In my third year of law school, I received an offer from the D.C. law firm and turned my attention to the east coast. Upon graduation, I took the South Dakota bar exam on two consecutive days and then drove to North Dakota to take the state essay portion of the North Dakota bar exam. I also applied for admission to the D.C. bar through the law firm I was joining. At the time, the South Dakota Bar Examiners kept all scores confidential and the firm took a chance that my South Dakota bar exam score would meet the requirement for admission to the D.C. Bar.³³ Fortunately, I was notified that I had been admitted to all three jurisdictions.³⁴

III. LEARNING TO FLY IN LEGAL REALMS

During my years as a practicing attorney, I explored various aspects of the legal profession. From working in a D.C. firm specializing in appellate advocacy on behalf of Tribal Nations to serving as General Counsel for my Tribe to briefly hanging out my shingle and taking on contract work in solo practice, I explored the legal field and the ways in which I could make a difference for tribal governments and tribal individuals. Working in D.C., I attended congressional hearings, made copies of trial transcripts at the copier in the U.S. Supreme Court's Library, and conducted legal research at the National Archives. One of my favorite memories from those days was standing on the U.S. Supreme Court steps while waiting in line to sit in on the oral argument in *Minnesota v. Mille Lacs Band of Chippewa Indians*.³⁵ The case was about the continued vitality of tribal treaty rights and the law firm I worked for represented one of the party Tribes in the litigation. It was an exciting moment to see Native people singing with the drum on the Supreme Court steps and gathered together supporting each other and the rights asserted by Native ancestors for future generations.

Those early experiences helped shape my views on the formation and implementation of federal Indian law. Over time, I became disillusioned with the role of attorneys in filing cases on specific tribal legal issues, resulting in court decisions that didn't reach or address the major flaws in the tribal-federal relationship. Previous unjust decisions set precedent that continued to be relied upon, thus continuing the systematic oppression of American Indians. When I left D.C., I returned to North Dakota to pursue a Ph.D. so that I would be able to write and teach about tribal governments and, hopefully, reform federal Indian law. I did not realize that I could become a law professor and achieve my goals.

33. See D.C. Ct. App. R. 46, available at <http://www.dccourts.gov/internet/appellate/admincommittee/main.jsf>.

34. I held a North Dakota bar license from September 1998 until January 2013.

35. *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172 (1999).

Because I arrived in North Dakota in the middle of a semester, I applied for employment on campus in the TRIO programs,³⁶ and specifically the Upward Bound program.³⁷ Throughout my teenage years, I had observed many of my aunts working for such educational programs and traveling to nearby reservations. It seemed a natural fit for me since I knew North Dakota well and loved to travel. I was eventually promoted to associate director and traveled regularly to three of the North Dakota reservations³⁸ to encourage low-income high school students to work towards college admission as first generation students. Devoting my time and energy to motivating young people, I missed enrollment deadlines and didn't take any classes within the doctorate program I had been admitted to.

The law continued to call to me. During the winter of 2000, I was offered the position of General Counsel for my own tribal government. In hindsight, I was a very young new attorney to take on such a responsibility. Excited by the opportunity to assist my own Tribe, I met with the Tribal Council, which included some of my relatives and many of the community members who had watched me grow up. In January 2001, I dove into the position and began handling litigation in Tribal Court, representing tribal agencies, handling construction contract negotiations, accompanying tribal leadership to meetings in D.C. with federal agencies, serving as a resource in meetings with local state officials, and working on the legal aspects of economic development projects for the Tribe.

Although I felt the work I was doing was very meaningful, I knew that in tribal politics there was often a fall-out when tribal leadership chose one course of action rather than another. As the primary person providing the legal basis for such decision-making, I became a target, at times, for those on the losing end of decisions.³⁹ As a young female attorney, I also experienced male chauvinism, with my legal opinions criticized with gendered remarks. Finally, the sustained push to undermine my authority by a consulting older male attorney with strong connections with some of the tribal leadership led me to resign, rather than have on-going showdowns in front of the Tribal Council on various legal issues.

At that point, I decided to travel to Oklahoma and stay with family friends. A law professor had discussed the possibility of entering the American Indian and Indigenous Law LL.M. program at the University of Tulsa with me and I

36. For information about the program, see U.S. DEPT. OF EDUC., FED. TRIO PROGRAMS, <http://www2.ed.gov/about/offices/list/ope/trio/index.html> (last updated Apr. 14, 2014).

37. For information about the program, see U.S. DEPT. OF EDUC., UPWARD BOUND PROGRAM, <http://www2.ed.gov/programs/trioupbound/index.html> (last updated Mar. 19, 2014).

38. The three reservations were: the Fort Berthold Reservation; the Spirit Lake Reservation; and the Turtle Mountain Reservation.

