

RENNARD STRICKLAND: LIVING WITHOUT NOTES

*Katheleen Guzman**

August 1993 was a whirlwind for my husband and me. We married in Philadelphia on a Saturday, loaded up a truck on Sunday, headed south and west on Tuesday with stops in Hot Springs, Virginia; Nashville, Tennessee; Fayetteville, Arkansas. Arrived in Norman on Friday, and I started teaching at the University of Oklahoma College of Law the following week. I'd been invited to visit for one year to teach Property and Wills & Trusts. I knew something about the both of them and very little about teaching, other than that I wanted to do it, and I wanted to do it well. I knew little about Native Nations or citizens beyond ill-informed impressions, and nothing about Tribal Law, Federal Indian Law, or the connections between the two. That would soon change.

Luck conspired with timing, and I found myself still teaching in spring of 1995, although without a set course package. The Associate Dean for Academics approached me: "We have an opening in Indian Land Titles. Are you interested?" I was. I had encountered a few cases in my Property and Wills texts—*Johnson v. McIntosh*, *Hodel v. Irving*—that first bemused, then inflamed, then infuriated, and the thought of having an opportunity to explore their context, history, and modern effect was alluring. I said yes, then turned to the man whose work I had been admiring, intimidated, from afar. It was of course Rennard Strickland, and part of my courage in approaching him owed to the unerring kindness and graciousness he had offered since I'd arrived, with short notes of encouragement on artistic cards, and when they were least expected.

"Rennard," I began, "I have agreed to teach Indian Land Titles. I know that that is a course that you have taught often, and I wanted to see if you minded. If not, I would like to, and maybe more than the others, this is a course that I want to get right." The thoughts of presenting it poorly were terrifying, particularly as I wanted to be able to convey in fullness the depth of the difficulties that both the cases I'd seen, and similar policies yet unknown, had inflicted (or reified) within Indian Country. "Would you be willing to share the text you use, and possibly even your notes?"

Rennard smiled ruefully. "I would if I could. But you see, that would be impossible. Because there is no text, and I have it all up here in my head."

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My heart stayed sunk for a good week and then I got to work. True to form, Rennard periodically forwarded materials and suggestions: the Rarick Charts, cataloging the legitimacy of life and deathtime transactions on allotted lands; Semple on Oklahoma Indian Land Titles; a copy of the Meriam Report, *Mobbs v. Lehigh*; an article by Tim Vollman and M. Sharon Blackwell; a lead on an early precursor to the Osage Killings entitled *The Deaths of Sybil Bolton* by Dennis McAuliffe, Jr; some local and D.C. contacts, including folks at the Land Title and Records Office. Although he was too humble to share them, I began to find his books and articles, too, e.g., *Fire in the Spirit: Cherokee Law from Clan to Court*, *Choctaw Spirit Tales*, *The Indians in Oklahoma (The Newcomers to a New Land Series)*.

I think back to those days, about the fear of failing my students or my school by failing to do things justice, and how Rennard's gentle, careful role in leading me there without overwhelming, made immeasurable difference. I cannot claim to have succeeded that year, in those that followed until the course was replaced, or in work that I later engaged. But the gifts that he gave were much broader than the immediacy of teaching or service or scholarship. His support gave me confidence—he trusted me to the task. His scholarship gave me insight—the fluidity with which he wove narrative, law, and culture; yesterday's choices with ongoing change; these things invited me to push my own thinking about this or that and to lean away from the too tight of the “is” and into the “ought, might be, or why.” His westering spirit—peripatetic, of sorts, trying new things with new people. Although I've remained in Oklahoma ever since that expected one year visit near three decades ago, and know that I am now “home”—these traits in Rennard made me less afraid of the constant turn, and offered an appreciation that we need never stop facing the new. And his generosity. This building is filled with a sense of him that continues: movie posters from his collection—*To Kill a Mockingbird*, *Anatomy of a Murder*, *Paper Chase*, etc.¹; the books (including original Dawes Rolls) that he donated to our library, whether found in our rare book room or the Strickland Collection in the stacks; Native American paintings, sculptures; the desk of John Ross, Principal Chief of the Cherokee Nation (1828–1866); Strickland on Cohen on Federal Indian Law; much more, including a copy of an old will leaving, inter alia, a small number of large legacies alongside a much

1. See *Strickland Collection of Law and Popular Culture: Posters*, UNIV. OF OKLA. COLL. OF L., https://law.ou.edu/sites/default/files/content/strickland_collection_posters_-_all_years_combined_with_images_for_webpage.pdf (last visited Oct. 2, 2022).

larger number of smaller bequests (30) with a note attached. That artifact, a message sent to a later time, offers a look into who he was:

It is my desire, but not my direction, that these individuals use this gift for a fine dinner, an escape weekend, a piece of art, a book, a craft item, a poster or a gift donation to a favorite charity, or for anything else that would bring joy to their lives as they have joy to mine.

One year I was asked to teach in an experiment to offer electives to 1Ls. Choosing “Law and Society” over the siren song of comfort, such as a Property 2, or perhaps a close look at perpetuities and reform, I asked my students the first day to react anonymously to a series of positions. Truly only seeking perspectives, one stated “ownership should focus on collectives over individuals.” Another asked whether gifts were more about relationship or more about transaction. There were more suggesting various positions across cultures and times. With apologies for imperfect recall, I have never forgotten the gist: a student’s reaction with fury. “You are propagandizing for communism. I reject this premise and shouldn’t have to consider this in an American law school.” I was worried and unsure over how to back up gracefully (or even at all). I decided to lean through the worry with more readings to consider and more thought pieces to write—a spectrum. At the semester close, I asked the class again to reflect and submit over all of the same initial points. The earlier student’s later response: “I had no idea. This has made me think differently. I might still disagree, and I probably do and always will. But I can, at least, see that there might be a different way.” That was all Rennard. That was his guidance, unspoken as it may have been, in my trying new things, and that was his knowledge and wisdom, mediated through his work, informing the thinking of that student. I cannot guess how many such stories exist. And I respectfully note that while I might suspect how Rennard would have responded had I posed equal questions to him, he too would have paused, and carefully responded: “well you see, that depends, doesn’t it?”

Rennard held a patience and care that was love and saw seamlessness over difference. Were I to return to that early conversation, and were he again to share that he’d kept it “all up here, in my head,” I would push back. Because it wasn’t just caged in his brain. It was also in his heart, in his soul, in his self. What’s more, he did not actually “keep it,” anywhere. Instead, he gave of it freely in ways that speak across time, space, and culture, encouraging such an immersion into the first-perceived “other” that if we look hard and carefully enough, we realize as no other than us. If it is

possible to envision fire contained within a gentle spirit or noetics in a questioning soul, there can be found Rennard.

Rennard died on January 5, 2021 here in Norman, where he was the Senior Scholar in Residence at the University of Oklahoma Law Center. Thereafter, a poem appeared on the Bacone College website. There may be no better way to honor him than through a part of its verse:

Born in might, shaped by eternity
Thought in flight, thine maternity
Strange world thine company around
Alien, unnatural place surrounding
Perfection forged in yesteryear
Searing pen, searing quill
Let thine heart rest, be still
Upon the radiant hill of age
. . . .
A man, a star, our peoples' twilight.

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2. *Bacone College Pays Tribute to Rennard Strickland*, BACONE COLL. (Jan. 11, 2021), <https://www.bacone.edu/bacone-college-pays-tribute-to-rennard-strickland/>.