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IN MEMORIAM

FRANCIS BROWNING PIPESTEM: A GREAT AND SAVAGE WARRIOR

On August 2, 1999, F. Browning Pipestem passed from this life and Indian country suffered the loss of its most zealous advocate. Browning Pipestem, award-winning attorney and scholar, spent thirty-one years in the pursuit of justice, the protection of tribal sovereignty, and judicial and legislative confirmation of the rights of tribes and Indian individuals. Browning Pipestem was an outstanding student of the law, a brilliant writer, and a public speaker of unmatched ability.

Browning was a beloved husband, father and grandfather. He is survived by his wife, Sharon, three children — Wilson Pipestem of Washington, D.C., Francis (Rock) Pipestem, Jr. and Veronica Pipestem of Norman — and two grandchildren, Kingston and Katelynn Pipestem, who Browning described as the "light of his life". Browning was devoted to his family and stated many times that he was only able to do the things he did because of the love and support of his family.

Browning, born to Francis and Rose Pipestem of Fairfax, Oklahoma, on July 19, 1943, was a member of the Otoe and Missouri Tribes and the Osage Tribe. After learning to speak English at the age of eight, his early years were spent at the Chilocco Indian School — a government boarding school for Indians located on the Oklahoma-Kansas border. Browning could entertain for hours with stories about the people and happenings of that time. He attended high school at Newkirk High School where he excelled in the classroom and on the football field. His college years were spent at Arkansas City Junior College and finally at Northwestern Oklahoma State College where he graduated in 1965. Browning was an outstanding athlete during college and upon graduation was heavily recruited by professional football teams. However, Browning's promising football career was cut short by a career-ending knee injury while in training camp with the Kansas City Chiefs. The injury healed, but Browning's grief over the loss of his football career remained with him always. While recuperating, he was convinced by two acquaintances to apply to law school.

The University of Oklahoma School of Law accepted Browning and he moved to Norman, Oklahoma. Browning was a good law student even though he had to work during all three years of law school and had little time to study. Browning graduated in 1968 and embarked on a career that would take him to Washington, D.C., Boulder, Colorado, Window Rock, Arizona, and ultimately back to Norman, Oklahoma.

Browning's first position was as a part-time staff attorney with the Citizens Advocate Center in Washington, D.C., while pursuing a LL.M. degree at George Washington University. In 1969, he accepted a position with Arnold & Porter Law Firm in Washington, D.C., specializing in corporate law. During this time he attended the School of Mortgage Banking sponsored by

the Mortgage Banker's Association of America as the only Native American in the class.

In 1971, as Deputy Director of the Legislative and Tribal Relations Office with the Bureau of Indian Affairs in Washington, D.C., Browning was the author of the legal rationale for the Indian Preference in Federal Employment which overhauled the employment practices of the Bureau of Indian Affairs nationwide and was ultimately confirmed in *Morton v. Mancari* — a Supreme Court case studied and known by every Indian law attorney. He often commented that of all his accomplishments throughout the years, this was his most lasting legal legacy.

By 1974, after spending time as a staff attorney with the Native American Rights Fund and as an attorney with the Navajo Nation, Browning was back in Norman, Oklahoma, with a solo general practice. Browning accepted all kinds of cases, but he quickly became known for his ability and his adamant protection of tribal rights. In 1978, as the result of a hard-fought court battle over Indian country jurisdiction, he was inducted as the first Chief Magistrate of the Court of Indian Offenses in western Oklahoma since statehood. With this one event, Browning made an indelible mark on Oklahoma and the practice of "Indian law" that stands unparalleled even today. In *Indians in Oklahoma* (Oklahoma Press, 1980), this highlight of Browning's legal career in returning tribal jurisdiction to Indian tribes in Oklahoma, is described in the following manner:

The most important Indian event since statehood is the rebirth of Indian tribal courts in Oklahoma. That came as a result of the 1978 case heard in the state courts as *State v. Littlechief* . . . Indian courts have returned to Oklahoma, to an area whose previous Indian court system had been seen in the 1890's as a model of efficiency for the other states of the Union to follow . . . Browning Pipestem, the first chief judge, became the successor to the Oklahoma Indian judicial tradition.

