

5 QUESTIONS: WALTER R. ECHO-HAWK JR.

# Indian attorney dedicated to rights

Interview conducted by NANCY HOLLINGSHEAD • Tulsa World staff writer



**1** As an attorney with Crowe & Dunlevy's Indian Law and Gaming Practice Group, what is your role within the organization?

As of counsel, my job is to bring depth and expertise to the important legal work of the Indian Law and Gaming Practice Group in meeting the needs of tribal clients. This includes litigation and negotiation assistance, as well as advice about how best to meet the legal needs of modern Indian nations. I also contribute to the development of federal Indian law bar on behalf of the firm through scholarly writing, teaching and appearances in professional and tribal gatherings throughout the state and the nation.

**2** Prior to joining Crowe & Dunlevy, you served as a senior staff attorney at the Native American Rights Fund for 35 years. What opportunities were afforded you by joining the private practice?

It's a wonderful opportunity to practice federal Indian law in private practice with Crowe & Dunlevy because it's a full-service law firm. The 39 Indian tribes in Oklahoma are modern Indian nations working to provide sound governance and services to their communities. Many have legal needs that extend far beyond federal Indian law, and this firm has the wide expertise to meet those diverse needs.

**3** You are currently on tour promoting your new book, "In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided." How did you choose the top 10? Is there a "worst" case?

I chose 10 adverse decisions that relied upon nefarious legal doctrines to bring great harm to Native people. My picks are cases that have a far-reaching legal precedent or a few more obscure cases that illustrate a larger problem in the law. For example, in *Johnson v. McIntosh* (1823), the Supreme Court handed down a

sweeping opinion that appropriated legal title to the land, even though it was owned and occupied at the time by Indian nations. The court relied upon unjust legal fictions about race, discovery and conquest in a very unjust decision, which has never been overturned and remains the law of the land to this very day.

**4** As an attorney who has been dedicated to Indian rights, what changes have you seen in the past three decades in the way courts approach cases involving Native Americans?

The U.S. Supreme Court has become increasingly hostile to Native cases that come before it, ruling against Indian nations in more than 80 percent of the cases, while the rest of the government in the executive and legislative branches are trying to support and strengthen Indian nations through policies of self-determination. The judicial branch is increasingly out of step with the rest of the nation when it comes to respecting, appreciating and protecting Native America. That's a big problem for our nation.

**5** The governor recently cited you for seeking to empower Native Americans through your legal work. What has kept your dedication through the decades?

I went to law school to become an advocate for Native Americans and have enjoyed a long career representing the best clients in the world. It has been a labor of love, and much work remains for this and the next generation of Indian law attorneys.

Many modern Indian nations have made great gains in the past generation and now find themselves in uncharted territory with gaming successes facing a whole new set of issues. They will need reliable legal expertise to help guide them through this maze of new issues in the 21st century.

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**WALTER R. ECHO-HAWK JR.**

Walter R. Echo-Hawk Jr. offices in Crowe & Dunlevy's Tulsa office and serves as of counsel in the firm's Indian Law and Gaming Practice Group. A lawyer, tribal judge, scholar and activist, his legal experience includes cases involving Native American religious freedom and prisoner, water, treaty and reburial repatriation rights. Echo-Hawk has worked as a lawyer for the Native American Rights Fund for more than 35 years. He is a member of the Pawnee Nation, belonging to the Kitkahaki Band, and was born on the Pawnee reservation in Oklahoma.