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Abstract

This Essay is a reflection from my perspective as a Dakota woman law professor on my fifth law school faculty. In the illuminating work of Meera Deo, light is shone on the experience of women of color legal academics. *Unequal Profession: Race and Gender in Legal Academia* is a book that should be required reading at every law school. As women of color are faculty members in every law school in the United States, the research, analysis, and recommendations tailored to the experience of women of color law faculty should be a priority topic in those same law schools. As a Native American woman law professor, my experience and journey in legal academia resonate with many of the topics in this important work.

In Part I of this Essay, the necessity of trailblazing is discussed due to the lack of Native American women in the legal academy. Issues around visibility, ethnic fraud, and tribal sovereignty will be discussed. Part II will explore the challenges identified in *Unequal Profession* through a raceXgender framework and provide a personal perspective on dealing with such challenges. The themes of invisibility and lack of respect experienced as a Native American woman law professor will be discussed. The final section in Part III will provide insight into the motivation to stay the course and continue to make space in legal academia. In living a purposeful life, there is a choice to be a law professor as a Native woman with the goal of holding the door open for more Native American faculty, law students, and legal administrators to walk through.

Disciplines

Indigenous, Indian, and Aboriginal Law | Legal Education | Native American Studies

TRAILBLAZING AND LIVING A PURPOSEFUL LIFE IN THE LAW: A DAKOTA WOMAN'S REFLECTIONS AS A LAW PROFESSOR

Angelique EagleWoman, *Wambdi A. Was'teWinyan**

This Essay is a reflection from my perspective as a Dakota woman law professor on my fifth law school faculty.¹ In the illuminating work of Meera Deo, light is shone on the experience of women of color legal academics. *Unequal Profession: Race and Gender in Legal Academia*² is a book that should be required reading at every law school. As women of color are faculty members in every law school in the United States, the research, analysis, and recommendations tailored to the experience of women of color law faculty should be a priority topic in those same law schools. As a Native American woman law professor, my experience and journey in legal academia resonate with many of the topics in this important work.

* I have included my name in the Dakota language. I have tribal citizenship in the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation with dual citizenship in the United States. I have Rosebud Lakota heritage and heritage from the Purépuha of Michoacan. This Essay is dedicated to the resilient Natives who continue to advocate from a place of inherent sovereignty for our Tribal Nations. Our ancestors are cheering you on and our future generations are relying on your efforts. Remember our constant prayer—"so the People may live."

1. Assistant Professor of Law at Hamline University School of Law (2006-2007); Visiting Joint Appointment as Assistant Professor of Law at the University of Kansas School of Law and in the Indigenous Nations Studies, Graduate Program, University of Kansas (2007-2008); Associate to Full Professor at the University of Idaho College of Law, founded the Native American Law Emphasis Program (2008-2016); Dean and Professor of Law at the Bora Laskin Faculty of Law, Lakehead University, Canada, first Indigenous law dean in Canada (2016-2018); Visiting Professor (2018-2020) to Professor of Law (2020-present) at Mitchell Hamline School of Law, Co-Director (2020-2021) to Director (2021-present) of the Native American Law and Sovereignty (NALS) Institute. This Essay will focus only on my experiences in U.S. law schools to engage with the focus on the statistics and analysis in *Unequal Profession*.

2. MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019).

In Part I of this Essay, the necessity of trailblazing is discussed due to the lack of Native American women in the legal academy.³ Issues around visibility, ethnic fraud, and tribal sovereignty will be discussed. Part II will explore the challenges identified in *Unequal Profession* through a raceXgender framework and provide a personal perspective on dealing with such challenges. The themes of invisibility and lack of respect experienced as a Native American woman law professor will be discussed. The final section in Part III will provide insight into the motivation to stay the course and continue to make space in legal academia. In living a purposeful life, there is a choice to be a law professor as a Native woman with the goal of holding the door open for more Native American faculty, law students, and legal administrators to walk through.

I. TRAILBLAZING AS A NATIVE AMERICAN WOMAN LAW PROFESSOR

Traditionally, Native American women are leaders in many tribal communities.⁴ Holding positions of esteem and decision-making, women in tribal societies were known as strong, resilient culture holders with keen vision on adapting to changing circumstances.⁵ With the invasion of mid-North America, British and French officials, who were men, completely disregarded Native women in negotiations and formal governmental matters.⁶ Women continued to hold together tribal life by supporting men as

3. The author uses the term “Native American women” in this Essay to identify women who are tribal citizens, that is to say women who are enrolled members of a Tribal Nation, Alaskan Native Tribe, or who are known as members in their Native Hawaiian communities.

