



# Harvard University

NATIVE AMERICAN PROGRAM

## Newsletter

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### HUNAP Mission Statement:

*"Our mission is to bring together Native American students and interested individuals from the Harvard Community for the purpose of advancing the well being of indigenous peoples through self determination, academic achievement, and community service."*

Visit our website at [www.ksg.harvard.edu/hunap](http://www.ksg.harvard.edu/hunap)

## Navajo Nation Supreme Court Visits Harvard

On April 12, 2006, the Supreme Court of the Navajo Nation, lead by Chief Justice Herb Yazzie, Justice Lorene B. Ferguson, and Justice Louise Grant, held oral arguments in the case of *Perry v. Navajo Nation Labor Commission* in the Ames Courtroom at the Harvard Law School. After being welcomed and introduced by Elena Kagen, dean of the Harvard Law School, the Justices began the proceedings, which drew approximately 300 students, faculty, and interested guests.

This event, co-sponsored by Harvard Law School, the Harvard University Native American Program, and the Native American Law Students Association, marks the second time in eight years that The Court has visited the Law School. Their first visit was in 1999.

At a luncheon, students from across the University were invited to meet with the Justices and other Court representatives. Several students from Harvard Law School took the opportunity to ask Chief Justice Yazzie questions about Indian policy and the future of Indian judicial systems. The Chief Justice discussed the work of the Navajo Peacemaker Court System which seeks to resolve civil disputes by encouraging litigants to find mutually agreeable solutions to their problems.



*Michael Smith, clerk to Navajo Nation Supreme Court, Michael Masters, HLS '06, Chief Justice Herb Yazzie (left to right)*

For hundreds of years, the Navajo lived under a traditional justice system composed of Navajo common law and consensus oriented judicial procedures. This structure was displaced in 1892, with the forced introduction of the Bureau of

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## Harvard's Oneida Indian Nation Visiting Professor of Law Professor Carole Goldberg

After serving as a Visiting Professor at the Harvard Law School in 1977, Carole Goldberg returned to Harvard in the spring semester of 2006 as the third Oneida Indian Nation Visiting Professor of Law. Goldberg holds a permanent position at UCLA where she teaches Civil Procedure, Federal Indian Law, Tribal Legal Systems, and the Tribal Legal Development Clinic.

### How was your experience as Harvard's Oneida Indian Nation Visiting Professor of Law?

I had very bright and intellectually engaged students in my Harvard Law School classes. In addition, I was able to supervise several independent study papers on Indian law

subjects, some of them as case studies in cooperation with the Honoring Nations Program housed at the John F. Kennedy School of Government.

The Law School and HUNAP were supportive of my work, providing me with funds to bring guest speakers to my Tribal Legal Studies seminar, such as two judges from the Hopi tribal court system and Ray Halbritter, Chairman of the Oneida Indian Nation and a Harvard Law School alumnus. I was impressed by the intellectual atmosphere fostered by HUNAP through guest speakers, films, and faculty and student presentations.

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## Recruitment Highlights: Harvard in Oklahoma

On May 9<sup>th</sup> and 10<sup>th</sup>, the Harvard University Native American Program lead a groundbreaking joint recruitment effort to Oklahoma City and Tulsa, Oklahoma that included eight admissions officers from across Harvard's various schools and programs. Participating schools included: the Graduate School of Arts and Sciences (GSAS), the Harvard Business School (HBS), the Harvard Divinity School (HDS), the Harvard Graduate School of Design (GSD), the Harvard Graduate School of Education (HGSE), the Harvard Law School (HLS), and the Harvard School of Public Health (HSPH).

