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How to Be an Authentic Indian

M. Alexander Pearl*

As you are all certainly aware of by now, image is everything. That is particularly true for us tribal people (or “Native Americans” as the bleeding-

* Enrolled citizen of the Chickasaw Nation of Oklahoma and Assistant Professor at Texas Tech University School of Law. I have to make special mention of the exceptional artist who created the original artwork for this article. Hannah Dean is an artist working out of Slaton, Texas. She has been in various national and international publications and exhibitions including New American Paintings MFA Annual #111, The Rising Eyes of Texas, features through Saatchi Art online, and was a finalist in the Hunting Art Prize 2014. Hannah is in her final year at Texas Tech University in the M.F.A program in painting.

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heart whiteskins are always so careful to say). Image is pretty much all we have left these days. The land is gone. The money is gone. The treaty rights are gone. And now, the cornerstone of our image hangs in the balance. The Washington Redskins mascot is in jeopardy. But this is getting ahead of the story. Let me start at the beginning.

We tribal people have worked tirelessly to improve our status, position, and welfare for Seven Generations. As a result of our continuous efforts, when non-Indians think about us tribal people they think of certain things: long-flowing black hair, unyielding courage in battle, and the ability to talk to animals (also, we all have a Cherokee grandmother . . . who was also a princess as well). Not to mention our high cheekbones. Those associations must be preserved at all costs.

Now, you may be saying to yourself, “How hard is it really to create and maintain our image?” It doesn’t look too difficult. Stick a feather in your hair, look angry, and you’re done, right? Wrong. I mean, do you know how hard it is to cry a single tear while looking stoic? How hard it is to look intensely fierce while simultaneously showing a heartfelt connection to nature at all times? How hard it is to pose all for all those romance novel covers? Those poses take tons of core strength. Fortunately, our hard work and dedication has paid off, and we have emerged with a concrete image of who we are as a people, a concrete image of an Authentic Indian.

Recent events have confirmed, however, that we face the real danger of losing our carefully crafted image. Our image relies on non-Indians maintaining these associations and images of us tribal people. So, us tribal people must police these representations to ensure they reinforce these traits. One of the most prominent representations today is the Washington Redskins mascot. In all of the hoopla, the media has failed to mention that the mascot is

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actually one of our longest running projects as a people. Surprised? I thought so. The air must be cleared: we need to convey what us tribal people are really all about.

You may not know that we tribal people have been concerned about image since the 1800s. That’s why we commissioned all those wooden Indian statues—so handsome with strong jaw lines and arms folded. What an imposing figure, right? Our quest hasn’t been without conflict, though. Sitting Bull was not happy when we made him perform in those Buffalo Bill Wild West Shows.6 “Its demeaning,” he’d say, “I’m a Chief of the Great Sioux Nation.” But we were so serious about our task that we gave him an ultimatum: do the Wild West Show or live with the Crow as part of our cultural exchange program.7 Easy call.8

This typifies a primary tenet of our approach to image: paying close attention to non-Indian culture and our portrayal within it. The development of our image did not happen by accident—it required planning, commitment, and decades of research. As soon as those whitey boats hit our shores, we tribal people saw the writing on the wall: we had to control our perception by these Euros if we were going to survive as a people.9 So, we started the Unified Indian Image Steering Committee.

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8. Nobody likes the Crow.
9. ♪ In fourteen hundred ninety-two ♪
   ♫ Columbus sailed the ocean blue. ♫
   ♦ A compass also helped him know. ♦
   ♫ How to find the way to go. ♫
   ♦
   ♫ October 12 their dream came true, ♫
   ♫ You never saw a happier crew! ♫
   ♦ "Indians! Indians!" Columbus cried. ♦
   ♫ His heart was filled with joyful pride. ♫
   ♦
   ♫ The Arakawa natives were very nice; ♫
   ♫ They gave the sailors food and spice. ♫
10. Also, survive smallpox.
The UIISC is a top secret steering committee of us tribal people that work hard to maintain our image without interference from those no good tribal leaders. To give you an example of some of the critical work we’ve performed, our latest issue involved the Lone Ranger reboot. The Steering Committee had the tough job of recommending an actor to play Tonto. There were lots of directions we could have gone with this. Some Indian folks were talking about how we needed some Native guy to play Tonto and reform him into a more “respectful” representation of Indians. Others thought we should boycott the movie entirely. We had to make hard decisions, and so at the start of this process, I thought this would be our longest and most drawn-out debate. I was wrong. It was a unanimous vote. Fifteen minutes into our first meeting and Johnny Depp was our pick. This is the last time we allow the Committee to be staffed only by women. The movie ultimately flopped, but that film had a positive impact on our image since it confirmed that us tribal people, by nature, are extremely sexy and good-looking.