Let us be successful and unapologetic in all that we do, regardless of what role we play. But if the role we play is that of a Native American woman in the law, then let us emphasize our role as Native American woman first, and our role in the law second. The law will eventually catch up.

Stacy L. Leeds & Elizabeth Mashie Gunsaulis, *Resistance, Resilience, and Reconciliation: Reflections on Native American Women and the Law*, 34 T. JEFFERSON L. REV. 303, 324 (2012).

4. See, e.g., CHARMAINE WHITE FACE, ZUMILA WOBAGA, *INDIGENOUS NATIONS’ RIGHTS IN THE BALANCE: AN ANALYSIS OF THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 6 (2013).

The Great Sioux Nation was a matriarchy, contrary to the stories promoted by the white people who did not understand our ways. In 1868, our women were not present at the negotiations, because in our culture, the men talk to the men. Observing this, white people assumed that our Sioux women were discounted, just as the white people discounted their own women. The American soldiers and negotiators did not realize that our Sioux men would return home to talk to the women before any decisions were made. They did not know that it was the grandmothers who made the decisions.

Id.

5. See Denise K. Lajimodiere, *Ogimah Ikwe: Native Women and Their Path to Leadership*, WICAZO SA REV., Fall 2011, at 57, 58-59.

6. See Spenser M. Sullivan, Note, *The Importance of Being a Woman: A Historical Comparison of Female Political Involvement in Early Native America and the U.S.*, 13 ELON L. REV. 334, 377 (2020).

spokespeople and frontline leaders for the survival of Tribal Nations. Over time with the return of U.S. acknowledged governmental systems, Native women have begun to resume some frontline leadership positions.⁷ An inspiring contemporary example is the rise of Laguna Pueblo woman, Deb Haaland, from community organizer to congresswoman to the first Native American to lead in the role of U.S. Secretary of the Interior.⁸

A. Statistics on Native Women Law Professors and Tribal Citizenship Status

When I entered the legal academy as an assistant law professor in 2006, I was introduced at a leading tribal law conference as the seventh doctrinal Native woman law professor.⁹ This was a shocking statistic representing the small number of Native women who have entered the field of teaching law on a permanent basis. The statistics on Native women law faculty have been difficult to locate, as they are not publicly available or included in compilations of minority law professors.¹⁰ For Native Americans, we have a political relationship with the U.S. government through our tribal citizenship.¹¹ Forms have often lacked this distinction and require identification only as a racial category in legal academia, for governmental services, and other sectors across the country. Tribal citizenship is determined through tribal law and tribal constitutions and is more than a racial category.

7. See Rebecca Tsosie, *Indigenous Women and International Human Rights Law: The Challenges of Colonialism, Cultural Survival, and Self-Determination*, 15 UCLA J. INT'L L. & FOREIGN AFFS. 187, 210 (2010).

8. *Secretary Deb Haaland*, U.S. DEP'T OF THE INTERIOR, <https://www.doi.gov/secretary-deb-haaland> (last visited Nov. 26, 2021).

9. See Angelique A. EagleWoman, Wambdi A. Wastewin, *Tribal Values of Taxation Within the Tribal Economic Theory*, 6 INDIGENOUS NATIONS J. 1, 1 n.* (2008).

10. See, e.g., Matthew L.M. Fletcher, *On Becoming an American Indian Law Professor* 4 (Mich. State Univ. Coll. of L. Legal Stud. Rsch. Paper Series, Research Paper No. 10-12, 2012), <https://ssrn.com/abstract=2058557> (identifying thirty-one tribally enrolled American Indian law faculty members through public profile listings on law school websites); see also Matthew L.M. Fletcher, *On Becoming an American Indian Law Professor: 2021 Update*, at 1 (Sept. 24, 2021) (unpublished manuscript), <https://ssrn.com/abstract=3930158>. In this article, Professor Fletcher identified twenty-eight American Indian law professors within the tenure system of 9,400 full-time law professors. *Id.*; *Directory of Law Teachers*, THE ASS'N OF AM. L. SCHS., <https://www.aals.org/faculty-staff-resources/dlt/> (last visited Mar. 21, 2022).

11. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978) (citation omitted) (upholding tribal sovereignty over determining tribal membership criteria); *Morton v. Mancari*, 417 U.S. 535, 553-54 (1974) (determining federal Indian preference in employment was not a racial classification, rather the U.S. Congress furthered the political relationship and goal of Indian self-determination by enacting Indian preference statutes); see also, ANGELIQUE WAMBDI EAGLEWOMAN & STACY L. LEEDS, *MASTERING AMERICAN INDIAN LAW* 5-6 (2d ed. 2019).