Browning helped create a new era for Indian rights in Oklahoma, but he never placed himself above the importance of the event. Truly, Browning's career-long goal was to bring education, hope and opportunity to tribal communities. He saw the first step in that process as the development of tribal courts and tribal justice. Through the years, he was able to develop codes of laws for many tribes that enabled those tribes to create opportunities for themselves through the ability to tax, to issue car tags, to participate in gaming, and most importantly, to be self-governing. He encouraged tribes to develop their own law enforcement abilities and was instrumental in the training of tribal law enforcement officers. Browning stressed the importance of strengthening the tribes' economic base with business and industry, which in turn would provide the jobs and opportunities so badly needed in the tribal communities.

Browning considered teaching and writing as some of his most important contributions to the legal profession. Browning was an adjunct professor at

young attorneys. Many attorneys now working in the field of Indian law passed through the law offices of F. Browning Pipestem as clerks or interns. Without exception, those attorneys will attest to the techniques and advocacy skills they learned there. Browning adhered to one premise with regard to the work of interns — the key was to read the law, read the law, read the law and apply it to the facts. Those that could accomplish that simple commandment would do well. When clerks left Browning's employ, he often stated that his goal was that they be better for the experience of having been there. As a testament to Browning's success in that area, his former clerks include a law school professor, several tribal judges, attorneys in the Indian Health Service, Bureau of Indian Affairs, Solicitor's Office of the Department of Interior, Department of Justice, Oklahoma Indigent Defense, as well as several attorneys now in private practice, some in large firms and some practicing solo, attempting to follow Browning's example in helping create a better life for tribal communities.

Browning had a unique and complex personality. When he was involved in litigation or developing his "golden" appellate briefs, his intensity and determination was exhilarating and inspiring to his co-workers, but could prove intimidating for those unfortunate enough to be his opposing counsel. Yet in casual conversation, he was fun and entertaining. Browning loved to tell jokes and was an incurable teaser. Law students lucky enough to have had Professor Pipestem as an instructor remember his stories, his chalk-board illustrations, and his easy, approachable manner in the classroom.

It was probably those personality traits that enabled Browning to excel as a public speaker. In recent years, his abilities were in demand at many events across the country. Browning gave the keynote address for various events for national organizations such as the Department of Justice, Department of Transportation, Environmental Protection Agency, National Congress of American Indians, and National Indian Health Board, as well as various civic, church and school groups. His messages were always inspirational and motivational with a common theme — have pride in who you are, where you came from and where you are going.

Browning knew something about accepting who you are and being proud of it. He stated often that as a young man he had "looked in a thousand mirrors a thousand times and literally said, 'You're a nobody person from a nobody place from a nobody people, and you might as well get used to it.'" After a lifetime of fighting for and validating rights for others, he had finally come to realize that being Indian was not a circumstance of shame and nothingness, but rather was something special that should be celebrated and most of all, protected. Known as the evangelist of tribal sovereignty, Browning explained this concept as follows:

The exercise of tribal sovereignty is not an attempt to shake a fist at state and federal government. Tribal sovereignty is that little voice that comes to somebody and says "It's OK; you're somebody. You come from good people. . . . When something or someone threatens that sovereignty, we have to fight, because it

threatens to extinguish that voice . . . if that happens, none of us can hear."

Browning frequently encouraged young Indian students to stay in school, do their best, and "ready themselves for battle. . . . you may be the one who has to carry the heart of your people into battle someday. You need to be ready."

F. Browning Pipestem was a dynamic man that left a lasting legacy for Indian people. He was my teacher, my mentor and my best friend. I miss him dreadfully, but I know that I am a better person for having known him. We all are. He was indeed a great and savage warrior.

Dena L. Silliman, Esq.
American Indian Law Review Editor-in-Chief, 1992-93



FRANCIS BROWNING PIPESTEM
1943-1999.