The trip was the single largest joint recruitment effort targeting Native students in Harvard's history. As part of the recruitment initiative the group held two large receptions where connections were made with 80+ prospective students and educators. The receptions provided admissions officers an opportunity to answer questions about their respective schools' application

and financial aid processes and allowed prospective students a chance to share their stories. Philip Lee, Assistant Director of Admissions for the Harvard Law School, best summed up the significance of this recruitment effort:

*"Recruiting a diverse class is an inseparable part of Harvard's educational mission. That's why outreach to Native students is so important. Our joint Native American recruitment trip gave us a wonderful opportunity to interact with prospective students and share information about our respective schools. On many occasions, the prospective students shared information about their lives and some of the issues facing them as Native peoples. It was truly a collective learning experience for all involved."*

The initiative was so well received by prospective students and Harvard admissions officers, that a similar trip to target prospective Native students in the south-



**Back row:** Vincent James (HSPH), Steven Abbott (HUNAP), Phil Lee (HLS), Stephanie Parsons (GSAS), Gregg Glover (HGSE); **Front row:** Geri Nederoff (HGSD), Kerry McLaughlin (HBS), Nereyda Salinas (HBS), Martiza Hernandez (HDS).

west, specifically Arizona and New Mexico, is being planned for November 2006.

For more information about HUNAP's recruitment initiatives, please visit our website (under prospective students): <http://www.ksg.harvard.edu/hunap/index.html>.

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## Harvard University's 11<sup>th</sup> Annual Powwow

Held on Radcliffe Yard, The Harvard University 11<sup>th</sup> Annual Powwow was heralded by many as the most successful to date. Due to a collaboration with Cambridge's "Arts First" program, the powwow drew spectators in record numbers. The power of the drums and the passion of the singers and dancers drew many other "Arts First" crowds to the powwow. Longtime HUNAP community member, Bruce Curliss, described the powwow in the following way, "It was an honor to be able to be there and participate in what has grown from a powwow of mostly students to a community wide event that dancers and singers look forward to. Being able to continue as part of the support for the HUNAP community is an honor and privilege, watching this powwow grow is testament to the perseverance that the native students at Harvard had in the beginning upon the founding, right through today with the current students. It was a great time and celebration of our diverse native community."

Diligently coordinated by Harvard students, staff, and alumni from across the University, the day began with the unveiling of HUNAP's newly-remade Staff. Stu-



Jason Scherer, Harvard College '08 (left),

dents, staff, and guests gathered around Bruce Curliss (Nipmuc) as he presented the Staff to the HUNAP community. Head Lady Dancer and Harvard College alumna, Amanda Proctor '99 (Osage), tied the first of five Feathers to the Staff. In a ceremony that underscored the importance of Native community at Harvard, representatives from each undergraduate class tied on the remaining four feathers.

Harvard was proud to have Vince Beyl (Ojibwe) as Master of Ceremonies, while Harvard senior Elijah Hutchinson (Taino) served as Arena Director for the second year in a row. Head Man Dancer honors went to Harvard Graduate School of Education student Jarrid Whitney '06 (Six Nations

Cayuga), who was accompanied by Head Lady Dancer Amanda Proctor. Host Drum, Whitetail Cree, traveled from Ontario, while special invite drum The Black Brook Singers came out from Aquinnah. They were joined by the Occom Pond Singers from Dartmouth and the Quabbin Lake Singers. In the words of the Head Man Dancer Jarrid Whitney, the powwow was "very special to me on multiple levels. First, it was an honor for me to be selected by the committee as the Head-Man Dancer to represent our community in that way. Second, it was an amazing opportunity for me to have my wife and Cayuga family be with me, and to meet all the wonderful people here in our HUNAP family."

This year's powwow was dedicated to a beloved Harvard student who was recently lost. The outpouring of emotion and generosity demonstrated during a special held for the student's family, paid tribute to the student's impact at Harvard and on his peers.

# *A Law Students' Journey: Ethel Billie Branch*



Ethel Billie Branch (Navajo), Harvard College '01 & Harvard Law School/Kennedy School of Government joint degree program, '08.

Ethel Billie Branch (Navajo) was born in Tuba City, Arizona and raised on her family's ranch ten miles south of Leupp. She graduated from Harvard College and returned to Harvard for the joint JD and Master's in Public Policy program administered by the Harvard Law School and the John F. Kennedy School of Government.