As part of the Association of American Law Schools (AALS) hiring process, demographics on racial identity are part of the Faculty Appointments Register (FAR) form filled in by aspiring law faculty applicants. The AALS also publishes an annual directory of law professors with a section in a back appendix as “minority law professors” with information collected through self-identification on the annual online profile questionnaire.¹² The information is not segregated by racial group or identification status in the directory, making it difficult to discern tribal citizenship status from the list of names.

The field of Indian law has been dominated by non-Natives as practicing lawyers and as faculty or adjuncts in law schools across the country.¹³ In the 2015 report, *The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession*, by the National Native American Bar Association, there were approximately 2,600 Native American lawyers in the U.S.; Native American law students represented less than one percent of all law students, there were “fewer than 30 law professors” who were “members/citizens of an Indigenous nation” and “only one Native American law school dean.”¹⁴ The numbers have not improved much since 2015,¹⁵ and the statistics continue to be difficult to track down.¹⁶

12. See ASS'N OF AM. L. SCHS., THE AALS DIRECTORY OF LAW TEACHERS 2020-2021, at 1683-91 (2020) (providing at the very back of the book, “List II Minority Law Teachers,” listing only individual names and law schools, not the minority identification for the listing).

13. In fact, most academic treatment of Native Americans has been by non-Natives. See Angela Cavender Wilson, *American Indian History or Non-Indian Perceptions of American Indian History?*, 20 AM. INDIAN Q. 3, 3 (1996). “American Indian history is a field dominated by white, male historians who rarely ask or care what the Indians they study have to say about their work.” *Id.*

14. NAT'L NATIVE AM. BAR ASS'N, THE PURSUIT OF INCLUSION: AN IN-DEPTH EXPLORATION OF THE EXPERIENCES AND PERSPECTIVES OF NATIVE AMERICAN ATTORNEYS IN THE LEGAL PROFESSION 12, 18 (2015), https://www.nativeamericanbar.org/wp-content/uploads/2014/01/2015-02-11-final-NNABA_report_pp6.pdf.

15. In 2021, there are currently two Native law deans who are tribal members: Dean Elizabeth Kronk Warner, a citizen of the Sault Ste. Marie Tribe of Chippewa Indians, University of Utah College of Law and Dean Kevin Washburn, a citizen of the Chickasaw Nation of Oklahoma, University of Iowa College of Law. *Elizabeth Kronk Warner*, UNIV. OF UTAH, https://faculty.utah.edu/u6024740-Elizabeth_Kronk_Warner/hm/index.html (last visited Nov. 26, 2021); *Kevin Washburn*, IOWA COLL. OF L., <https://law.uiowa.edu/people/kevin-washburn> (last visited Nov. 26, 2021).

16. The author has been unable to locate statistics on diversity in law faculty since the ABA published statistics eight years ago in 2013. *Statistics Archives*, ABA, https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ (follow “Law School Faculty and Staff by Ethnicity and Gender” hyperlink under “Longitudinal Charts” heading) (last visited Nov. 26, 2021).

B. The Hard Task of Educating on Tribal Citizenship Status

One of the pernicious issues for Native Americans is encouraging institutional adherence to the standard of tribal citizenship/membership and verification for purposes of diversity statistics on American Indians and Alaska Natives. This basic issue goes to the heart of who is Native American on law faculties and in law schools in the United States.¹⁷ The phenomenon of checking the box as an American Indian based on family lore, rather than verified membership in a tribal government has been labeled “box-checking.”¹⁸ The practice of “box-checking” to gain educational scholarships, preferential hiring status,¹⁹ and other benefits has been widely condemned by Native American organizations.²⁰

By allowing self-identification without verification of tribal enrollment status or descendancy, law schools and other educational institutions may boost their diversity numbers. In 2011, the American Bar Association approved House Resolution No. 102 which urged, “the Law School Admissions Council and ABA-approved law schools to require additional information from individuals who indicate on their applications for testing or admission that they are Native American including Tribal citizenship, Tribal affiliation or enrollment number, and/or a ‘heritage statement.’”²¹ The best practice is for the applicant to provide verification as an enrollment number or letter of descendancy from the Tribal Nation they are affiliated with.

