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## **YELLOW BIRD'S SONG: THE MESSAGE OF AMERICA'S FIRST NATIVE AMERICAN ATTORNEY**

Rennard Strickland†

Willa Cather, the American novelist, observed that there are only two or three stories that go on happening as if they have never happened before. This essay looks at a dramatic variation of one of those stories — the life of Yellow Bird or John Rollin Ridge. Ridge was the first Native American to be licensed to practice law in a state jurisdiction and the first writer of any race to be named California's "poet laureate." If it is true, as Emerson asserted, that there is "no history only biography," the life story of Ridge is a textbook for all of us. The "Yellow Bird's Song" title suggests that there are lessons from his life that have particular relevance not only for the contemporary Native American but for all the "others" in our society.

Yellow Bird or John Rollin Ridge was born in 1827, in the old Cherokee Nation in Georgia. He died in 1867, in Grass Valley, California. The forty years between are so improbable that had a novelist like Willa Cather concocted his life, no one would believe it. The events of this life are dramatic. Young Ridge witnessed the brutal assassination of his father, later killed another Cherokee in a duel, fled to California, worked as a trapper, miner, and trader, studied law, wrote a classic novel, edited several newspapers, became an active Democrat politician, and finally represented the Cherokee in negotiations following the American Civil War.

Yellow Bird was, by blood, one-half Cherokee. His grandfather, Major Ridge, was a fullblood traditionalist who became the most influential figure in the early tribal acculturation process and the most widely respected orator in his nation. The family name Ridge came

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from an incident when the grandfather was a young man. United State's agents came among his people asking the tribe to sign "one last treaty — a final land cession agreement." He argued eloquently against signing. "They will be back. This is not the last treaty," the young warrior argued to the Council of Elders. "They will be back." The tribe signed the treaty and, sure enough, when they came back the very next year for another land cession, the orator was renamed, in the Indian way, "The Ridge" because he could see into the future, as if he stood on a ridge looking toward tomorrow.

Rollin Ridge's maternal family was of New England Puritan stock. His Northrup grandfather was a graduate of Yale University and associated with the Cornwall Indian Mission School in Connecticut. The marriage of Rollin's father, John Ridge, and his mother, Sara Bird Northrup, was opposed by both families. It so scandalized the Yankee "do-gooders" that the couple was hung in effigy and the Indian mission school closed rather than face the scandal.

Born in 1827, in the Cherokee Nation in Georgia, Yellow Bird's early idyllic Indian boyhood contrasts sharply with the violence of his young manhood and the frustration of his professional careers. Rollin's birth coincided almost exactly with the heightening Indian Removal drama, culminating in the "Trail of Tears." And yet the young boy was miraculously sheltered by his father from much of this unrest, at least while the tribe remained in Georgia. During his California exile years, Ridge vividly recalled the happiness of those Indian days.

Both Ridge's father and grandfather were eloquent spokesmen for the Indian. His father, John Ridge, with a cousin Elias Boudinot, travelled extensively in the North — speaking in Boston, Philadelphia and Providence — building support for the Indian cause. With the election of Andrew Jackson as President and the discovery of gold on tribal territory, the life of the Cherokee was forever changed. The tribe campaigned to enlist white support in opposition to Jackson's Indian Removal Act of 1829. More than one million white Americans petitioned Congress in opposition to Indian removal. Nonetheless, Jackson persisted and Georgia continued to confiscate Indian lands, prohibit Indians from testifying in court, and banish friendly whites living on tribal lands.

The tribe presented a united front with the old full-blood Major Ridge and the young one-eighth blood John Ross standing firmly against President Jackson and the state of Georgia. The Cherokees held out great hope that the United States Supreme Court would stay

Georgia's hand as the state prepared to draw, by lottery, Indian lands and hand those lands over to white citizens. The judicial process proved useless. First, in *Cherokee Nation v. Georgia*, the court refused to hear the case because of a jurisdictional question, then in *Worcester v. Georgia* when the court found for the Cherokees and declared the actions of Georgia unconstitutional, the decision of the court remained unenforced. Jackson is purported to have said, "Marshall has made his law — now let him enforce it." It is as if President Eisenhower had sent federal troops into Little Rock to support Governor Faubus against the Supreme Court decision in *Brown v. the Board*.