39. See Kristen A. Carpenter & Eli Wald, *Lawyering for Groups: The Case of American Indian Tribal Attorneys*, 81 *FORDHAM L. REV.* 3085, 3093-95 (2013) (describing the various constituencies in the tribal community seeking out the in-house tribal attorney).

was interested in the international Indigenous perspective to be gained. Because it was the middle of the spring semester, I decided against seeking another degree and instead found legal employment working with a firm specializing in tribal governmental work. I decided to take leave, spend the summer on my reservation, study for the Oklahoma bar exam, and participate in ceremonial activities. I received word that the legal position with my Tribe remained open and many in my Tribe wanted me to return. In the end, I reapplied and was offered the in-house tribal attorney position.

When I returned for the second time, it was shortly before a tribal election season. With all ten elected positions open every two years, there was not a foundation of stability allowing for certainty or sustainability in governance.⁴⁰ One of the new measures on the tribal election ballot that year was lengthening the tribal leadership positions to four-year terms.⁴¹ The measure passed and a new Tribal Council was seated. Almost immediately, I was called upon to determine a legal question involving tribal leadership financial authority. Shortly after delivering my legal and ethical analysis, the new Council passed a motion to terminate my employment while I was on travel. I received a telephone call notifying me of the decision. In the aftermath of my shock, I did feel that it was better to have an early departure from a set of leadership that didn't share my perspective on tribal ethics. In hindsight, this career turn led to my eventual entry into the legal academy and the ability to assist tribal communities in a larger sense.

On a personal level, I was having difficulties in my first year of marriage and began dealing with a complicated pregnancy soon after leaving the tribal attorney position. I spent the first trimester on bed rest. By the seventh month, I had been cleared for normal activity. At this point, the marriage became unbearable and I filed for divorce. Sixteen days after my son was born, the divorce was finalized and I drove to Oklahoma to prepare to enter the Tulsa Law LL.M. program.

While attending the LL.M. program, I began to learn about the steps to becoming a law professor and legal scholarship and presentations as avenues through which I could help shape and educate on federal Indian law. The school's Native American Law Center⁴² had a wonderful group of faculty who

40. For a discussion on best practices in tribal governance, see Angela R. Riley, *Good (Native) Governance*, 107 COLUM. L. REV. 1049 (2007).

41. At the end of those four-year terms, the tribal constitution was amended to return to two-year terms for elected officials. Unfortunately, the experiment failed on this first attempt for greater stability in tribal leadership. See Revised Constitution and Bylaws of the Sisseton-Wahpeton Oyate November 15, 2006, Article III §3, available at <http://www.swonsn.gov/Government.aspx> (last visited Apr. 22, 2014).

42. For information about the Center, see UNIV. OF TULSA COLL. OF LAW, NATIVE AM. LAW CTR, <http://www.utulsa.edu/Academics/Colleges/College%20of%20Law/Centers%20and%20Institutes/Native%20American%20Law%20Center.aspx> (last visited May 19, 2014).

offered mentoring and advice on how to become a law professor. Many of the faculty members coached me through conducting mock interviews and giving me feedback on my job talk. The Native students attending the law school joined together to form a community and many had young children. Many of my lifelong friendships were created through attending Tulsa Law and being active in the Oklahoma Indian law network.

After graduating from the LL.M. program, I was admitted to the Oklahoma bar and waited for the hiring cycle in the legal academy to begin. During this time, I added depth to my litigation experience in tribal and state courts. To bring in additional income, I worked with a local firm representing tribal individuals, providing tribal government legal services, and serving on a contract basis for prosecutorial and public defender services in Tribal Courts. I also maintained a solo practice in tribal law where I served as a public defender for two Oklahoma Tribes and provided legal consulting services to a third tribe on a federal court case and on land issues. Following the guidance of my faculty mentors at Tulsa Law, I entered into the Faculty Appointments Registration (FAR) process and registered for the annual interview sessions in Washington, D.C.⁴³

After the interview sessions, I went on three campus call-back⁴⁴ interviews seeking a fit with a law school where I would teach a first year contracts course(s) and at least one Indian law course. I enjoyed the faculties and administrators I met on the call-back visits. After interviewing at Hamline⁴⁵ University School of Law (HUSL), I received an offer almost immediately. Hamline is located in the traditional territory of the Dakota peoples⁴⁶ and is in the state of Minnesota, which has eleven Indian reservations.⁴⁷ I contacted one of my good friends and colleagues to discuss how to handle the offer. With her experienced advice, I discussed the terms of the offer and reached an agreement to begin as an Assistant Professor of Law.

43. See generally *Faculty Appointments Register*, THE ASS'N OF AM. LAW SCHS., <http://www.aals.org/frs/far.php> (last visited May 19, 2014).

44. For me, one of the most difficult parts of the call-back visits was entrusting the care of my one-year old with close friends for the several days each trip took. Having a network of support as a single parent made a huge difference in my ability to enter the legal academic job market.

45. Pronounced Ham-Lynn. For information about the school, see HAMLINE UNIV. SCH. OF LAW, <http://law.hamline.edu/> (last visited May 19, 2014).