17. See EAGLEWOMAN & LEEDS, *supra* note 11, at 5.

18. See Mary Annette Pember, *Ethnic Fraud?*, DIVERSE ISSUES IN HIGHER EDUC. (Jan. 24, 2007), <https://diverseeducation.com/article/6918/>.

19. See Sarah Viren, *The Native Scholar Who Wasn't*, N.Y. TIMES MAG. (May 28, 2021), <https://www.nytimes.com/2021/05/25/magazine/chokeberry-native-american-andrea-smith.html>; see also Briahna Gray, *What Elizabeth Warren Still Doesn't Get*, THE INTERCEPT (Oct. 16, 2018, 10:37 AM), <https://theintercept.com/2018/10/16/elizabeth-warren-dna-video-native-american-harvard/>.

20. Coal. of Bar Ass'ns of Color, Resolution on Academic Ethnic Fraud (July 20, 2011), <https://hnba.com/wp-content/uploads/2015/06/Academic.pdf>; see NAT'L NATIVE AM. BAR ASS'N, *supra* note 14, at 20-21; Nat'l Cong. of Am. Indians, Support for Higher Education Admissions Departments Engaging Tribal Nations Regarding Recruiting and Admissions Practices, Resolution #DEN-18-038, (Oct. 21-26, 2018), <https://www.ncai.org/resources/resolutions/support-for-higher-education-admissions-departments-engaging-tribal-nations-regarding-recruiting-and-admissions-practices>.

21. ABA, Resolution 102 (Aug. 8, 2011), https://www.americanbar.org/content/dam/aba/directories/policy/annual-2011/2011_am_102.pdf; see also Gabriel Kuris, *What Native American Law Applicants Should Know*, U.S. NEWS (Mar. 8, 2021, 9:33 AM), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/what-native-american-and-indigenous-law-applicants-should-know> (explaining that applicants checking the Native American box are expected to provide context through their tribal enrollment number or verify tribal affiliation through a heritage statement explaining their identity as law schools with Native American law faculty will perform due diligence to ensure accuracy).

An impetus for the resolution was the statistical discrepancy highlighted in the resolution report between Native American graduation numbers from law schools and U.S. Census numbers on the number of Native American lawyers during the same time frame. “From 1990-2000, ABA-accredited law schools reported graduating over 2,600 Native Americans. During the same time period, the U.S. Census only reported an increase of just over 200 Native American attorneys (from 1,502 to 1,730).”²² This overreporting of approximately 2,400 graduates claiming to be Native Americans illustrated how self-identification on law school admissions forms led to exploitation of the Native American category.

In almost every institution of higher education that I have taught in, at least one faculty member floated rumors of Native ancestry. As a Native woman law professor, these situations have presented difficult personal choices on dealing with individuals who often have told stories to our mutual students of their supposed Native ancestry. Usually, I am the only tribal member on the law faculty and one of a few on the university faculty.²³ Thus, the responsibility to educate others on tribal enrollment status, verified tribal descendant status, and non-Native status has rested on my shoulders as a lawyer.²⁴ Due to lack of understanding, or disrespect, of the sovereignty of Tribal Nations to determine tribal membership,²⁵ my clarification on matters of legitimate tribal membership has often led to pushback and silencing by non-Native faculty members and administrators.²⁶

Through the raceXgender lens, I further experience my political status as a tribal citizen from a federally recognized Tribal Nation that entered into

22. ABA, *supra* note 21, at 1 (citation omitted).

23. “While all people of color in legal academia are underrepresented, regardless of their racial or ethnic affiliation, Native Americans are perhaps the most isolated and structurally invisible. There are only twenty-one Native American women in legal academia—out of almost eleven thousand total law faculty members.” Meera E. Deo, *Looking Forward to Diversity in Legal Academia*, 29 BERKELEY J. GENDER, L. & JUST. 352, 357 (2014).

24. Federal regulations refer first to Tribal enrollment as indicative of “Indian” status and where that is not applicable, then relies upon a minimum “one-fourth degree or more Indian blood.” *See, e.g.*, 25 C.F.R. §§ 26.1, 36.3, 39.2 (2021). Federal regulations also govern the manner of developing Tribal membership rolls. 25 C.F.R. § 61.14 (2021). Provisions under federal regulations also provide appeals processes for those who claim they are subject to an adverse enrollment action due to Tribal action. 25 C.F.R. § 62.4 (2021). Tribal Constitutions provide the requirements for membership in each Tribal Nation. *See, e.g.*, CHICKASAW NATION CONST. art. II, § 1.