After the Supreme Court debacle of *Worcester*, the vaunted tribal unity ended. Removal appeared inevitable and the Ridges feared that delay would bring a military exile. Such was the ultimate result with more than sixteen thousand of their number herded into stockades and driven westward on "The Trail of Tears" where more than 4,000 perished. The latest study by Russell Thornton, the Indian demographer, concludes: "Over 10,000 additional Cherokees would have been alive during the period 1835 to 1840 had Cherokee removal not occurred." This conflict over removal climaxed in 1835 when a group of Cherokees signed the Treaty of New Echota, exchanging lands in Georgia for lands in the Indian Territory.

The tribe faced the classic Indian dilemma. The Indian could not win. If the tribe signed the removal treaty, they surrendered their homeland and the graves of their beloved ancestors; if the tribe refused to sign, they would be driven at bayonet point away from their homeland and the graves of their beloved ancestors. The choice was no choice.

Tribal leaders including Ridge's family and John Ross' brother believed that voluntary removal under a new treaty, if quickly implemented, would save the agony of forced removal. Their political opposition, headed by the elected Chief John Ross, characterized signing the treaty as "treason" and threatened death under a law which Major Ridge had himself authored making the sale of lands a crime of "outlawry," placing the signatory beyond the protection of the law. The federal government solemnly guaranteed the safety of those who endorsed the treaty but Major Ridge said, "When I signed the treaty, I knew I had signed my death warrant."

In 1836 and 1837, the Ridge or Treaty Party faction moved peacefully to what is now known as Oklahoma. The Ross party held out

and were driven over the Trail of Tears in 1838 and 1839. The contrast between Ross' ragged and starving new arrivals and their fellow tribesmen already prosperously settled into the new nation graphically exposed party difference and revived bitter hostilities. Thus, as the Cherokees prepared for a constitutional convention in the summer of 1839, the leadership of the Ridge Treaty Party was emasculated by a group of masked men from the Ross party.

Watching the brutal assassination of his father cast a darkened shadow of revenge over the life of twelve-year-old Yellow Bird. Throughout the remainder of his days, he recounted the story. In Missouri farmhouses and California bars, he told of that tragic morning as he does in the following letter:

“On the morning of the 22nd of June, 1839, about daybreak, our family was aroused from sleep by a violent noise. The doors were broken down, and the house was full of armed men. I saw my father in the hands of the assassins. He endeavored to speak to them, but they shouted and drowned his voice, for they were instructed not to listen to him for a moment, for fear they would be persuaded not to kill him. They dragged him into the yard, and prepared to murder him. Two men held him by the arms, and others by the body, while another stabbed him deliberately with a [knife] twenty-nine times. My mother rushed out to the door, but they pushed her back with their guns into the house, and prevented her egress until their act was finished . . . . My father fell to the earth, but did not immediately expire. My mother ran out to him. He raised himself on his elbow and tried to speak, but the blood flowed into his mouth and prevented him. In a few moments more he died, without speaking that last word which he wished to say. . . .”

“There was another blow to be dealt. [the young man continues] Major Ridge had started on a journey the day before to Van Buren, a town on the Arkansas River, in the State of Arkansas . . . . A runner was sent with all possible speed to inform him of what had happened. The runner returned with the news that Major Ridge himself was killed . . . .”

Rollin's mother, the widow Sarah Northrup Ridge, fearing for the lives of her young children, fled across the Cherokee-Arkansas border to Fayetteville. Rollin was eventually sent East to Great Barrington for schooling but his college was cut short by illness and, one suspects, his resentment at being the poor Indian relation of his New England aunts, uncles, and cousins.

John Rollin Ridge was, throughout his life, brooding and determined, with a compelling obsession for revenge. He was strong and

tall and quick. The newspaperman Horace Greeley said, “[Yellow Bird] was the handsomest man I ever saw.” Dashing is perhaps the right adjective, for family tradition remembers him as a favorite with the ladies. By the time Ridge’s temper flared and his penchant for the duel surfaced, he was already married to Elizabeth Wilson and they had a daughter.