46. For a description of historical Dakota territory, see Lenor A. Scheffler, *Reflections of a Contemporary Minnesota Dakota Lawyer: Dakota Identity and Its Impacts in 1862 and 2012*, 39 WM. MITCHELL L. REV. 582, 586-87 (2013); see also, Angelique A. EagleWoman, *Re-establishing the Sisseton-Wahpeton Oyate's Reservation Boundaries: Building a Legal Rationale from Current International Law*, 29 AM. INDIAN L. REV. 239, 240-42 (2004-2005).

47. See STATE OF MINN. INDIAN AFFAIRS COUNCIL, <http://mn.gov/indianaffairs/tribes.html> (last visited May 19, 2014).

IV. THE EAGLE HAS LANDED IN THE LEGAL ACADEMY

Thus far in my legal academic career, I have been on the faculty at three law schools: Hamline University School of Law, a joint appointment visitorship at the University of Kansas School of Law and the graduate level KU Indigenous Nations Studies (INS) program,⁴⁸ and at the University of Idaho College of Law. Each position has increased my skill level, helped me develop as a legal scholar, and enabled me to meet exceptional colleagues with whom I still keep in touch.

Prior to my first semester of teaching, I moved from Oklahoma to Minnesota over the summer. Like many of my colleagues, joining a new law faculty meant moving a great distance geographically. Hamline graciously sent me to the AALS New Law Teachers Workshop⁴⁹ in June on the east coast. I met two other new hires from Hamline there and attended a Contracts session⁵⁰ with a group of new hires from across the country. It was a very informative and worthwhile workshop.

During my first year at Hamline, I learned the practical realities of teaching a large 1L class for two semesters in Contracts I and II. I also taught a small two-credit seminar on topics in Native American Law. On an informal level, my efforts to increase the number of Native American Law courses and strengthen that aspect of the curriculum were met with near hostility by some of the senior faculty and administrators. Unlike the spirit of entrepreneurialism I was told existed at the law school, I encountered frequent barriers to teaching in the field that most interested me. At one point, I was blatantly told that I was hired to become a commercial law professor, and that it would not serve me to keep focusing on Native American Law. Against the advice of many of the senior faculty at Hamline, I informed the dean, prior to the March best practices deadline for faculty to announce temporary leaves of absence,⁵¹ that I would be accepting a visitorship for the following year at the University of Kansas.

The following summer I moved from Minnesota to Lawrence, Kansas.⁵² Growing up in Kansas, I was a huge KU basketball fan and loved traveling to Lawrence to visit the downtown shops on Massachusetts Street. Lawrence was

48. For a description of the current version of the program, see KAN. UNIV. INDIGENOUS STUDIES, <http://www2.ku.edu/~insp/> (last visited May 19, 2014).

49. For information about the workshop, see ASS'N AM. LAW SCHS., http://www.aals.org/events_nlt.php (last visited May 19, 2014).

50. I found a very welcoming community amongst the Contracts section of law professors and introduced myself on the online blog. See ContractsProf Blog, *Contracts Prof Weekly Spotlight: Angelique EagleWoman (Wambdi WasteWin)*(August 17, 2006), http://lawprofessors.typepad.com/contractsprof_blog/2006/08/contracts_prof__1.html.

51. See *Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members*, ASS'N AM. LAW SCHS., available at www.aals.org/about_handbook_sgp_rec.php (last visited May 19, 2014).

52. It was this summer that my mother passed into the Spirit World and, returning to Kansas, I felt her presence constantly around me during my grieving process.

also home to the Haskell Indian Nations University,⁵³ the university my Dakota great-grandmother⁵⁴ and several generations of my relatives attended. My visitorship was structured as a joint appointment with four courses in the teaching package. Three courses were graduate level courses in the Indigenous Nation Studies (INS) Program and available for law students to attend: *Indigenous Peoples of the World*; *International Human Rights & Indigenous Peoples*; and *Protection of Indigenous Rights & Cultures*. One course, *Sovereignty, Self-Determination & Indigenous Nations*, was a regular offering of the law school's Tribal Law & Government Center,⁵⁵ and was available for the INS program students to enroll in. I knew at the time that I was having one of the most incredible teaching experiences of my life, as all four courses focused on international Indigenous topics and allowed for intellectual freedom to shape the course curriculums. Following the year at Hamline where I felt stifled and unable to teach on Native American topics, the visitorship at KU was an intellectual dream come true.

In the INS program, I served on the master thesis committees for four bright young Natives dedicated to improving the world for Indigenous peoples. I also found time to present at Haskell on pursuing a career in law, and assisted Professor Stacey Leeds, Director of the KU Tribal Law & Government Center, with coaching the KU NALSA moot court team. At the end of my visiting year, I was honored by the INS program students and awarded their Crystal Eagle Award.⁵⁶ As a result of my experiences at KU, I was determined to either find a legal teaching position that would allow me to regularly teach Native American Law courses or to return to private practice to work with tribal governments.

Almost on cue, several colleagues sent me the announcement that the University of Idaho College of Law⁵⁷ was seeking to fill a position with a teaching package of Civil Procedure and Indian Law. I applied for the position and was asked to attend the AALS interview conference in D.C. to meet with the faculty hiring committee. At the committee interview,⁵⁸ I brought a one-page proposal to build a Native American Law program. The proposal was loosely

53. For more information about the school, see HASKELL INDIAN NATIONS UNIV., <http://www.haskell.edu/> (last visited May 19, 2014).