25. *See* Nat’l Native Am. Bar Ass’n, Tribal Citizenship Policy and Protection Task Force, Resolution #2020-01, (Oct. 14, 2020), <https://www.nativeamericanbar.org/wp-content/uploads/2020/11/Tribal-Citizenship-NNABA-Resolution-10.14.2020.pdf> (providing that “Indigenous nations enjoy the inherent right to decide who belongs to an Indigenous nation”).

26. In *Unequal Profession*, the silencing and discrediting of women of color through “mansplaining” and “hepeating” is mentioned. DEO, *supra* note 2, at 2. As a Native woman law professor, I would add to this list “ethnic-splaining” on matters of Nativeness.

multiple legal treaties with the United States.²⁷ It feels almost taboo to request the identification of those teaching Native law courses, as if by clarifying whether the individual has verified tribal membership that the person is being in some way exposed.²⁸ When a faculty member, adjunct, or administrator teaches in the area of Native American law, there is a professional and ethical responsibility to properly identify whether they bring their perspective as a tribal citizen or as an ally to their teaching.²⁹

II. CHALLENGES ALONG THE TRAIL

In *Unequal Profession*, the raceXgender intersectionality of experience for women of color is identified as “holding multiple devalued identity characteristics, namely the intersection of race and gender.”³⁰ For Native American women, we further hold ancient values deeply connected to stewardship and kinship to Mother Earth. Scholarship by Native American women has focused on our connection to Mother Earth and the negative similarities of exploitation of the earth and exploitation of Native women.³¹ We are women who have survived and carried our nations forward after genocide and colonization and continue to resist erasure and violence.

As *Unequal Profession* discusses the service provided by women of color faculty, Native American women have often been the family income source for single-parent households.³² In striving to return to leadership positions, we have often been viewed as the workhorses of mainstream

27. Federally recognized Tribes are publicly listed by the U.S. Department of the Interior, Bureau of Indian Affairs. For the most recent list, see Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs, 86 Fed. Reg. 7554 (Dec. 20, 2018).

28. Introduction of self through name and tribal membership is the cultural norm in Indigenous communities, events, and spaces. Non-Natives in Indigenous spaces, such as teaching a course on Native Americans and the law, are expected to also truthfully introduce themselves by name, ethnicity/cultural heritage/race, and whether they are legally and politically members of a Tribal Nation, Alaska Native Village, or a verified Native Hawaiian family.

29. See J. Gordon Hylton, *What Has Become of All the Native American Law Students?*, MARQ. UNIV. L. SCH.: FAC. BLOG (Sept. 17, 2011), <https://law.marquette.edu/facultyblog/2011/09/what-has-become-of-all-the-native-american-law-students/> (quoting then president-elect of NNABA, Mary Smith stating that verified tribal member status is “an issue of ethics and professional responsibility”).

30. DEO, *supra* note 2, at 8.

31. Sarah Deer & Elizabeth Ann Kronk Warner, *Raping Indian Country*, 38 COLUM. J. GENDER & L. 31, 33 (2019). “Indeed, understanding rape by gendering land allows us to articulate the connections between exploitation of the land and exploitations of the female body.” *Id.*

32. Sandra Shaker & Morriah Kaplan, *Top 10 Numbers that Show why Pay Equity Matters to Native American Women and Their Families*, CTR. FOR AM. PROGRESS (Apr. 9, 2013, 10:24 AM), <https://www.americanprogress.org/issues/economy/news/2013/04/09/59735/top-10-numbers-that-show-why-pay-equity-matters-to-native-american-women-and-their-families/>.

institutions. “Native American women are disproportionately represented among service workers and other generally low-paid positions, and still fall below their representation as officials and managers, professionals, craft workers, and operatives. Current trends suggest that Native American women will continue to be underemployed and underpaid where they are hired.”³³ In seeking positions of leadership, we have often bumped into the glass ceiling of our tribal citizenship status, race, and gender. Further, there may be an air of distrust around our leadership or a sense of “presumed incompetence” emerging from the intersectionality of raceXgender for Native American women.³⁴

A. Challenges of Visibility and Authority in Native Law

The suppression of the existence of Tribal Nations, legally binding treaties between the United States of America and those same Tribal Nations, and the dual citizenship of tribal peoples is a reality for Native Americans. For Native American women, we deal with invisibility and the questioning of our identity directly arising from the suppression and exclusion of tribal history, governance, culture, and law in mainstream public and private schools.³⁵

Within legal education, Native American women are a small fraction of law professors, and we are in the mix for assigned courses.³⁶ There may be non-Native faculty who seek to teach the same Native law course. I have had a range of experiences with teaching Native law courses, including being told that I would not be allowed to teach the pre-requisite course in a Native law program, developing and choosing to teach particular Native law courses, expending energy negotiating for a particular Native law course that I was then allowed to teach, and submitting several course proposals to expand Native law course offerings resulting in denials for every proposed course.