Ridge remembered his teenage years after his father’s assassination as a time of hard riding, going back and forth across the Cherokee-Arkansas border, in the skirmishes and guerrilla warfare of the Ross-Ridge vendetta. How much of this actually occurred and how much Ridge only dreamed we do not know. However, it is certain that he killed a pro-Ross partisan whom the family believed had been assigned the task of killing him. The story is reported in the *Arkansas Intelligencer* during 1849:

“Ridge, missing his fine stallion, went to Kell’s and enquired if he had been seen. ‘There is a *gelding*,’ said Kell, pointing to the animal, standing near a pool of blood. ‘Who made him so,’ said Ridge. ‘I did,’ replied K., ‘and am willing to stand by my deed with my life.’ Ridge sprang from his horse to the ground. — Kell motioned to approach, when Ridge remarked that disparity of their strength forbade that they should fight in close contest, ‘and,’ said he, drawing a pistol, ‘if you approach me, you will lose your life.’ Kell advanced. ‘Stand back Kell,’ said Ridge, ‘advance any farther and you die.’ Kell advanced, and soon laid [sic] dead.”

The Ridge family feared a partisan trial in the Cherokee Nation so Yellow Bird fled to Missouri where he continued to agitate against the Ross faction and to plan revenge for the murder of his father and other kinsmen. Soon Ridge headed West, not East as the family hoped. Although in the old Cherokee mythology West was the way of death, the black direction, for Yellow Bird the West was the way to the newly discovered gold fields and a chance at independence. So in 1850, John Rollin Ridge joined the throngs on their way to California. And while Ridge never became rich, he fought for a place in the life and history of a new state.

With his brother Aeneas and a black slave Wacooli, Ridge started for California via the “Northern route.” Arriving in “the Mormon City” on July 8th, the Ridges pastured their animals and bought supplies for the last perilous leg of their exodus.

Ridge’s narratives of the overland journey from Salt Lake City to California are as vivid and exciting as any journals written on the trek.

His reactions to the heat, the mineral dusts and the great desert, are recalled in the later poetical work "The Humboldt Desert."

Once in California, Ridge tried his hand at almost every trade the mining frontier offered — prospecting, trapping, and trading. Quite early he became a correspondent for the *New Orleans True Delta*, sending reports that were printed under the title "Letter From Yellow Bird — Our California Correspondent" for which he received eight dollars each. In a letter written in October of 1850, Yellow Bird records his first reactions to California — the state that was to be his home for the remainder of his life.

"I was a stranger in a strange land. I knew no one, and looking at the multitude that thronged the streets, and passed each other without a friendly sign, or look of recognition even, I began to think I was in a new world, where all were strangers, and none cared to know . . . ."

His next three years as a Californian are succinctly summarized in a letter to Oawatie, his Uncle Stand Watie the only treaty chief to survive the 1839 blood-letting. The letter contains remarkable insight into the forces drawing Ridge away from California back to the Indian Nations and those compelling him to stay:

"Several years have elapsed since I left my beautiful home in the Cherokee Nation . . . . It has been a series of bad luck. I have worked harder than any slave . . . . I have tried the mines. I have tried trading. I have tried everything but to no avail, always making a living but nothing more. If I could have contended myself to remain permanently in the country, I could have succeeded . . . but I have been struggling all the time to return to the Cherokee Nation . . . ."

In the next year, 1854, John Rollin Ridge secured his place in literary history with the publication of *The Life and Adventures of Joaquín Murieta: The Celebrated California Bandit* written under his Indian name Yellow Bird. The work is the first published telling of a California Hispanic Robin Hood legend. In fact, the *Life and Adventures* is a strictly literary work — a sympathetic novel of the struggle of the Mexican-American in California.

Ridge poured the frustrations of his Indian life and his dreams of revenge against his father's murderers into this work. The young Indian boy who had fifteen years earlier witnessed the knife murder of his father, acted out his own desire for revenge through the Hispanic patriot who had similarly witnessed the hanging of his brother, the degradation of his sweetheart, and been himself publicly whipped.

Critics have long felt that “in having Joaquin achieve his revenge by wiping out his degraders one by one, Ridge was vicariously blotting out each of the assassins who had driven their knives into the body of his father. He put into his book all of the feelings that lay below the surface of the civilized editor.” In the novel, *Yellow Bird* acknowledges the universality of oppression among America’s Indian and Hispanic peoples.