54. My great-mother, Violet (DeMarrias) DeCoteau/Thompson, attended Haskell during the assimilation era of United States Indian policy. For more information in the assimilation era, see COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 1.04, 76-78 (Nell Jessup Newton ed. 2012).

55. For information about the Center, see UNIV. OF KAN. SCH. OF LAW, TRIBAL LAW & GOV'T CTR., <http://www.law.ku.edu/tribal> (last visited May 19, 2014).

56. See Oread, *Faculty to Receive Distinguished Teaching Awards*, UNIV. OF KAN. (May 12, 2008), <http://www.oread.ku.edu/2008/may/12/teaching-awards.shtml> (last visited May 19, 2014).

57. For information about the college, see UNIV. OF IDAHO COLL. OF LAW <http://www.uidaho.edu/law> (last visited May 19, 2014).

58. I was pleasantly surprised to see a colleague I met previously at the New Law Teachers Workshop Contracts session as a fellow new hire on the Idaho faculty hiring committee.

based on the programs at Tulsa Law, KU Law, and the University of New Mexico Indian Law Program, the oldest program in the country.⁵⁹ Although I had never stepped foot in Idaho, I had contacted colleagues who worked with or were from Tribal Nations⁶⁰ in the state to determine whether the College of Law was regarded as a good partner to neighboring tribal governments. Following the committee interview, I was invited on a “call-back visit” on campus to present a “job talk” and to interview with the full faculty. On my call-back visit, the law school dean and faculty had a very congenial response to my proposal to create a Native American Law program.

Joining the University of Idaho (UI) Law faculty in the fall of 2008, I immediately became an Associate Professor of Law and the James E. Rogers Fellow in American Indian Law. As one of two people of color on the law school full-time teaching faculty, I became very involved with the diversity efforts both at law school and on the main campus. Due to my scholarly interest in the intersection of Native Law and Natural Resources Law⁶¹, I am also a member of the Natural Resources and Environmental Law (NREL) faculty. Using the NREL Emphasis⁶² as a model, I developed the Native American Law (NAL) Emphasis⁶³ and, working closely with the law school administration and curriculum committee, was able to shepherd the proposal through the necessary campus approvals. In 2009, the proposal was successfully adopted by the State Board of Higher Education⁶⁴ as part of the regular JD curriculum. Creating the

59. It should be noted that there are Indian Law programs attached to U.S. law schools, but there is no stand-alone Native American law school in the same way that there are tribal colleges. For a listing of the tribal colleges in the United States, visit the American Indian Higher Education Consortium, Tribal Colleges and Universities website at <http://www.aihec.org/colleges/>.

60. There are five federally-recognized Tribes with relationships to the state of Idaho: Coeur d’Alene Tribe, Kootenai Tribe of Idaho, Nez Perce Tribe, Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes.

61. See, e.g., Angelique EagleWoman, *Tribal Hunting and Fishing Lifeways & Tribal-State Relations in Idaho*, 46 IDAHO L. REV. 81 (2009); Angelique EagleWoman, *The Eagle and the Condor of the Western Hemisphere: Application of International Indigenous Principles to Halt the United States Border Wall*, 45 IDAHO L. REV. 555 (2009); Angelique EagleWoman, *Tribal Big Horn Sheep Cultural and Subsistence Resource, Aboriginal & Tribal Treaty Rights, and State-Tribal Consultation*, in BIGHORN SHEEP AND DOMESTIC SHEEP: ANALYSIS OF THE CURRENT SITUATION IN IDAHO, 46 (Univ. of Idaho, College of Natural Resources Policy Analysis Group, January 2010), available at <http://www.uidaho.edu/~media/Files/orgs/CNR/PAG/Reports/PAGReport30>.

62. For more information about the program, see UNIV. OF IDAHO COLL. OF LAW, NATURAL RES. AND ENVTL. LAW PROGRAMS, <http://www.uidaho.edu/law/academics/areasofstudy/nrel> (last visited May 19, 2014).

63. For more information about the program, see UNIV. OF IDAHO COLL. OF LAW, NATIVE LAW PROGRAM, <http://www.uidaho.edu/law/academics/areasofstudy/nativelaw> (last visited May 19, 2014).

64. See IDAHO STATE BD. OF EDUC., <http://www.boardofed.idaho.gov/index.asp> (last visited May 19, 2014). “The Idaho State Board of Education (SBOE) is a policy-making body for all public education in Idaho and provides general oversight and governance for public K-20 education. SBOE serves as the Board of Trustees for state-sponsored public four year

NAL Emphasis as part of a larger Native Law program composed of the Native Law curriculum offerings, the Idaho NALSA chapter, and the on-going partnerships with the local Tribal Nations have given me a deep sense of fulfillment in my work as a legal academic.