### **Please tell us a little about yourself and what brought you to Harvard?**

I grew up on the Navajo Nation with my mother, father, and little sister in a two-room rock house without running water, electricity, telephone service, or paved roads. Most of my free time was spent herding sheep, rounding up cattle, hauling water, or completing the endless list of chores my mom always had for us. There really wasn't much to set me apart from the average Navajo ranch kid except that my mother and many of her siblings had attended college through the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints. My mother's love of reading and learning and the support I got from my aunt though the gift of books and magazines inspired me to value education above all else. Indeed, the words our great Chief Manuelito spoke when he signed the Treaty of 1868 burn deeply in my heart, "education is the ladder." I chose to attend Harvard because it had the greatest resources and a romantic aura as one of the oldest and most prestigious academic institutions in the world.

After I graduated from Harvard College, I returned home to work in education be-

cause I wanted to help refine future Navajo leaders. I thought that as an educator I could help funnel kids to college. What I found instead was that by the time students enrolled in high school, most of them were already heavily involved with drugs, alcohol, and gangs—college was nowhere in their minds. I decided to go back to Harvard for the joint JD/MPP program because I realized that if I wanted to help produce leaders capable of bridging our culture with Western culture in a forward thinking manner, I needed to first help create a culturally appropriate environment conducive to the development of mentally, physically, and emotionally healthy children.

### **What inspires you about your program of study at Harvard?**

My favorite part of the joint degree program is that I can use what I learn about law to make arguments for changing current legal regimes for policy purposes, or vice versa. At the Kennedy School, I look at law from the perspective of the policy maker trying to draft legislation to bring about a certain end product. At the law school I look at the text and intent of the law and learn how to identify the different ways the law can be interpreted.

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*Many of my classmates will become elected officials, Supreme and Appellate Court clerks, and judges. It's critical that they understand Indian issues so that when they're someday asked to place a vote or draft an opinion that could significantly affect tribes, they understand the context.*

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### **What extracurricular activities are you involved in.**

This year I am the president of NALSA (Native American Law Students Association). I am also involved in the *Zuckerman Fellowship Program*, which includes leadership training and exposure to exceptional public and private leaders; the *Environmental Law Review*, for which I am a line editor; *From Harvard Square to the Oval Office*, a co-curricular program for women who intend to seek elected office someday; and the *Catholic Law Students Association*.

### **What advice do you have for Native students considering college?**

Get the most out of your high school education. Try to get a leg up on college by taking the most challenging courses available. Pick science courses for your electives and enroll in all the advanced courses you can. Be sure to complete the highest level of math offered in your school. If your high school has extremely limited resources, consider taking advanced courses at the nearest junior college.

### **How do you think your work at Harvard will benefit Indian Country?**

I hope that discussions with my classmates on tribal issues will plant seeds of understanding for tribes in their quest for self-determination. Many of my classmates will become elected officials, Supreme and Appellate Court clerks, and judges. It is critical that they understand Indian issues so that when they're someday asked to place a vote or draft an opinion that could significantly affect tribes, they understand the context.

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*--Navajo Nation, From Page 1*

Indian Affairs' Court of Indian Offenses. In 1959, the Navajo Nation replaced this Court of Indian Offenses with an adversarial court system authorized under Navajo law. In the early 1980s, the Navajo judiciary began restoring the use of traditional Navajo law in the Nation's court system. This practice was codified by the Navajo Council's passage of the Judicial Reform Act in 1985.

Today, Navajo common and statutory laws are the "laws of preference" in the Nation's courts. Seven district courts, five family courts, and 250 Peacemakers in the Nation's 110 districts successfully help to resolve a wide variety of individual, business, and property disputes.

In 1999, the Honoring Nations Program at Harvard's John F. Kennedy School of Government bestowed its highest honor on the Navajo Nation Judicial Branch for its "innovative legal system" providing a "unique integration of Navajo and Western law."