Only two known copies of the original edition of *The Life and Adventures of Joaquin Murieta* survive. But the tale has been rewritten and retold in books, plays, magazines, dime novels, operas, movies, and propaganda tracts. Like most professional writers, Ridge looked to his book to ease his always chronic financial woes. Whatever psychological relief the book’s enactment of revenge brought the author, it brought him no financial relief, as Ridge noted in a desperate letter to his Uncle Stand Watie:

“I expected to have made a great deal of money off of my book . . . [but] my publishers, after selling 7,000 copies and putting the money in their pockets, fled, bursted up *tee totally* smashed, and left me, and a hundred others, to whistle for our money!”

To insure against another financial crisis *Yellow Bird* read the law and became the first Native American to practice law in the state of California. His brother, Andrew Ridge, later joined him in law practice in Grass Valley. The thought of a legal career disgusted him but he, nonetheless, turned to the law. Ridge wrote his Uncle Stand:

“I will not practice the law unless I am driven to it. The general science of the law I admire — its every day practice I dislike. But for the sake of having something upon which to rely in case of necessity, I have patiently burned the midnight oil . . . .”

Ridge had little respect for the legal profession as it was pursued in early California. His disgust is reflected in these early observations of mining camp lawyers.

“This part of the country abounds with lawyers . . . , (whose name in every country is Legion,) some good and some bad; some lawyers who understand the points of lucre, and others who deal more in monies than they do in eloquence, although the latter is not always dishonored at their hands. . . . A few are certainly such men as we can trust . . . , but the majority of them, I might almost call them a mass, belong to that abominable class of knaves, idiots, and scoundrels . . . .”



Ridge, like many other lawyers, was drawn into the pit of politics. On the mining frontier, democracy was acutely personal and highly dramatic. Yellow Bird could not resist the fray of Democrat (with a capital "D") politics with its intrigue and divisiveness which upon occasion, made even Indian tribal politics seem civilized. You may remember that it was a fellow Cherokee of a later generation, Will Rogers who said, "I don't belong to any organized political party, I'm a Democrat."

The rough and tumble of California politics was not enough to divert Ridge's interest from his own Cherokee people. He wrote of a desire to return to the Indian country, and of his wish to found a Native newspaper.

Ridge's Indian journal was never established, and so he continued to practice law and edit a series of California newspapers. He was the founding editor of the *Sacramento Bee* and later the political editor of the *San Francisco Herald*. Always he was an eloquent writer, spicing his journals with poems as well as unconventional news reports and unorthodox politics. "An editor is public property," Ridge proclaimed in the *Sacramento Bee*. Yellow Bird remained an exiled Native with an eye on developments back in the Indian country. In 1861, the white man's Civil War became a mirror reflecting back on the old Cherokee internal Civil War dating from the 1830s and the Ridge assassinations. Rollin's uncle Stand Watie (Oowatie) became a Brigadier General in the Confederate Army while their old enemy John Ross vacillated back and forth between the Blue and the Grey, eventually being taken into "protective custody" and north by the Union Army.

When the American Civil War ended, John Rollin Ridge was called from California to Washington to head the delegation of the Southern Cherokees who were determined to split away from their old adversaries, the Ross faction. They hoped to be recognized as a separate tribal unit, and Yellow Bird, using his best lawyering skills, fought bitterly to achieve this goal. The delegation failed. Nonetheless, they exerted a strong influence in drafting the ultimate terms of peace.

Ridge was not able to maintain harmony even within the Indian delegation, so he again left for California in the midst of internal tribal conflict. Yellow Bird's death came within a year after his return to the West Coast. Wasting away at the age of forty from what was then

called "brain fever," Ridge must have felt that sense of ultimate frustration which he had earlier conveyed to his mother in a letter from the California goldfields. "If I can once see the [Indians] admitted into the Union as a state, then I am satisfied. Until then, whether I win laurels as a writer in a distant land, or whether I toil in the obscurity of some mountain village over the dull routine of a small legal practice . . . I will bear that holy purpose in my heart."

In pondering Ridge's short but eventful life, one is aided by a little-known manuscript from his twentieth year in which he speaks of the "writer's harp" and the songs he hopes to sing. "I'll write my thoughts upon the brow of time so man may read these forever! I'll string my Harp, and sound a note that years shall echo back when I am sleeping in the grave."

