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THE AMERICAN INDIAN LAW REVIEW'S 25TH ANNIVERSARY SYMPOSIUM

Robert A. Fairbanks*

The *American Indian Law Review* (AILR) was established twenty-five years ago at the University of Oklahoma College of Law "to assist in the alleviation of the numerous problems that confront American Indians because of their unique relationship with the federal and state governments and their different social and cultural backgrounds."¹ In celebration of the Silver Anniversary of the founding of the *Review*, the Association of American Indian Law Review Editors (AAILRE), in concert with the current AILR Board of Editors, conducted the American Indian Law and Policy Symposium to address the most critical legal and political issues to confront North American native peoples in the ensuing decade.

High-level policy makers and internationally respected scholars, such as U.S. Assistant Secretary of the Interior Kevin Gover and Fletcher School of Law and Diplomacy Professor Hurst Hannum, participated. The familiar voices of Dagmar Thorpe, Mary Wynn, Robert Yazzie, and Jo Carrillo were heard along with the caveat of Native American Press publisher William J. Lawrence.²

The symposium was conducted on March 21, 1998, during Native American Week at the University of Oklahoma to ensure maximum exposure of the intellectual discussion. Significantly, the symposium took place in the Main Forum Building, a United Nations-type facility, which permitted maximum public participation. Importantly, the significant papers delivered at the symposium are published here in the silver anniversary issue of the AILR to give them an even wider impact.

The most critical Native American legal and political issue addressed at the symposium was whether specific native tribes possessed sovereign political capacity. This issue of tribal sovereignty is, indeed, complex because every

* Founding Editor-in-Chief, *American Indian Law Review*.

1. *American Indian Law Review: Purposes and Goals*, 1 AM. INDIAN L. REV. 3, 3 (1973).

2. It was disturbing to learn that the AILR Board of Editors had decided not to publish Lawrence's remarks and after being reminded of the terms of the grant from the Educational Foundation of America the decision was not rescinded. The foregoing notwithstanding, the decision to not publish Lawrence's remarks is a direct violation of the founding principles of the law review. Specifically, "A distinguishing feature of the [*American Indian Law*] *Review* will be that the discussion will not be limited to any particular viewpoint. In fact, the *Review* will encourage expression of differing viewpoints concerning American Indian legal problems." *Id.* Finally, Lawrence's voice is worthy of being heard because his investigative reporting has resulted in the federal felony convictions for corruption of the Chairmen, and other tribal officers, of the White Earth and Leech Lake Reservations in northern Minnesota. His work resulted in a nomination for the Pulitzer Prize in Journalism for Investigative Reporting.

tribe's political and historical circumstance is unique. Nonetheless, the federal government has historically treated all Native American tribes politically and legally the same, creating a legal morass of immeasurable complexity. The resolution of this central issue is fundamental to the political future of Native American tribes.

At the close of the twentieth century, many believe Native American peoples and their governments are embarking on the most challenging period of their history with the United States of America. Historically, the complex diversity among North American indigenous peoples has provided fertile ground for incongruous legal and political controversy for Native Americans for over 200 years. In the final analysis, whatever the particular circumstance, all North American native tribes are struggling to maintain political existence.

If they cannot, then an important inquiry must be conducted. What will be the status of individual Native American people? What will become of the treaty obligations of the federal government to Native Americans? What will become of the reserved territory (reservations) of the various tribes? While these questions are fundamentally important and enormously complex, the antecedent questions of political survival must be addressed and resolved first.

The symposium papers and round table discussions probed the sovereignty question deeply and in that regard the symposium was a grand success. In a formal review, Earl Sneed Centennial Professor of Law Drew L. Kershen said,

The symposium was a great success by any measure Speakers from a variety of perspectives presented thoughtful and provocative papers on the topic of tribal sovereignty Due to the diversity of the speakers, the ideas presented and discussed were varied and challenging. This symposium did not simply assume that tribal sovereignty was a good idea but rather probed its definitions, its applications, its strengths, and its weaknesses.³

The success of the symposium was ensured by the entreatments of Ojibwe Pipe Carrier Henry Nason, the honor songs by the Leech Lake Tribal College Drum and Ojibwe Drum Keeper Peter White, the celebration of the Hoop Dance by Ojibwe Brenden Fairbanks, and the several scholars.

The endurance of the *Review* over the past twenty-five years is a source of great pride to all past and present editors. Certainly, the *Review* will continue its distinguished service to the native peoples of North America and to all Americans.

3. Memorandum from Drew L. Kershen, Earl Sneed Centennial Professor of Law, University of Oklahoma College of Law, to Scott Santarella, Educational Foundation of America (Apr. 6, 1998).