

# Alumni Become a Force in Native American Law

By Sheryl James

*John Wildhorse called his daughter over and over again by her Indian name, Waboose, which means rabbit in Odawa; but she didn't turn her head and look at him until he spoke the name given to her by the foster family, Jane. How would the Creator hear his daughter's prayers if she couldn't tell the Creator that it was her, Waboose, praying?*

How, indeed? This is the life mission—call it her own prayer—of Allie Greenleaf Maldonado, '00, an American Indian attorney who lives in Petoskey, Michigan. A member of the Little Traverse Bay Band of Odawa Indians and the tribe's assistant general counsel, Maldonado is an advocate for Native American children everywhere. She devotes a great deal of her time on bringing the State of Michigan, and other governmental entities around the country, into compliance with the Indian Child Welfare Act (ICWA).

The excerpt above is from a book chapter Maldonado penned recently on the subject. The ICWA was passed in 1978 to prevent the kind of problems John Wildhorse faced—and far worse abuses. But, she says, too many legal exceptions have undermined the law and allowed the separation of Indian children from their homes and culture, and other abuses.



PHOTO COURTESY OF THE LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS

Maldonado's passion for this work has a personal genesis, she says.

"My mother was a victim of pre-Indian Child Welfare Act. When her mother died, there were lots of family members she could have been placed with. But it was a common practice at that time to pull Indian children out of their home, strip them of their culture—to 'beat the Indian out of the Indian.' My mother went to be a house slave for a Mennonite minister. She was only 4. She still talks about it. They beat her if she spoke her language. She couldn't practice her religion. They cut her hair. When she was 18, they married her off to get her out of the house. The abuses that happened to those kids were horrendous.

"That's why I went to law school. That was the purpose."

Maldonado, chair emeritus of the Federal Bar Association Indian Law Section, is among a vital group of Michigan Law alumni who

*The history of her tribe spurred Allie Greenleaf Maldonado, '00, to go to law school. "It was common practice . . . to pull Indian children out of their home, strip them of their culture—to 'beat the Indian out of the Indian,'" she says. This tintype (above) depicts an Odawa family in the late 1800s.*

are making an impact on the complicated, diverse, and at times legally challenging lives of Native Americans and Indian tribal issues. The national profile of U-M alumni is becoming more prominent at the same time that activities at the Law School also are increasingly visible, with an active chapter of the Native American Law Students Association (NALSA); the hosting of American Indian Law Day, when the Navajo Supreme Court heard oral arguments at U-M; and the election of 3L Josh Clause as president of the National NALSA.

The work of alumni with tribes throughout the country reveals a world most Americans rarely think about. It's a world of melodic names, disparate tribes, ancient customs, and modern-day adaptations.



It takes just one look at the office of Matthew L.M. Fletcher, '97, to get a sense of this world. Fletcher, director of Michigan State University's Indigenous Law Center, has abundant evidence of his native culture. One wall bears a map of northwest lower Michigan with all Indian names, such as "Mshii Gum," the Indian name for "Michigan." Another poster is labeled "Anishinaabek: Heritage Language Map of the Three Fires People," referring to the Ottawa, Ojibwe, and Pottawatomie; Fletcher belongs to the Grand Traverse Band of Ottawa and Chippewa Indians.

Perhaps most interesting in the Native American history lessons offered in the office is the large "Map of Indian Country," showing reservations, tribes, and historical perspectives of Indians. It also briefly narrates important eras: "1492: the Arrival of Columbus; 1790: Indians Forced Inland; 1830: 'Indian Country'; 1860: Immigrant Stampede; 1890: The Vanquished Indian."

The final date reads, "2090: Indian Land?"

That may sound improbable; Fletcher's work is much more practical. He serves several functions. He works with the Center, along with his wife, Wenona, the Center's assistant director and member of the Little Traverse Bay Bands of Odawa Indians; he also works as a tribal appellate judge. But most of his time is spent on teaching and scholarship, he says.

After earning his law degree, he says, "I went back to work for my tribe for four years. It was the best working experience I had as a lawyer." But, he says, he had not studied Indian law at all because such courses were not plentiful, even at U-M. "It's really, really hard to graduate from law school and go practice Indian law. I did that and struggled."

As a result, "I went into teaching because every time I had an interesting legal case, there were no cases or scholarship on it. So the first articles I wrote were research questions I had to answer as a lawyer, because nobody else had written about these things before. That's why I became a professor."

Fletcher says there are 12 federally recognized Indian tribes in Michigan, and that, legally speaking, things are going well. "The ability of the various tribal governments in Michigan to govern has expanded exponentially in the last few decades, partly because tribal governments are

*A tintype from the late 1800s shows a group of Waganakising Odawa women. Today, several Michigan Law alumni are working on issues of importance to Native Americans, including efforts to ensure that Native American families are kept together.*



PHOTO COURTESY OF THE LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS



Allie Greenleaf Maldonado, '00



Matthew L.M. Fletcher, '97



Elizabeth Kronk, '03

more accountable to their people. Some have gaming money, so they can afford to become better.”

Michigan state governmental authorities also, he says, “have been very supportive of working with tribes as opposed to fighting with tribes.” Because so many Michigan tribes have little actual land, they are entering into new, promising cooperative agreements with local and state jurisdictions—a leader in the United States in this approach.

Fletcher also is continually involved with the ICWA, and recently edited the book *Facing the Future, The Indian Child Welfare Act at 30*. Maldonado’s chapter cited at the beginning of this article is included in the book.

Outside of Michigan, Elizabeth Kronk, '03, assistant professor of law at the University of Montana School of Law, focuses on tribal court development and energy development in Indian Country. She is chief judge of the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals. She also is chair of the Federal Bar Association’s Indian Law Section.

She recently has written about the Indian Civil Rights Act, “and its limitations, specifically that it limits tribal courts’ sentences to \$5,000 and/or a year in prison,” Kronk says. “My position in the paper is that that has a significant effect on crime and lawlessness in Indian country. We’re seeing criminals come in and deliberately

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— Matthew L.M. Fletcher, '97

develop their criminal enterprise in Indian country thinking they can get away with it. It’s not necessarily true, but there’s that perception in the criminal world.”

Calling her appellate judgeship “my dream job,” Kronk most often sees child welfare and criminal cases.

All three of the alumni—Maldonado, Fletcher, and Kronk—say their Law School days were positive, and that the School itself was especially supportive. Kronk says the School was generous in providing opportunities to attend National Native American Law Students Association moot court competitions every year, and also the Federal Bar Association Indian Law Section’s annual conferences. “There were wonderful learning and networking opportunities.”

Fletcher, whose family has 10 U-M graduates stretching back to the 1890s, says he had the chance to be in the founding generation of the *Michigan Journal of Race and Law*, which helped lead him eventually into scholarship.

Maldonado calls her U-M years “one of the best experiences of my life. I felt like they wanted me to succeed as badly as I wanted to succeed.” 

*Sheryl James is a Pulitzer Prize-winning journalist who lives in Brighton, Michigan.*