33. *Id.*

34. See Michelle M. Jacob, *Native Women Maintaining Their Culture in the White Academy*, in *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* 242-43 (Gabriella Gutiérrez y Muhs et al. eds., 2012).

35. See Angelique Townsend EagleWoman, *The Ongoing Traumatic Experience of Genocide for American Indians and Alaska Natives in the United States: The Call to Recognize Full Human Rights as Set Forth in the United Nations Declaration on the Rights of Indigenous Peoples*, 3 AM. INDIAN L. J. 424, 425 (2015). “Most students in the United States can graduate from high school without ever learning about contemporary tribal governments, the eras of United States Indian policy, or the ongoing human rights issues that impact American Indians over generations.” *Id.*

36. See Sarah Deer, *(En)Gendering Indian Law: Indigenous Feminist Legal Theory in the United States*, 31 YALE J.L. & FEMINISM 1, 32 (2019). “There are very few Native women lawyers in the United States, and only a handful of Native women teaching in law schools. This must change if we are to see significant shifts in the way that Native women can inform and influence the practice of Indian law in the United States.” *Id.*

Thus, the valuing of my lived experience, educational background, and intellectual engagement with Native law has not been consistent at various institutions over my career.³⁷

B. Challenges of Respect as a Native American Woman Law Professor

Within the raceXgender lens is the concept of being undervalued due to multiple identities, particularly race and gender.³⁸ One of the core values in the Native worldview is respect. We speak of respecting each other, all that lives, and the natural world.³⁹ As a Native American woman in legal academia, I am often stunned by the lack of respect I encounter at times. Situations where I have felt disrespected include working with various other law school departments in furtherance of a Native law program, expressing views to faculty colleagues on issues of cultural competency in teaching particularly triggering material to incoming law students, and experiencing non-Natives voicing opinions contrary to mine on attitudes or preferences of Native students. There have been instances of withholding information on Native applicants or students when I have requested such information. It is frustrating to spend time explaining why my voice or requests should be respected.⁴⁰

Additionally, law students may resist being taught by a Native American woman law professor. In my lived experience, I have had White male law students challenge my teaching in both first-year and upper-level courses. The lack of respect from these challenges was very publicly displayed. In one situation, students of color shared with me that their White classmate's disrespectful conduct was not exhibited in any of their other shared courses. My response is to be a role model on how to deal with disrespect in a respectful, firm manner and to redirect the challenging student to meet with me individually to clarify his understanding of the material.⁴¹ Law students are being educated for the role of lawyers who must handle difficult conversations and people. Faculty of color experiencing resistance and disrespect from law students should reach out to mentors and the dean of

37. Angelique Townsend EagleWoman (Wambdi A. WasteWin), *Balancing Between Two Worlds: A Dakota Woman's Reflections on Being a Law Professor*, 29 BERKELEY J. GENDER, L. & JUST. 250, 264-70 (2014).

38. DEO, *supra* note 2, at 8.

39. See Victoria Sutton, *Wind and Wisdom*, 1 ENV'T & ENERGY L. & POL'Y J. 345, 359 (2007). "The relationship Native American people have with the environment is one of interrelatedness with animals, plants, seasons, the sun, and the moon; it is a relationship that recognizes the holistic and cyclical nature of the relationship." *Id.*

40. Strong allies within the law school administration and on the faculty can be influential in resolving these types of situations. DEO, *supra* note 2, at 158.

41. EagleWoman, *supra* note 37, at 269-70.

faculty to discuss the situation, rather than let the rumor mill spin stories on what is occurring in their classroom.⁴²

III. LIVING A PURPOSEFUL LIFE IN THE LAW AS A NATIVE AMERICAN LAW PROFESSOR

Native women law scholars have opined on engaging in the persistent work of bringing forward our perspectives as women, as tribal citizens, and as legal educators, sometimes as the “first” in many legal spaces.⁴³ Balancing between tribal worldviews, values, and norms, U.S. mainstream standards, and the White-dominated legal academy requires a purposeful dedication and steady vision by a Native American woman law professor.⁴⁴ In the legal academy, Native women strive to bring their whole selves to their teaching, legal scholarship, and engagement in service activities.⁴⁵ Native women in the law have unique perspectives through their tribal historical context, lived experiences, and tribal member status.⁴⁶

A. Living Dakota Values as a Native American Woman Law Professor

One of the perspectives I bring to my courses as a Native American woman law professor is my tribal worldview. I feel extremely grateful that my family made our way back to our reservation and embraced a traditional lifestyle of ceremony and teachings.⁴⁷ Through the U.S. policies of war, colonization, assimilation, termination, and relocation, Native families have been torn asunder experiencing the loss of cultural traditions, language,

42. Again, strong allies within the law school administration and on the faculty can be valuable in supporting the faculty members of color and in countering perceptions generated by rumors. *See* DEO, *supra* note 2, at 158.

