

**"Native America in the 21st Century:
Journeys in Cultural Survivance"**

**"Pathways to Fluency:
Cultural Survival Through Language Revitalization"
Introducing a Language Landscape
Isleta Resort and Casino
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When I was invited - and honored by the conference organizers - to present this evening, I could not help remembering a story I heard some years ago, back before I left my career as a lawyer in Washington, D.C. and began earning, as my Native artist father observed with an ironic chuckle, "an honest living as a museum director." The story has the Pope and a Washington lawyer, the latter resplendent in a flawlessly tailored something dark and natty via Milano, complete with an Italian silk power tie wrapped around his neck, arriving at the pearly gates at the same time. St. Peter greets them warmly and says that he will see each to his respective heavenly abode.

The Pope's expectations soar as they approach the Washington lawyer's lodgings, which turn out to be a 47-room manse complete with a surround of 25 acres of meticulously manicured Italian gardens. They then proceed to the Pope's new home, which, to his complete shock and utter amazement, is an extremely humble two-

bedroom condominium. The Pope is barely able to hold himself together long enough to sputter, " . . . How can this possibly be? You, of all people, should know who I am!" Replies St. Peter very quickly, with a slight sigh, and, in candor, probably complete truth - "I'm terribly sorry, but you must understand that, when Washington lawyers arrive, we must treat them especially well - because, you see, so few of them ever make it up here."

So with this lawyerly full disclosure, you now know the fundamentals of the chap who is addressing you tonight. But in defense of that public relations underclass, lawyers, let me assure you that I know of a few museum directors who could be switched into the same suspect category without missing a beat.

Here is what I would like to do for the next several minutes in addressing the central purpose of this distinguished and important gathering, which is "introducing a language landscape." I will not attempt that for which I am not qualified. This audience is full of those whose professional lives and deep expertise have been devoted specifically to the preservation of living Native languages.

My intention is somewhat different and aligns better with my own life experience as a "Native lawyer cum museum director." What I would like to attempt this evening is a brief but broad contextualization of contemporary Native legal and cultural experience that helps explain why this meeting, which focuses

very specifically on the importance of preserving living Native languages, is so seminal.

I would like to organize that inquiry as follows. First, I want to discuss as backdrop the focus on Constitutional and legal rights of Native people and communities that occurred in the United States during the late 20th century. Second, I would like to look at the important and symbiotic connections between those legal initiatives and the protection of Native *cultural* rights and prerogatives. Finally, I want to focus, among those rights and prerogatives, on the centrality of Native preserving languages, as the keystone they are, in sustaining a Native cultural survivance and future.

Turning to the first issue, I, like several others in this room tonight, was in that first wave of freshly minted Native law school graduates who arrived on the scene almost half a century ago. Our purpose was to use the United States Constitution, federal statutes, and treaties to protect the established rights of Native nations and communities to self-governance. It seemed a simple proposition with ample legal precedent. Our principal venue was the federal court system. What ensued beginning in the 1970s was an era, largely successful - but, I must emphasize, in front of a United States Supreme Court of different viewpoint than the majority who now sit there. Those legal victories confirmed or defined the legal

parameters regarding a wide array of critical tribal authorities - civil and criminal jurisdiction, reserved rights to water, hunting and fishing rights, voting rights, the determination of tribal membership and citizenship, and taxation authority and jurisdiction among many others.

Against that legal backdrop, let me now segue into the second framing point that I indicated a few moments ago - namely, the connection between these legal initiatives and the real elephant in the room. It is not rocket science. Important as they are, none of us Native lawyers, I am willing to conjecture, was focused on civil and criminal jurisdiction or taxation authority as an ultimate endpoint. We were most focused on using legal principles and mechanisms as a *means* to a far more paramount result - nothing less than the protecting and empowering self-governing contemporary Native communities to maintain and sustain Native *cultures* for future generations.

I will always be grateful for the work of my Pawnee bro, Walter Echohawk - and you know, Walter, Southern Cheyennes do not hand out compliments to Pawnees idly - and my Southern Cheyenne sis, Suzan Shown Harjo, in making this point early and emphatically. Their efforts, almost two generations ago and before many in this distinguished audience were even born, relating to the protection of sacred sites and Native religious freedom served as Native cultural markers for the future. They

confirmed the vital connection between Native legal and governing authorities and the real and enduring final objective, the preservation of contemporary Native cultures and communities.

My transition from practicing law to becoming the Founding Director of the Smithsonian's National Museum of the American Indian was similarly motivated. In addition to honoring, as I mentioned earlier, my father's admonition that I earn an honest living if at all possible, my epiphany, as the NMAI legislation was progressing through Congress was that it offered a potentially remarkable opportunity to buttress and sustain Native cultures and communities in ways that most museums rarely or never even contemplated.

I envisioned those possibilities for a number of reasons. First, a key component of the museum's authorizing legislation was the first federal repatriation law regarding the return of human remains, funerary objects, sacred material, and cultural patrimony to culturally affiliated contemporary Native communities. It represented the most substantial and significant restoration of Native cultural control in several generations.