This early free verse tells us much especially read in conjunction with Ridge's most widely published poem "The Harp of Broken Strings." He writes:

A Stranger in a strange land,  
 Too calm to weep, too sad to smile,  
 I take my harp of broken strings,  
 A weary moment to beguile;  
 And tho' no hope its promise brings,  
 And present joy is not for me,  
 Still o'er that harp I love to bend,  
 And feel its broken melody  
 With all my shattered feelings blend.

Ridge's letters, editorials, articles and the treaty negotiations reveal the intensity of his devotion to the Native cause. Tragically, none of Yellow Bird's Indian plans ever materialized. Ridge's death in 1867, at the age of forty, ended his dream of "a newspaper devoted to the advocacy of Indian . . . interests." He had hoped to create "a medium . . . of defending Indian rights [and] of preserving the memories of the distinguished men of the race . . ." The frustration surrounding Ridge's life hangs over the concluding sentence of the call for his Indian journal. "What is the use of our lying down like common men to be forgotten," he asks, "when we can just as well have a trumpet of our own, that will wake the world to listen to what we say?"

On the broadest literary and legal landscape, John Rollin Ridge must be assessed a secondary figure. He is important as America's

first truly professional Indian writer than as a California newspaperman, novelist, poet, or essayist. He is equally significant as a precursor of the present day Indian lawyer movement but he is not a key advocate in the unfolding of Indian law. Whether with time his talent might have blossomed with his fellow California literary pioneers Bret Harte and Mark Twain, is a matter for conjecture. It is also possible that with time Ridge might have resolved his own internal conflict and perhaps joined as an attorney in his family's famous *Cherokee Tobacco Case* or even fought the Dawes Allotment Act. We simply do not know.

When we listen to the song of Yellow Bird we hear many musical themes and not a few discordant notes. He sings of two worlds. Ridge, educated in the East and by Christian missionaries, was caught in that eternal nineteenth century Indian dilemma. He wrote as one who believed in the virtues of "civilizing" the Indian, but at the deepest emotional level he articulated values embodied in the old traditional Native ways. The error of Ridge's analysis, like the tragedy of the Native experiences was that the Indian could never depend upon the government itself to behave in a civilized manner.

Yellow Bird reflects the bitter experiences of his life and of many of his fellow Indians in his essay "the melancholy of the rain."

"What hopes have we not all buried, and what dreams have we not all mourned, that come to us again with the soft music of the rhythmic rain? Have we trusted and been deceived? Have we lost what we loved? Have we seen joy after joy fade in the sky of our fate! All comes to us again in sad and mournful memory as we listen to the patter of the rain."

What are the lessons of Yellow Bird — What do we hear from his "harp of broken strings?" He wished, we know, to "sound a note [to] echo back when . . . sleeping in the grave." That note is, as Yellow Bird himself understood, "a broken melody."

As I reviewed these materials, I found myself being extremely judgmental — dismissing Ridge because he behaved, not as I, a late twentieth century man would have wanted, but as the man he was — a man of his own times. That, in a real sense, is Yellow Bird's challenge to us all — to see beyond the common wisdom of our age — to behave more like Major Ridge — to stand always looking toward tomorrow.

Our Indian elders tell us that law is not just for today or even for tomorrow but for the coming generations. We are reminded of this by

Oren Lyons, Faithkeeper of the Turtle Clan of the Onondago Nation and spokesman for the Six Nations Iroquois Confederacy. "In our way of life," Lyons explains, "in our government, with every decision we make, we always keep in mind the Seventh Generation to come. It's our job to see that the people coming ahead, the generations still unborn, have a world no worse than ours — and hopefully better."

This is the special burden placed upon those of us trained in the law. Yellow Bird illustrates that being a lawyer makes one no more or less an Indian. It is what one does with the law that matters. Going to law school — indeed, excelling in the law — gives us a tool, nothing more. It makes us no more nor less than the person we are. Sam Deloria, the Sioux director of the American Indian Law Center at New Mexico, reminds prospective lawyers of this in a very humbling way when he tells the incoming classes in the Special Indian Law Summer Scholarship Program: "Don't worry! Studying to be a lawyer won't change you into something you aren't already. Remember when your cousin went away to the B.I.A. auto mechanics school, he didn't come back a 1946 Ford did he?"