Carmen Lopez, Executive Director (Navajo)  
HGSE, Ed.M. '00

When I graduated from college and was preparing to leave home to earn a living, my grandfather, a “traditional” sheep-herding Navajo cheii, gave me a crisp one-hundred dollar bill, shook my hand, and in the Navajo language advised me, “Our ways are different here on Navajo land. We do things in a different way. Make sure you take care of yourself and follow the laws wherever you go.” During the Navajo Nation Supreme Court visit, as my Harvard space was transformed into a Navajo space with the Navajo Nation flag flying, Navajo

## Reflections of a Tribal Citizen

codes of law being applied, and the language being spoken as part of the court proceedings, I considered more deeply the advice my grandfather gave me and my participation as a tribal citizen in the Navajo judicial system.

The Navajo Nation Supreme Court’s visit to Harvard signified both an intellectual and academic exchange of knowledge as well as a cultural exchange of knowledge. I learned from the Justices that the development of The Court historically has melded together a western model of justice with the Navajo way of resolution; the consequence for the justices and The Court is the constant negotiation of two systems that have opposing outcomes— one system that is based upon resolution (finding balance and harmony) and one system that is based on winning and losing. Speaking of his return to the Navajo Nation and the first time he represented a Navajo client as an

attorney, Chief Justice Yazzie explained how he had to “unlearn” his western education of justice and ground himself in the Navajo way. The grounding in Navajo traditional knowledge is timeless – the Navajo people today create new knowledge, and The Court accesses the knowledge to make decisions and consider our modern world and context.

Taking my grandfather’s advice to heart, as a resident of the Commonwealth of MA, although I am outside of the protection of the sacred mountains of Navajo land, I have taken care and found a balance. I wear my Navajo tribal citizenship proudly, return home to remain grounded, and know that citizenship requires responsibility, reciprocity, obligations, and participation with the whole.

-- Carole Goldberg, From Page 1

### Why do you feel it is important for Native students to pursue careers in law?

The introduction to the 1982 edition of Cohen’s Handbook of Federal Indian Law states, “Law dominates Indian life in a way not duplicated in other segments of American society.” The thousands of federal treaties, statutes, executive orders, and regulations addressing Indian affairs, together with the court decisions construing them, present a body of law as distinctive as the political relationship between Indian nations and the United States. When we add to this American legal corpus the vast and growing array of tribal laws and court decisions, it is clear why legal study is a vital subject of study for Native students. Research has shown that respect for tribal sovereignty and property rights, along with the establishment of stable and culturally appropriate tribal legal systems, are essential for the success of most tribal initiatives for cultural revitalization and economic advancement. Lawyers who understand Indian Country and the aspirations of tribal

communities will be better prepared to counsel their tribal clients and to advocate on their behalf.

### What advice do you have for Native students trying to make the most out of their time at law school, specifically Harvard?

For students who want to practice Indian law, I recommend that they use their years at the Law School to deepen their knowledge of tribal communities other than their own, since it is likely that their clients will include a wide array of Indian nations. They should also build bridges between mainstream law school courses and their own objectives in practicing in the field. For example, if they are interested in tribal economic development, they should try to interest their business law professors in supervising independent study in the organization of tribal economic development. Extracurricular activities can be important as well. Through NALSA, one can meet Native law students at other schools, participate in the National NALSA Moot Court Competition, and bring speakers and other

programs to campus. Finally, in addition to taking classes in Indian law, I would recommend connecting with the Nation-Building II program at the Kennedy School, which sponsors and supervises



Visiting Professor Carole Goldberg (far right)  
with Harvard Law School students, April 2006.

hands-on projects of great direct benefit to Indian country.

Native students interested in general law practice should sample courses in many different areas of law. I can’t tell you how many times I have encountered students who took a class they knew nothing about, such as tax law, and became fascinated by the subject.

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