43. *See* Christine Zuni Cruz, *Toward a Pedagogy and Ethic of Law/Lawying for Indigenous Peoples*, 82 N.D. L. REV. 863, 864-65 (2006).

44. *See* EagleWoman, *supra* note 37, at 250-51.

45. *See* Cruz, *supra* note 43, at 879. “The concept of the ‘legal warrior’ who engages in legal skirmishes against the forces that would challenge indigenous nations and their sovereignty has been embraced as a description of indigenous peoples who are prepared in law school to lawyer on behalf of tribes.” *Id.* at 880.

46. *See* Angelique W. EagleWoman, Wambdi A. Was'teWinyan, *Native Women Law Students Excluded from So-Called “Women of Color in Law Schools” Study*, INDIAN COUNTRY TODAY (June 26, 2020), <https://indiancountrytoday.com/opinion/native-women-law-students-excluded-from-so-called-women-of-color-in-law-schools-study>.

Our voices are not the same as other women of color because our identities carry nations with them. We are political beings with the status of citizenship/membership in Tribal Nations in a government-to-government relationship with the United States. The method of simply aggregating our responses with other women of color silences our perspectives.

Id.

47. EagleWoman, *supra* note 37, at 253.

kinship teachings, and spiritual ways.⁴⁸ Knowing this history and the necessity of regaining and revitalizing our Native lifeways, my teaching is infused with my dual citizenship in the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation and the U.S.⁴⁹

As a Dakota woman, I have been taught to embody our seven core values: wócekiya (prayer), wóksape (wisdom), wóohoda (respect), wóokiya (generosity), wówahbadan (humility), wówaunšidan (caring/compassion), and wówicaka (honesty/truth).⁵⁰ I draw on these values and my inner sense of spirituality to stay the course and handle the turbulent experiences of being a Native American woman law professor. At this point in my career, I have come full circle to lead the Native American Law and Sovereignty (NALS) Institute at Mitchell Hamline School of Law in St. Paul, Minnesota, located in my Dakota homelands.⁵¹ It is deeply meaningful to do the work of the Institute in recruiting Native students, offering courses in Native law, consulting with the eleven Tribal Nations in Minnesota, and engaging with the Minnesota American Indian Bar Association to support a Native lawyer community.⁵² My work also includes educating non-Native law students, faculty, and staff on the important role of being an ally in legal settings.

B. Mentoring and Supporting Native Women and Native Peoples in the Law

The Fall of 2021 marks my fifteenth year as a tenure-track/tenured law faculty member, and I take seriously my responsibility to increase the number of Natives in the law.⁵³ In reviewing the next generation of Native American women and men law professors, there are a handful of tenure-track Native faculty across the country. The underrepresentation of Native American lawyers, law professors, and law school administrators must first be addressed in the admissions process for law schools. This Essay has

48. 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, 596 (2013).

49. See generally *Biography*, ANGELIQUE W. EAGLEWOMAN, <https://www.angeliqueeaglewoman.com/> (last visited Nov. 27, 2021). The preceding is the author's personal website.

50. See *Our Seven Dakota Values – Native American Heritage Month 2020*, SHAKOPEE MDEWAKANTON SIOUX CMTY.: VIDEO LIBR. (Nov. 16, 2020), <https://shakopeedakota.org/resources/play/?video=479061328>.

51. *Native American Law and Sovereignty Institute*, MITCHELL HAMLINE SCH. OF L., <https://mitchellhamline.edu/native-american-law-and-sovereignty/> (last visited Nov. 27, 2021).