Ridge never seemed sure of who he was or of his role. Our hero spent a lifetime hating and dreaming — questioning the Indian boy who was Yellow Bird and doubting the Indian man who was lawyer and poet. In the process, he missed the real villains and sought revenge against others who were as much victims as he. Thereby, he lost the strength, the beauty and the support of his Indian self. His people lost a leader of great talent and determination. Ridge was unable, or unwilling, to draw upon the heritage which might have sustained him.

Yellow Bird reflects a tragic dichotomy between Indian policy and Indian reality as well as an internal dilemma which faced the educated nineteenth century Indian. Earlier, Ridge's tribesmen determined that their only chance to survive as an Indian Nation required adaptation of elements from white society. The Cherokee succeeded in strengthening their government and creating a viable economy. This is reflected in the study, *Fire and the Spirits: Cherokee Law From Clan to Court*. Ironically, in this strengthening process they sowed the seeds of Georgia's lust and provided ammunition for her argument that no sovereign Indian government should exist within the boundaries of a state.

Yellow Bird found that there was no place for "civilized Indians" even though the "civilization" of the Indian was at the heart of American Indian policy. John Rollin Ridge was driven into white society,

escaped into what later generations of Indian policymakers would call the “mainstream.” And yet Ridge remained loyal to his people, looking longingly toward the Indian Territory as later generations of urban Indians resettled by post war government policy in California would look homeward to the Hopi or the Navajo or the Blackfoot reservation.

Ridge was *so* caught in the immediate events of his life, by his desire for revenge, that he never understood that the cause of his people’s exile, his family’s tragedy, and his fate as “a stranger in a strange land” was not his fellow Cherokees — not even his bitter enemy John Ross and his followers. The cause was the United States which forced an impossible choice upon Major Ridge and his family and upon John Ross and their tribe. Alexis de Tocqueville captured this in *Democracy in America*. The nineteenth century French observer noted, “Destitution has driven these unfortunate Indians to civilization and oppression now drives them back to Barbarism.” “If they continue barbarous,” he explained, “they are forced to retire; if they attempt to civilize themselves, the contact of a more civilized community subjects them to oppression and destitution. They perish if they continue to wander from waste to waste, and if they attempt to settle they still must perish.”

The message for Indian law and Indian lawyers is that Native Peoples must remain true to their own spirit, their own traditions, and their own values. The real lesson is the one which Yellow Bird’s grandfather Major Ridge symbolizes: You cannot remake yourself in the image of your oppressor. Old Ridge understood: the man will be back, asking you to recreate yourself in yet another image. There is never a last treaty or a last demand. And if you change too much, there is little worthy of saving.

From Yellow Bird’s tragic exile we can learn a lesson of survival. The lesson of building and rebuilding one’s own civilization, of changing while remaining true to basic values, regardless of the nature of that change. At the heart of those values is an understanding and appreciation of the timeless — of family, of tribe, of friends, of place, of season, and of the earth. It is a lesson that American civilization has yet to learn.

Yellow Bird’s dilemma is not just an arcane historic issue — nor is it just an Indian question. A little over a year ago, in the midst of a great controversy between our 38 Oklahoma Indian tribes and the Oklahoma Tax Commission, I received a note from Wilma Mankiller,

the current Principal Chief of the Cherokee. Chief Mankiller, an Oklahoma Indian raised in the California Bay Area, commented upon aspects of this "dark spirit" of which Ridge so often spoke. "That oppressed people internalize their oppressors is a well-known fact," she begins. "A discussion of the trauma [Indian] people suffered since the first encounter with Europeans would [help us] understand why some . . . felt the need to deny their own sense of self and internalize their oppressor. A blame the victim approach . . . does little to further an understanding of the complex issues . . ."

I had long thought — and frequently written — about this from the coldly academic perspective of an over-achieving, some would say arrogant, mixed-blood law professor of Osage and Cherokee heritage. Four summers ago all of that came to an end when my brother took his own life. We know statistically that Native Americans have extremely high suicide rates: In some Indian communities, among children, it is one thousand times greater than the national average. But my brother Bill was not a statistic — he was a successful Ph.D., chair of the Speech and Theatre Department at the University of South Carolina, a prosperous consultant to Fortune 500 companies, and a very clever and charming man. Yet one day he came home from his office, closed the garage door, and started the engine of his car.

