

## A LEGACY THAT SUSTAINS – DEAN AND PROFESSOR RENNARD STRICKLAND

*Carole Goldberg\**

Memories of Dean and Professor Rennard Strickland come to me as a precious gem—multi-faceted and brilliant. How rare it is that one person creates, inspires, and achieves in so many different realms—law, visual arts, history, literature, and film studies, among others. Although our paths crossed mostly as legal scholars, I was fortunate that many of his numerous enthusiasms and commitments radiated onto me, as onto so many. Sometimes it was an art book he sent me, depicting a museum show centered on his personal collection. Sometimes it was a book he published of Cherokee “spirit stories” that I would assign to my students in a seminar on Tribal Legal Systems.

He was a one-person multidisciplinary department, forecasting interdisciplinary programs in Native American and Indigenous Studies with books such as his pathbreaking study of the Cherokee legal system, *Fire and the Spirits: Cherokee Law from Clan to Court*, published in 1975. In 1980, I reviewed a volume that Rennard had produced for a series devoted to the history of different ethnic and racial groups in the state of Oklahoma.<sup>1</sup> Writing for a broader audience, not just specialists, Rennard minimized traditional narrative history-writing, legal analysis, and social science data, preferring a portrayal centered on Native voices. To elicit understanding of the diverse Tribes in Oklahoma, most of which had been forcibly removed to the state from homelands elsewhere, Rennard drew upon Indian authors, poets, and artists, creating vivid vignettes of tribal domestic life at various points in time, supplemented by an illuminating collection of photographs. He also incorporated the imaginative device of a calendar, dividing Oklahoma Indian history into seasons of the year—a metaphor that communicated an Indigenous way of thinking about the events, connecting them with natural phenomena. As I noted at the time, “Professor Strickland’s masterful utilization of such multi-purpose material

---

\* Distinguished Research Professor and Jonathan D. Varat Distinguished Professor of Law Emerita, University of California, Los Angeles School of Law.

1. Carole Goldberg-Ambrose, Book Review, 15 TULSA L.J. 863 (1980) (reviewing RENNARD STRICKLAND, *THE INDIANS IN OKLAHOMA* (Univ. of Okla. Press 1980)).

is what enables him to provide so much understanding in such a slim volume.”<sup>2</sup>

Often called upon to lead, Rennard led not with commands, but with the irresistible attractions of his vision and with his magnetic personality, which managed somehow to be both “down home” and incredibly urbane.<sup>3</sup> My first encounter with Rennard was in connection with the project to revise Felix Cohen’s classic 1942 treatise, the Handbook of Federal Indian Law.<sup>4</sup> Remarkable for its time, the Handbook had brought organizational clarity to the field, affirming basic principles of tribal sovereignty, treaty rights, and federal trust responsibility, and exerting considerable influence over court decisions, legislation, and policy. In the Indian Civil Rights Act of 1968,<sup>5</sup> Congress had directed the Secretary of Interior to have the Handbook revised and republished. After internal staff work on the project stalled in Interior, the Department contracted with the American Indian Law Center at the University of New Mexico to carry out the revision, and a Board of Authors and Editors, with Rennard as Editor-in-Chief, was established in 1975. At that time, I was only three years into my position as an untenured faculty member at UCLA School of Law. I will ever be grateful to Rennard for having the confidence and faith to include me, the youngest member and the only woman, in that group of nine Indian law scholars. The next six years of intense collaboration on the Handbook, led by Rennard, provided the most enlightening and exhilarating education in Indian law imaginable, from those who literally built the academic discipline and modern-day advocacy organizations for Indian law.

As Editor-in-Chief, and the only Native person in the group, Rennard was intellectual guide and referee, but also moral compass and coach. As referee, he had to manage lively and sometimes heated disagreements. Some were about how much of the original Cohen’s Handbook to retain in the update/revision. Some focused on how much critique was allowable in a treatise intended to present the state of the law. There were also highly contentious exchanges about what counted as actual authority in various Supreme Court opinions and what could be minimized as “dicta.” These extended intellectual conflicts, fascinating as they were to a new federal Indian law scholar such as myself, risked prolonging the project to the point of tanking it altogether. Rennard was not about to let that happen. He intervened selectively and judiciously, often finding ways to accommodate

---

2. *Id.* at 865.

3. Once, when we were both in Manhattan to give papers at a critical race conference, he invited me to dinner—at a Michelin two-star restaurant, of course.

4. FELIX S. COHEN, HANDBOOK OF FEDERAL INDIAN LAW (U.S. Gov’t Prtg. Off. 1942).

5. 25 U.S.C. § 1341(a)(2).

competing positions, and always reinforcing the importance of “getting the job done.”

As moral compass and coach, Rennard had to lead us through a stormy period for federal Indian law. As we were trying to distill a set of legal principles reaffirming and extending the positions taken by Felix Cohen in the Handbook, the Supreme Court was systematically contradicting them in cases that I have recently described as the three most detrimental decisions to tribal interests of the modern era: *Moe v. Confederated Salish & Kootenai Tribes* (1976); *Oliphant v. Suquamish Indian Tribe* (1978); and *Montana v. United States* (1981).<sup>6</sup> How were we authors-editors to sustain our spirits, let alone our faith in justice and the rule of law, through this negative turn in the case law?

Rennard rose to the challenge here as well. Indelibly inked in my memory are the motivational letters he periodically sent to the Board, as the difficulty and complexity of the task stretched our work beyond five years, and the U.S. Supreme Court delivered blow after blow to the cause of tribal sovereignty. Under these trying circumstances, Rennard’s epistles did a remarkable job of keeping our mission and work in perspective. Most pointedly, he insisted that Native nations were ancient civilizations, that had been around for millennia before Europeans arrived, surviving natural disasters and intergroup conflicts, and they would likewise survive the most recent assaults on their lands and sovereignty from the American legal system. We must take the longer view, he reminded us, and not become discouraged by temporary setbacks. His words have been vindicated many times over, as Tribes have achieved economic, political, and legal victories, counteracting Supreme Court losses.

I miss you deeply, Rennard, even as your legacy continues to sustain me.

---

6. Carole Goldberg, *President Nixon’s Indian Law Legacy: A Counterstory*, 63 UCLA L. REV. 1506, 1512-15 (2016).