52. MINN. AM. INDIAN BAR ASS'N, <https://www.maiba.org/> (last visited Nov. 27, 2021).

53. This number includes the two years (2016-2018) when I was Dean and Professor of Law at the Bora Laskin Faculty of Law, Lakehead University, Thunder Bay, Ontario, Canada, and in that role, I served as the first Indigenous law dean in Canada.

dedicated space to the topic of verified tribal membership⁵⁴ as a crucial standard throughout the legal academy to ensure authentic representation of the Native voice in the law. Therefore, to increase the numbers of Native American women and men law professors, law schools must recruit within Tribal Colleges and Universities (TCUs),⁵⁵ in public and private colleges and universities with Native student populations, in tribal communities where Native professionals work, and other urban areas with known populations of Native Americans.⁵⁶

For law schools to ensure that Native faculty have positive experiences, they must move beyond the conditions that create isolation, first status, and being the only one who is Native on the law faculty. Within the Native law professor community, there is a strong sense of support for incoming Native law professors, as many of us have experienced the struggle of making space in the legal academy.⁵⁷ As Native Americans in the law, we are trailblazers and flourish where there is support and visibility for Native American women and men.⁵⁸

As mentioned in *Unequal Profession*, strong mentors and allies who are legal administrators and/or law faculty can make a world of positive difference for women of color law professors.⁵⁹ For many Native American women law professors, teaching Native law courses, recruiting Native law

54. This includes verification of descendant status by tribal governments. While tribal citizenship can be a hot topic in the media, recognition of tribal sovereignty requires that any change to tribal membership standards occur through tribal governance processes. See Scheffler, *supra* note 48, at 603-04. "Identifying our tribal citizens goes to the heart of who we are as tribal people and collectively as part of a tribe. Defining our citizens is an inherent power of sovereignty." *Id.* at 603.

55. See American Indian Higher Education Consortium, *Tribal Colleges and Universities*, AIHEC, <http://www.aihec.org/who-we-serve/TCUmap.cfm> (last visited Nov. 27, 2021), for a listing of the thirty-seven Tribal Colleges and Universities (TCUs) in the United States.

56. The Pre-Law Summer Institute for American Indians and Alaska Natives provides an intense learning experience for Native Americans who have applied to law school and seeks partnerships with law school admissions departments to place the graduates of the program. *What is PLSI? Pre-Law Summer Institute for American Indians and Alaska Natives*, AM. INDIAN L. CTR., <https://www.ailec-inc.org/plsi/> (last visited Nov. 27, 2021).

57. The AALS Section on Indian Nations and Indigenous Peoples hosts an email list, an annual newsletter to highlight member accomplishments, and a panel at the annual January conference. The Section is open to both Native law professors and non-Native law professors who teach in the field of Native law. *Section on Indian Nations & Indigenous Peoples*, THE ASS'N OF AM. L. SCHS., <https://www.aals.org/sections/list/indian-nations-and-indigenous-peoples/> (last visited Nov. 27, 2021).

58. See Leah R. Sixkiller, Reflection Paper (Nov. 10, 2020) (unpublished manuscript), <https://www.nativeamericanbar.org/wp-content/uploads/2020/11/Native-Womens-Law-School-Experiences-Reflection-Papers-Combined-Final.pdf>. The preceding paper was presented at the Native Women's Law School Experiences webinar.

59. DEO, *supra* note 2, at 152, 158-59.

students, and connecting the law school to tribal communities are priorities for a meaningful experience in the legal academy. Accomplishing these goals requires approval through faculty governance and the law school administration. Allies and mentors that assist in building greater visibility and support for Native Americans in the law school are invaluable and absolutely necessary.⁶⁰ In my own experience, non-Native mentors and administrators have supported my development as a faculty member and in establishing and stewarding Native law programs.

Native American women law faculty are transformative law faculty who contribute by bringing their tribal worldviews, personal perspectives, and lived experiences.⁶¹ Embracing the idea that there should be multiple Native American faculty members in every law school would be moving beyond many of the challenges highlighted previously.⁶² In conclusion, it is time that Native American women law professors be visibly celebrated, uplifted, increased, and supported for their substantial contributions to the legal academy.⁶³

60. See Meera E. Deo, *The Ugly Truth about Legal Academia*, 80 BROOK. L. REV. 943, 1008-09 (2015). “Many of the women of color in the DLA sample noted the ways in which white men and white women with positions of power sponsored or supported them, especially when they first entered legal academia.” *Id.*

61. “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.” Leeds & Gunsaulis, *supra* note 3, at 3.

62. Increasing the number of tribal citizens of Tribal Nations, Alaska Native Tribes, and members of Native Hawaiian communities teaching law should be the shared goal in law schools across the country to ensure authenticity in Native law courses and programs.

63. See NAT’L NATIVE AM. BAR ASS’N, *supra* note 14, at 47.