**V. GAINING EAGLE WISDOM FROM NEW HEIGHTS: MY REFLECTIONS ON
THE BOOK, *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE
AND CLASS FOR WOMEN IN ACADEMIA***

In reflecting on my journey as a woman of color in the legal academy, I found many voices that resonated with me when I read the book, *Presumed Incompetent: The Intersections of Race and Class for Women in Academia*. In this section, I will share my reflections on the five categories set forth in that text and provide insights through my personal experiences as a Dakota woman. Those five categories are set forth below as: A. General Campus Climate; B. Faculty/Student Relationships; C. Networks of Allies; D. Social Class in Academia; and E. Tenure and Promotion.⁶⁵

A. General Campus Climate

As a Native woman, I have often had the experience at educational institutions of being the only Native person in the room. There is a burden that comes with this solitary position and it is to speak up and bring up topics no one else will. I have often been the only one speaking up about how the discussion or decision at hand may impact Native communities, students, or the Native Law program. Other times I am the only one speaking up about diversity and/or gender issues. It takes a certain amount of willing myself to be assertive in a room where it may seem like the concerns I have do not register as part of anyone else's thoughts and are not being expressed in the discussion taking place.

In my experience, campus climate is heavily influenced by the University president and administration. I participated in a structured effort by a university president, known as the President's Diversity Council.⁶⁶ This Council was empowered to develop reports and recommendations regarding campus climate, faculty recruitment and retention, student recruitment and retention, staff recruitment and retention, multicultural curriculum development, and outreach on the local and statewide levels. Participating in this campus-wide effort taught

colleges and universities and the Board of Regents for the University of Idaho." *Id.*

65. See *Table of Contents* to, *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* (Gabriella Guitierrez y Muhs, Yolanda Flores Niemann, Carman G. González, & Angela P. Harris eds., 2012).

66. For more information, see *President's Diversity Council*, UNIV. OF IDAHO, <http://www.uidaho.edu/diversityandhumanrights/diversitycouncil> (last visited May 19, 2014).

me that educational administrators can take important actions to deeply impact a campus climate for the better. The next step, once the reports and recommendations are received, is implementation, including dedicating funding.

Despite an element of independence, law school environments are also strongly influenced by the campus administration as well as the law school dean. I have been in a law school where my primary area of interest, Native American Law, was recognized as an important curriculum component to meeting the mission of the law school and the university.⁶⁷ I have also had the experience where it was viewed as practically unnecessary. In my field, it is important to reach out to local tribal governments and build relationships for the benefit of both law students and tribal communities. Tribal leadership is often well aware of the legal need that exists in tribal communities and welcomes the opportunity for partnerships with educational institutions.

Overall, the president of the university and the dean of the law school set the tone and the standards for what is tolerated, what is embraced, and what is prioritized in terms of diversity and relationships with tribal governments.⁶⁸ As a woman of color in legal academia, I appreciate a proactive university leader that speaks openly about the campus climate and diversity efforts, rather than waiting to react to an incident, such as a hate crime or student protest. Being able to handle conflicts when they arise is also an important skill, as human beings tend to have disagreements and conflicts. People of color become even more noticeable in climates where a conflict is occurring over unequal/unfair treatment or racially charged incidents. For students, these are the lasting memories they will have from their educational experiences. By openly resolving conflicts, setting the standards for courteous engagement in classrooms, meetings, and campus events, and enforcing consequences for those who create hostile environments, university leaders have the primary role in providing a campus climate where women of color in academia may flourish as legal scholars, legal educators, and legal administrators.

B. Faculty/Student Relationships

By joining the legal academy, I had a goal to mentor law students to make a positive difference in the world. I wanted to provide support, encouragement, and guidance to those seeking legal careers, especially those who planned to work in the field of Native American Law.⁶⁹ Part of my motivation stemmed

67. See Gloria Valencia-Weber, *Law School Training of American Indians as Legal-Warriors*, 20 AM. INDIAN L. REV. 5, 53-54 (1995-1996).

68. See Rennard Strickland & Gloria Valencia-Weber, *Observations on the Evolution of Indian Law in the Law Schools*, 26 N.M. L. REV. 153, 157 (1996).

69. See Kimberly R. Moffitt, Heather E. Harris, & Diane A. Forbes Berthoud, *Present and Unequal: A Third-Wave Approach to Voice Parallel Experiences in Managing Oppression and Bias in the Academy*, in PRESUMED INCOMPETENT, *supra* note 65, at 91 (discussing the importance of mentoring by women of color professors resulting from their experience of

from the consistent lack of support I encountered throughout my education, until I attended the LLM program at Tulsa Law. In that program, I felt that the faculty took mentoring seriously and that I truly did matter.