Each year, the Steering Committee reviews our Policies and Recommendations on Being an Authentic Indian. Our image is very sensitive and, as you now realize, carefully crafted. We’ve got charts and graphs, but all these materials are trade secrets that I’m not at liberty to share. However, in

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11. We tribal people aren’t good at coming up with snappy acronyms.
12. You think Ted Cruz and Elizabeth Warren are bad? Try Denise Jackson (embezzled $3.4m gaming funds), Richard Joseph (breached his fiduciary duties to individual Indian trust funds), or Colton Has Many Horses (stole my girlfriend).
14. I don’t know what they were complaining about. It’s Tonto. His entire job is to keep that white dude from getting killed! We’ve been saving white people since Thanksgiving.
15. For the record, Suzan Shown Harjo, Adrienne Keene, and Amanda Blackhorse were NOT among the people on the Committee.
17. If I did, I’d probably lose my per-capita check and get disenrolled!
the interests of transparency, here are some examples. As you’ll see, creating these long-lasting impressions, stereotypes, and connotations requires effort by all us tribal people.

You can do certain things as a tribal person to make sure you are perpetuating a proper image of an Authentic Indian. Namely, you must wear your “pieces of flair.” To make things easier, we’ve assigned point values to your flair options so that you can keep track of whether you are on track. For example, kidnapping and assimilating a white woman (just like in that John Wayne move, The Searchers) is a TON of flair—thirty-five points. “Sitting Bull Braids” are also worth a lot—twenty points—since they’re so ugly. Also, eagle feathers. Anywhere. Lots of them. Five points each. I want to emphasize here that dyeing chicken feathers doesn’t count. That’s for hipsters. Got turquoise? Not enough, I bet. Three points per piece.

18. From the script for Office Space:

STAN
Joanna? Would you come here for a moment, please?
JOANNA
I'm sorry. I was late. I was having lunch.
STAN
I need to talk about your flair.
JOANNA
Really? I have fifteen buttons on. I, uh, (shows him)
STAN
Well, ok, fifteen is minimum, ok?
JOANNA
Ok.
STAN
Now, it's up to you whether or not you want to just do the bare minimum. Well, like Brian, for example, has thirty-seven pieces of flair. And a terrific smile.


19. Man, I love John Wayne movies. He had great teeth, even though they were wooden. If you are interested in the captivity narrative, try Georgina Gentry, Cheyenne Captive (1987). From the publisher:

When Headstrong, golden-haired Summer ran away from home, all she could think of was leaving her strict father behind. But after a vengeance-seeking Indian attacked her stage threatening her with a fate worse, than death, [sic] the tempestuous girl yearned for her parents' overbearing rules . . . until the savage's cruel grip changed to a tantalizing touch! His sensuous caresses banished all ties to the past, the exciting things he did with his lips made her yearn for an unknown fulfillment. From that moment the spirited innocent knew that her future was bound to his - and she'd cherish whatever relationship the uncivilized brave decided to have with her.


21. Admit it.

22. Navajos always overdo this category.
Other items exist on a sliding scale. Beaded items of attire are worth seven points each. Two things must be noted about this rule. First, wearing a beaded medallion bigger than your head gets fifteen points alone (beware that Indian Health Service facilities do not have chiropractors on staff—well, maybe at Pechanga or Miccosukee). Second, there’s a cap on beaded items: you can’t receive credit for more than three per day. Once, Kevin Harjo came to a meeting wearing a fully beaded three-piece suit, beaded bolo tie, beaded watch, beaded moccasins, beaded iPhone case, and a beaded Sooners hat. He wanted credit for everything, but that was not going to happen. Naturally, he sued us in Tribal Court.25

I cannot overstate the importance of passing down these principles of our image to the younger generations. Stereotype consistency is extremely important. We have a vested interest in ensuring that non-Indians retain their long-held beliefs that we tribal people are born with the ability to play Indian flutes, have all sorts of wisdom from our ancestors, and can fancy-dance before we can walk.24 Proper oversight of our image is a multifaceted process requiring us tribal people to partner with our non-Indian allies in reinforcing these long-held beliefs.