Second, the museum, in accordance with policies adopted by its Board of Trustees and implemented by staff, took a number of explicit steps, in addition to a robust repatriation program, to support cultural continuance in Indian Country. Those

initiatives included the establishment organizationally of a Native community services department, support to tribal museums that included the extensive loan of objects and other cultural materials, and making objects and other materials available virtually to Native communities and their schools online in real time and interactively. All of this was part of an effort to bring the museum in meaningful ways to Indian Country rather than expecting Native America to make the trek to our doorsteps in New York or Washington, D.C. The NMAI's guiding principle was - and, I believe, still is - that Native cultures and their protection begin at home and not on Washington's National Mall or the Eastern Seaboard of the United States.

Let me now turn, finally, to the third point that I mentioned at the outset of this presentation. The place of language preservation in this commitment to sustaining contemporary Native cultures in the present and to ensuring their future survivance is central.

I make this statement for several reasons. First, we need to move beyond the notion - and most thoughtful national and international cultural commentators have - that intangible aspects of heritage like language are somehow ephemeral rather than at the essential core of sustaining culture.

For Native cultures nothing could be further from the truth. Since cultural practices and ceremony are communicated

almost without exception, and have been since the beginning of time, through verbal expression and oral tradition, language is key to their continuing viability.

Second, and as important, that factor combines with another to make the vehicle of *Native* language even more important. Specifically, without assuming a uniform and mechanical sameness, the reality is that the content and the sometimes profound differentness of Native philosophies, cosmologies, and world views are deeply embedded in the oral traditions of language.

I want to illustrate my point with a story and in a manner perhaps more befitting a museum director and the son of a Native artist. I remember visiting many years ago the Millicent Rogers Museum in Taos, New Mexico. I was looking at a truly magnificent ceramic pot sculpted by the hand and heart of Popovi Da, the brilliant son of Julian and Maria Martinez of the San Ildefonso Pueblo. I was content to stand there, transfixed, for a very long time, simply lost in its aesthetic beauty.

My eye, however, finally moved to a piece of text that had been placed next to the pot, and it turned out to be a statement by Popovi Da himself. I have never forgotten it because it spoke volumes about the defining and enduring intersection between his creativity and his abiding worldview that I am fully confident came to him on the wings of the Tewa language:

We do what comes from thinking, and sometimes hours and even days are spent to create an aesthetic scroll in design.

Our symbols and our representations are all expressed as an endless cadence, and beautifully organized in our art as well as in our dance. . . .

There is design in living things; their shapes, forms, the ability to live, all have meaning. . . . Our values are indwelling and dependent upon time and space unmeasured. This in itself is beauty.

And, I might add, my friends, it is also called "living," and perhaps more fully and happily, in a much more integrated and holistic way.

That statement brings me to my final point regarding the importance of language preservation to contemporary Native communities. The need for viable, functioning living Native languages is not a fluffy piece of retrospective ethnographical romance. To the contrary, at a granular level, it is an indispensable component of Native individual and community sociocultural wellbeing for the future.

I need not belabor the obvious here tonight. Native communities in this country still face immense social and economic challenges - statistics regarding educational attainment, levels of poverty, and suicide rates still sit at Third World levels and far exceed any demographic comparator in the United States.

The hard longitudinal data, which I am confident has been discussed and presented here fully and in detail apart from anything I am about to say, demonstrate a truth that deserves the attention of all of us. Language, particularly among indigenous communities, can be an invaluable collateral factor in improving and resolving personal and social dysfunction.

That outcome is hardly surprising. Social dysfunction is often inextricably linked to challenged, let alone shattered, personal and communal identity. Language represents both a process and substance capable of addressing both.

One more observation before I conclude - I am grateful for the philanthropy that has supported this effort to bring all of us together to address one of the most important issues in contemporary Native America, the need to preserve living Native languages. I speak particularly of Mica as a convening organization and of the generous financial support from the Kellogg Foundation.

I believe that other institutional philanthropists also may be present, and, candidly, I urge you to consider following suit. I had the privilege and honor of being a Trustee of the Ford Foundation for a dozen years - an institution whose commitment to social justice can never be in doubt and whose work to that end under the brilliant leadership of my good friend, Darren Walker, I admire without qualification.

But I make a gentle yet firm observation to all who sit in this quarter of American philanthropy. Understand as you address social justice in this country and the globe, that challenges exist among the first citizens of this country where social and economic justice is inseparable from sustaining culture - and the preservation of Native languages sits squarely at that junction.

In conclusion, I want to end on a hopeful note that reflects the qualities and aspirations of this gathering - and I am a deeply committed "glass half full rather than half empty" kind of guy to begin with. As we all go back to our work after this meeting, I want you to keep a couple of quotes in mind.

The first is attributed to the late Robert F. Kennedy and was made, I believe, shortly before he was assassinated during his campaign for the Presidency of the United States in 1968. Surely his aspirations for the country are ours for the cultural future of Native peoples and communities and for the preservation of Native languages: "Some men see things as they are, and ask why. I dream of things that never were, and ask why not."

My actual closing words, apropos of this conference and its intentions, are in Cheyenne. In English they reflect values at the core of what it means to be "tsis-tsis-tsas," a human being - the acknowledgement of a power above, the blessing of being a

two-legged, the relationship to community, our intentions in daily life. Most of all, they reflect my sentiments towards all of you sitting before me tonight.

[spoken Cheyenne]

Thank you so much for your kind attention this evening on top of full days of hard work. God bless and Godspeed.