As a law professor in the first year curriculum, I am able to role model professionalism and cultural competency in the classroom. The vast majority of my students are non-Native and for some of them I am the first Native American they have encountered in their lives. In this simple way, I feel that I am breaking stereotypes as a Native woman law professor.⁷⁰ For my few Native students, I know that I am setting an example and passively teaching that they can handle any legal position they set their minds to achieving.⁷¹

For law students who enter the classroom with a closed view on people of color or, specifically, Native Americans, I seek to provide teachable moments in class discussion. I am not afraid to handle discussions when comments are made with a derogatory spin, as this allows for a greater depth in understanding when the comment is addressed professionally. My students, as lawyers, will one day need to professionally handle issues of identity, race and all other forms of diversity in real-life situations. It is my intention to provide safe spaces to handle sensitive topics in a legal and professional manner. I also purposefully choose mandatory texts that allow for open discussions on diversity. My history with the law school diversity committee and participation on the orientation diversity panel ensures that students have the sense of the collegiality I expect when discussing people from other backgrounds and of the importance of diversity in becoming a successful member of the legal field.

I have had a handful of difficult students over the years. A few seemed to exist in a world of entitlement and sought to challenge their grades in my classes. Others had ongoing mental health, medical, or addiction issues that required administrators to step in. Law school is a reflection of society in some ways, and the human issues that occur in the world do find their way into our classrooms at times. Patience and using university resources have been my methods in handling these situations.

As a solitary figure in most of my daily interactions, I truly have compassion for the few diverse students who navigate classrooms and the law

isolation as students).

70. See Rebecca Tsosie, *Reclaiming Native Stories: An Essay on Cultural Appropriation and Cultural Rights*, 34 ARIZ. ST. L.J. 299, 318-22 (2002) (explaining the various harmful stereotypes imposed upon American Indian women in mainstream U.S. culture).

71. See Valencia-Weber, *supra* note 67, at 13. “The task of increasing the number of American Indians trained to represent tribal interests has passed to American Indians themselves.” *Id.* See also Nathan Goetting, *On White Scholars Teaching Federal Indian Law*, 65 GUILD PRACTITIONER 193, 205 (2013). “The history of American Indians has been replete with battles against two kinds of white antagonists: the racists who hate them and the fools who claim to have figured them out. Which of these two has been more pernicious is open to debate. Most white American scholars want to help eliminate the former but while doing so must be ever-vigilant of becoming the latter.” *Id.*

school hallways as often the only member of their group. I know how easy it can be to downward spiral after one difficult interaction - to feel as though the entire building is caving in on you. I do my best to be a smiling presence in the hallways. When I notice that diverse students are looking less than their usual enthusiastic selves, I often offer to meet with them for a chat. At times, these interactions can be draining for me, especially when I know there is a pile of work waiting. At other times, these interactions give me a renewed sense of purpose in my work, and I know I have made a difference for those students. I have seen a pattern in my diverse students to have a tearful breakdown in the middle of the first semester and question their decision to be in law school. This is when I know it is critical to step in and try to start a conversation with optimism and encouragement.

C. Networks of Allies

There is a strong network of law professors teaching in Native American law across the country and this community is a primary reason that I am still a legal academic. I have valued involvement in Native bar associations in the various geographic areas I have practiced and taught law.⁷² I also try to travel to nearby reservations annually to visit with the in-house tribal attorneys and tribal court personnel. Invitations to conferences, emails offering encouragement, and telephone calls to share laughter and insights have been frequent indicators that I am not alone, even though I am the only Native law professor in the state of Idaho. By attending conferences and putting on an annual Native law conference, I enjoy the feeling of community and intellectual engagement in the company of my Native law colleagues.⁷³ The Native law world is a small one, so acts of kindness and support make a big difference. As those who have gone before me have reached out a helping hand to me, I want to return the favor as a mentor and supporter to those who are new to the legal academic world.

In terms of allies, I have experienced the “disappearing ally,”⁷⁴ so I

72. I have been a board member of the following regional Native bar associations: Minnesota American Indian Bar Association (MAIBA); National Native American Bar Association (NNABA); and the Northwest Indian Bar Association. I am a current member of the South Dakota Indian Country Bar Association.

73. It should be noted that teaching Native law is not always a joyful experience, as many of the legal principles and U.S. policy eras have been devastating to Native peoples. Legal scholarship has developed with insight on strategies to continue to teach in this field in the hopes of changing current policies. See, e.g., Alex Tallchief Skibine, *Teaching Indian Law in an Anti-Tribal Era*, 82 N.D. L. REV. 777 (2006); G. William Rice, *There and Back Again – An Indian Hobbit’s Holiday: Indians Teaching Indian Law*, 26 N.M. L. REV. 169 (1996).

74. See Angela Mae Kupenda, *Facing Down the Spooks*, in PRESUMED INCOMPETENT, *supra* note 65, at 24 (“I reminded her that she seems to count on my support on gender-based issues, but she and some other white females disappear and leave me standing alone on racial or racial/gender-based issues. She said she understood, but that did not stop her disappearing acts.”).

appreciate that an ally may exist for one thing but not for another.⁷⁵ For example, I have learned not to assume that another person of color is an ally, but to have a conversation and determine whether there are common interests for an alliance on an issue.⁷⁶ I find that I am in constant faculty conversations to determine if there is room for negotiation or whether there is some change being considered to the law school curriculum that will impact my program, my students in the program, or my committee work. Because I am passionate about the Native Law program I have created, I am invested in continuing the conversations with faculty colleagues and administrators.

