

**SYMPOSIUM:  
STEWARDS OF THE LAND: INDIAN TRIBES,  
THE ENVIRONMENT AND THE LAW**

**INTRODUCTION**

**N. Bruce Duthu\***

The idea for this symposium originated in the hearts and minds of two student editors of the *Vermont Law Review*, Mark Feigl and Sabrina Seal. What began in the spring of 1995, as generalized interest in both environmental law and federal Indian law, ultimately crystallized into a symposium topic focused on Indian tribes as environmental stewards. The symposium was entitled, *Stewards of the Land: Indian Tribes, the Environment and the Law: An Interdisciplinary Symposium Exploring the Special Role of Native American Tribes in Environmental Protection and Conservation*. This topic permitted both particularized inquiry into the unique role of tribal governments in environmental protection and conservation and more generalized considerations of environmental stewardship amidst ever-growing demands upon natural resources. The hope, if not expectation, of the symposium organizers was that invited speakers and writers would provide context and illumination on related themes, including the capacity of diverse populations to reach consensus on environmental policy and the ability and willingness of this nation's three sovereigns—tribal, state and federal governments—to work collaboratively and productively in developing effective environmental policies.

At least three important elements had to come together to realize these hopes: (1) a coherent and flexible symposium structure; (2) an able group of presenters and writers; and (3) broad-based financial and personal support. I think all three elements came together effectively and successfully to produce an extraordinarily rich and meaningful symposium gathering.

The symposium structure featured five panels organized around the general concept of stewardship. The first panel presented introductory remarks which articulated by way of "stage-setting" many of the themes developed in later panels. This panel presentation took place at neighboring Dartmouth College, the primary symposium co-sponsor. The following four panels were all presented the next day on the Vermont Law School campus and featured discussions on: (1) the legal and historical foundations of tribal governments within the nation's federalist structure;

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(2) praxis in environmental regulation, legislation and dispute resolution; (3) environmental policy formation at the tribal, state, and national levels with specific attention devoted to intergovernmental relations; and (4) the philosophical and moral underpinnings of environmental protection and conservation efforts. Each panel devoted considerable attention to the question of whether and to what extent tribally-derived values and perspectives informed the broader discourse of environmentalism occurring within culturally plural settings.

The symposium organizers (and attendees) were indeed fortunate to secure the participation of nationally-recognized scholars, policy makers, and practitioners in the field. Michael Dorris (Modoc), Professor of Anthropology and Native American Studies at Dartmouth College, and a nationally acclaimed writer, opened the symposium at Dartmouth College with selected readings from his latest work. From the legal academy came such prominent figures as Professor and Dean Rennard Strickland (Cherokee) of the Oklahoma City University School of Law; Professor Nell Jessup Newton of American University; and Professor Frank Pommersheim of the University of South Dakota.

Philip S. "Sam" Deloria (Sioux), Director of the American Indian Law Center at the University of New Mexico, was scheduled to be a presenter and moderator throughout the symposium. Tragically, he lost his son, Philip, on the eve of the symposium. We deeply missed Sam's knowledge, wit, unsurpassed insight, and good humor. Anyone who has witnessed Sam "in action" at this type of event understands and appreciates the gift of his participation. This gift stems from a lifetime dedicated to the cause of tribal self-determination and respectful dialogue across cultural and political lines. The symposium participants derived strength from Sam's legacy of service and carried on, ever mindful of our friend's absence and his family's tragic loss. It is in that spirit that this symposium issue is also dedicated to the entire Deloria family, in memory of Philip Deloria, Jr.

The group of legal scholars in attendance also included Professor Rebecca Tsosie (Pasqua Yaqui) of Arizona State University, Professor Richard Monette (Turtle Mountain Chippewa) of the University of Wisconsin, N. Bruce Duthu (Houma) and D.J. Howell of Vermont Law School, and Gloria Valencia-Weber of the University of New Mexico. From the government or public sector came William Yellowtail (Crow), Regional Administrator, Region Eight, Environmental Protection Agency; Faith Roessel (Navajo), Special Counsel to the Secretary, Department of Interior; Leigh Price, Assistant Regional Counsel, Region Eight, Environmental Protection Agency; and Kalyn Free (Choctaw), Environmental Enforcement Division, United States Department of Justice.

From the private and non-profit sector came Dean Suagee, Esq. (Cherokee) of the Washington, D.C. firm of Hobbs, Straus, Dean & Walker; Donna Roberts (Abenaki), Repatriation Administrator for Abenaki Nation; and Jerry Pardilla (Penobscot), National Tribal Environmental Council.

Professors Pommersheim, Tsosie, Duthu, and Monette and Mr. Suagee agreed to prepare the papers that follow as part of this symposium. Each writer brings an important perspective on the role of tribes as environmental stewards. The breadth of experience and perspective reflected in these papers, and in all the commentary presented at the symposium, infuses the contemporary discourse on environmentalism with energy, a suggested course of direction, and renewed purpose.

Finally, this symposium would not have materialized without broad-based financial and individual support. As noted earlier, this symposium represented an institutional collaboration between Vermont Law School and Dartmouth College. Vermont Law School Dean Maximillian Kempner and Dartmouth President James O. Freedman, through their respective offices, provided generous support for this event. On the "Dartmouth side" of the ledger, particular thanks are owed to the faculty of Native American Studies and Environmental Studies for their support along with that of the Native American Program and Native Americans at Dartmouth Student Organization. Here at Vermont Law School, particular thanks are owed to the Environmental Law Center and its director, Patrick Parenteau, the Student Bar Association, including the Native American Law Students Association, and of course, the entire membership of the *Vermont Law Review*. Mark Feigl, Sabrina Seal, Dori Richards, and Mollie Roth are owed a particular debt of gratitude for their organizational leadership and energy in helping to pull together every aspect of this gathering. Finally, special thanks to Ann Roberts, founder and president of the Fund of the Four Directions in New York, for generously supporting this symposium through a special gift to the law school.

This symposium issue comes at a time of continued concern and activity in the area of environmental protection and conservation. It also comes at a time of continued, indeed increasing, political and legal activism on the part of Indian tribes in asserting their governmental authority as environmental stewards. There is profound need for informed, reflective and respectful discourse in both realms, especially as the discourse in environmentalism and tribal self-determination increasingly intersects in complex and important ways. We hope and believe that this symposium issue will contribute measurably to that critical discourse.