This partnership with non-Indian allies is at risk right now. One of my favorite projects, the Washington Redskins mascot and team name, is failing us. Contrary to what you may be hearing in the news, and from some particularly irritating, loud-mouthed, and pale-skinned Indians25, the most

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23. His cousin ruled against him. Council voted to impeach the judge (of course).
glaring issue right now is not the mascot’s image on the helmet, the color of its skin, its use of eagle feathers, or alleged slur of a nickname. Even the most scientifically rigorous of polls confirms that we all totally love the nickname and enjoy being called Redskin in every day parlance. It is not that the name harms us emotionally, reduces our self-esteem, or diminishes what we think we are capable of accomplishing. The cultural leaders Coach Mike Ditka and Governor Sarah Palin recognize that people need to lighten up about the name—need I say anything more? We have a deepening concern about something more alarming: the team sucks.

The Washington Redskins are bad. REALLY bad. Put it this way; the Jacksonville Jaguars, Buffalo Bills, and New York Jets (I mean, come on! The JETS?!) have all won more games since 1995. The Redskins have, however, won more games than the Detroit Lions. But, seriously, do we need to pile on to Detroit right now? Meanwhile, the Patriots have only missed the playoffs five times during that same eighteen-year period. By the way, Coach Bill Belichick would make a great wooden Indian statue, but I digress.

The team’s poor performance on the field undermines our image as strong, fierce, and savage creatures. And so, it is with a heavy heart that we must take this next step and file a lawsuit against the Washington Redskins for tarnishing our longstanding property and trademark interests pursuant to 15 U.S.C. § 1125(c)(1).


Under the law, a “trademark may be tarnished when it is linked to products of shoddy quality.”\(^{28}\) Obviously, we tribal people have labored and invested in the creation of our own image and thereby have a right to its protection. This portion of the statute is designed to prevent the exact type of reputational harm\(^ {29}\) we are experiencing due to the Washington Redskins being completely terrible.

In our complaint’s prayer for relief, we do not seek damages, an apology, the return of land, or meaningful and substantial changes to the epidemic of violence against Native women (is there an organization better equipped to deal with domestic violence issues than the National Football League (NFL) and its members? I think not!). Instead we request that the NFL provide the Washington Redskins with compensatory draft picks on the basis that we tribal people are third-party beneficiaries to their contract.\(^ {30}\)

NFL Commissioner Goodell has the authority to do this. He has been steadfast in his defense of the NFL’s image and values. On the grave issue of domestic violence committed by players, he said “[The NFL has] addressed issues of respect . . . for co-workers, opponents, fans, game officials, and others. Whether in the context of workplace conduct, advancing policies of diversity and inclusion . . . our mission has been to create and sustain model workplaces filled with people of character.”\(^ {31}\) I couldn’t have said it better; this comment goes to the heart of the Redskins controversy. Therefore, we hope to rebuild the Washington Redskins team—improve them and aid in their (and OUR) return to glory. This action is a defense against the weakening of our image by the team’s retention of overpaid, underperforming players and outdated coaches. We stand by the Great Father of the Washington Redskins and the noble cause of eleven guys walking up and down a field grabbing another eleven guys while moving an oblong pigskin ball into a defined painted space of grass. We tribal people cannot stand another losing season—the accumulation of losses is too great in years past and this squalor has taken a toll on our collective self-esteem and personal sense of worth.

In solidarity, I end with the original lyrics to our beloved fight song:

Hail to the Redskins!
Hail, victory!
Braves on the warpath!
Fight for Old D.C.!

\(^{28}\) Starbucks Corp. v. Wolfie’s Borough Coffee, Inc., 588 F.3d 97, 110 (2nd Cir. 2009).


\(^{30}\) Or whatever. Reparations?

Run or pass and score
We want a lot more!
Scalp ‘em, swamp ‘um
We will take ‘um big score
Read ‘um, Weep ‘um, touchdown
We want heap more
Fight on, fight on, till you have won
Sons of Washington
Rah! Rah! Rah!\textsuperscript{32}