Fundamentally, I have a strong spiritual core and faith. I believe that I am spiritually called to do the work that I am doing and this faith provides me with a sense that I don't need to get personally invested in every outcome and decision. Things may change in a week, a month, or a year. As long as I am walking forward in a positive manner, then positive developments will present themselves in the right time.

D. Social Class in Academia

As a law professor, I am in the top financial status for Native Americans, and particularly Native women, in the country.⁷⁷ This is a significant change from the material poverty I experienced throughout my early years. Despite the material poverty, I have always felt culturally wealthy.⁷⁸ Attending an elite prep school and university helped acclimatize me to the non-Indian world I frequent nowadays.

One of the different cultural norms that I have had difficulty adjusting to is the frequent use of alcohol in the legal academy. The idea that a glass of wine is a sign of belonging to a particular elite social class has highlighted this issue for me. With my traditional Native background, I know the introduction of alcohol into Native communities has led to devastating consequences.⁷⁹ As a practicing

75. One ally I have consistently found on campuses is the person serving in the role of chief diversity officer for the university.

76. See Ruth Gordon, *On Community in the Midst of Hierarchy (And Hierarchy in the Midst of Community)*, in PRESUMED INCOMPETENT, *supra* note 65, at 327-29 (discussing the privilege and hierarchy that people of color face in the legal academy and how these statuses can create barriers to working together).

77. See U.S. CENSUS BUREAU, U.S. DEP'T OF LABOR, AM. INDIAN AND ALASKA NATIVE HERITAGE MONTH: NOVEMBER 2011 (2011), *available at* http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff22.html (reporting that, in 2010, the estimated median income for American Indians and Alaska Natives was \$35,062 and the percentage in poverty was 28.4%, compared to 15.3% for the general U.S. population).

78. See generally Angelique EagleWoman, *Tribal Nations and Tribal Economics: The Historical and Contemporary Impacts of Intergenerational Material Poverty and Cultural Wealth Within the United States*, 49 WASHBURN L.J. 805 (2010).

79. See PATRICIA M. BARNES, PATRICIA F. ADAMS, & EVE POWELL-GRINER, U.S. DEP'T OF HEALTH AND HUMAN SERVS., HEALTH CHARACTERISTICS OF THE AMERICAN INDIAN AND

attorney in D.C., I felt very disappointed when law firms would host social events and tribal leaders, attorneys, and policymakers would become intoxicated. I have that same sinking feeling at Native law conferences, informal faculty gatherings, and legal organization banquets these days. I am not one to join others at the bar to unwind after the first week of teaching, and I know that this leaves me out of some of the bonding experiences my faculty colleagues engage in. The connection between elite social class and “social drinking” at legal functions continue to signify to me that I am not fully included in the legal social norms.

I also see social class issues arise for many of my law students from material poverty backgrounds who are still struggling financially. When a student can’t afford a suit for an event or to pitch in money for food at a student organization meeting, I see how a lack of financial resources can limit a law student’s options and have consequences on the student’s self-esteem. I do all I can in terms of using program funds to fully support students in the Native law program. The intergenerational poverty of Native Americans continues to influence the choices available to those who seek law degrees. I see some of the same issues across all of the student body, especially the first generation college students and the single parents who choose to go to law school.

E. Tenure and Promotion

The old adage that underestimated people must achieve above and beyond expectations has stuck with me. In terms of legal writing, service, and teaching, I have been an overachiever and this has been intentional. Prioritizing legal writing will open doors for your legal academic career that nothing else will, making it the most worthwhile activity to devote school breaks and summer vacation to.⁸⁰ The currency of the realm in legal academia is the law review article and every junior person of color should set out to be wealthy in that currency.⁸¹

When I attended law school, I developed a genuine appreciation for the law review article as a medium of scholarly engagement. As a law professor, I feel grateful for the opportunity and expectation to produce legal scholarship. Bringing my background as a tribal attorney to my legal research agenda, I have

ALASKA NATIVE ADULT POPULATION: UNITED STATES, 2004-2008, *available at* <http://www.cdc.gov/nchs/data/nhsr/nhsr020.pdf>. “In the AIAN population, chronic liver disease and cirrhosis was the sixth leading cause of death, but was not ranked in the top 10 for the white, black, or Asian or Pacific Islander populations in 2005.” *Id.* at 1.

80. One of the legal writing efforts I dedicated significant time to was the recently published book I co-authored with Dean and Professor Stacy Leeds, *MASTERING AMERICAN INDIAN LAW* (Carolina Academic Press 2013).

81. See Matthew L.M. Fletcher, *On Becoming an American Indian Law Professor*, MICH. STATE UNIV. LEGAL STUDIES RESEARCH PAPER SERIES, No. 10-12, at 6, *available at* <http://ssrn.com/abstract=2058557>.

found a space for the tribal legal and economic articles I wanted to write. One of my weaknesses early in my legal academic career was frequently accepting invitations to write for journals, rather than devoting time to placement of articles. When my third year review committee encouraged me to seek a wider selection of journals for publication, I then consciously sought to diversify the placement of subsequent articles.

The overworked person of color on faculty is not a myth, but a reality for many. I have had to develop the skill to say “no” and mean it when I’m asked to serve on yet another task force, committee, or board. Knowing how important each diverse student is and showing support through showing up makes it difficult not to accept every speaking opportunity, guest lecture, or student organization event.⁸² At the same time, I must balance this sense of obligation with my obligations to faculty governance and to the national Native law community. As the years go by, I have found that I do have more freedom to choose what to be involved in and exercise my participation towards the activities that are most meaningful to me.

As I undergo consideration for promotion to full professor this year, I am secure in knowing that I have met and exceeded the requirements for legal scholarship, teaching, and service. I wish this sense of security for all of my colleagues of color across the country. There were habits I formed that helped me get to where I am now. The weekly email motivators by Kerry Ann Rockquemore were welcome reminders to keep writing and prioritizing my time.⁸³ At the beginning of each semester, I set up an online course page on TWEN⁸⁴ to organize materials for class topics. During the semester, I took the time to prepare my lectures every weekend for the following week and to develop power points for my classes throughout the semester. These resources require minimal updating at this point and are invaluable to my students.

Because I devoted significant time to putting together my lecture notes, visuals, hypothetical problems, and other teaching tools, I now spend minimal time updating those materials for the actual work of teaching. This allows me to balance my time between my personal life and work responsibilities. I have to be vigilant in not taking on more work than I can reasonably handle. At this point in my life, I am happily married, sharing parenting responsibilities, and enjoying a much better work/life balance with good habits in place. This is not to say that there are not still challenging moments, when I wonder whether I am in the right

82. See Michelle M. Jacob, *Native Women Maintaining Their Culture in the White Academy*, in PRESUMED INCOMPETENT, *supra* note 65, at 244 (noting the motivation of Native women to do “extra care and service work” especially when it involves helping Native students).

83. See generally Kerry Ann Rockquemore, *The Monday Motivator*, NAT’L CTR. FOR FACULTY DEV. & DIVERSITY, <http://www.facultydiversity.org/?page=MondayMotivator> (last visited Mar. 19, 2014).

84. For more information about TWEN, see WESTLAW TWEN RESOURCES, <https://lawschool.westlaw.com/shared/marketInfoDisplay.asp?code=si&id=1>.

place or feel overwhelmed with a sense that my work is taking over my life.⁸⁵ My professional life is still a work in progress.

VI. ENCOURAGING THE NEXT GENERATION TO SPREAD THEIR WINGS

Through this reflective piece on balancing between two worlds, I wanted to communicate the deep sense of purpose underlying my choice to be a Dakota woman law professor. In recent years, I have taught in the Pre-Law Summer Institute for American Indians and Alaska Natives (PLSI),⁸⁶ hosted by the American Indian Law Center in partnership with the University of New Mexico School of Law and the Law School Admissions Council. At PLSI, I teach an introductory course on civil procedure to a classroom of Native students. It is incredible to see these representatives from Tribal Nations across the country gathered together to pursue legal educations. It has been a pinnacle experience for me to serve as one of the faculty in the PLSI. It has also enabled me to serve as a reference, be a mentor, and get to know Native students in law schools across the country.

The creation of the UI Native Law program⁸⁷ and the opportunity to teach at PLSI both reinforce my decision to participate in legal academia. These experiences, along with engagement in the intellectual network of legal scholars in Native American law, continue to bring me fulfillment. The rule of law is not a foreign concept for Tribal Nations. In contemporary times, we are blending ancient wisdom and cultural norms with legislative processes to set the standards for tribal societies and for engagement with other communities. Law has a strong role to play in the future of tribal governance and the betterment for quality of life for Native Americans. Drawing upon these larger concepts, I can re-center myself as a law professor when I feel isolated or overwhelmed. It is knowing that I have the ability to encourage the next generation to spread their wings that motivates me on a daily basis.⁸⁸

85. See Beth A. Boyd, *Sharing Our Gifts*, in PRESUMED INCOMPETENT, supra note 65, at 281 (“We have to remember why we are doing this work, develop a vision for ourselves.”).

86. For information about PLSI, see *PLSI (Pre-Law Summer Institute)*, AM. INDIAN LAW CTR., <http://ailc-inc.org/PLSI.htm> (last visited May 19, 2013).

87. For information about the program, see *Native Law Program*, UNIV. OF IDAHO COLL. OF LAW, <http://www.uidaho.edu/law/academics/areasofstudy/nativelaw> (last visited May 19, 2014).

88. See Stacy L. Leeds & Elizabeth Mashie Gunsaulis, *Resistance, Resilience, and Reconciliation: Reflections on Native American Women and the Law*, 34 T. JEFFERSON L. REV. 303, 322 (2012) (“We must take to heart the lessons from these women, and know that to overcome the challenges that lie ahead for tribal communities we must stand united together as a group. We must support each other and remain fully cognizant of the shoulders we stand on in a long legacy of Native women who have truly shaped and evolved the law.” *Id.*