I thought of Yellow Bird as mother and I flew to South Carolina. At his funeral there was no cedar. There were no tribal prayers. There was no mention that this was a man of Indian heritage. For whatever reason, he had cut himself off from his traditional roots and when sustenance was needed — for whatever reason — there was nothing there to draw upon.

This, I believe, is a theme of Yellow Bird's song — we are who we are; to deny ourselves — to forget who we are — is to condemn ourselves to a spiritual, if not actual, death. The exiled Ridge, despite his efforts to re-make himself, remained very much the Yellow Bird of the idyllic Georgia woods. If we have lost our sense of self, our cultural heritage — now is not too soon to reassert it.

The fall after Bill's death I was invited to be the keynote speaker at the American Indian Law Conference at Harvard Law School. I was asked to speak about an "agenda for the twenty-first century Indian lawyer." I suggested:

“One of the principle tasks of the next generation in Indian law is to rise above sovereignty and to forge alliances with others in our society . . . . There are common questions and common concerns, indeed common answers which we will never have the opportunity to explore if we do not reach out to others, to the other others especially here at home.”

As students of Indian law we know there are legal distinctions based upon treaty and statute which set “Indian Rights” apart from “civil rights.” Nonetheless, we share much with other groups demanding basic human rights. Phil Lujan, the Kiowa/Taos lawyer, has a saying, “If we Indians aren’t careful we’ll UNIQUE ourselves out of existence.” Like Yellow Bird, we are caught in the immediacy of our own crisis. We lose sight of the common victimizer and turn on other victims. Until we learn what unites all of us, we will remain dangerously divided.

Long before Ridge fought Ross, Indians battled among ourselves. Thus, as tribal people, we often forget what we share. Yellow Bird spent more than half his life living in California, amidst one of the richest Native heritages on this continent, and never forged an alliance or extended more than a sympathetic editorial to his fellow California Natives. In fact, he was often patronizing of other Indian peoples.

Surely this internal divisiveness of Indian people isn’t true of other groups? Not of the black or Latino or Asian or gay or lesbian or Jewish or feminist community? Well — Somehow I suspect this internal conflict *is* found among all of us who are euphemistically known as “diverse” — true of the many tribes kept down by society’s message of self-hate, loathing, and inadequacy — the curse of “otherness.”

Oscar Ameringer, the controversial journalist, early recognized the common plight of what he called America’s migratory peoples — the Indian driven from homelands on “trails of tears,” blacks heading North on the great train ironically known as “the Chicken Bone Express,” the Asians brought to build the railroads, the Hispanic following the crops, and the Okies of the Dust Bowl. Ameringer spoke of the endless trek of the yeomen descendants of the common soldier, from Valley Forge to California migrant camps. Today, Ameringer would add, I am sure, the army of homeless — the divorcee from Cleveland living with two children in the back of her broken-down station wagon on a parking lot in Reno or the gay from El Reno, Oklahoma come to San Francisco to escape his “aloneness.”

Precisely one hundred years separate the forced migration of Ridge’s fellow Indian tribesmen over “The Trail of Tears” from

Steinbeck's families on the westward trek in the *Grapes of Wrath*. In many ways the experiences were the same. I had no idea how much they overlapped until I learned of Florence Thompson, who in 1936 was a thirty-two-year-old mother of six, recently widowed. Dorthea Lange snapped her picture and called it "Migrant Mother." You know that picture well. As James Gregory notes in his book *American Exodus: The Dust Bowl Migration and Okie Culture in California* (1989):

Dorthea Lange . . . stumbled upon a scene of appalling proportions. More than a thousand people — men, women, and children — huddled against the rain in ragged tents and makeshift lean-tos, starving. They had come to San Luis Obispo . . . to pick peas, but a late frost had delayed the harvest. So they camped and waited. First their money had run out, and then the food. Ignored by local relief authorities, with nowhere to turn, many were now desperate.

America learned about [them] through Lange's photographs, especially the one she called "Migrant Mother." The full-faced portrait of a gaunt, sunburnt woman, an infant cradled in her lap and two other children clinging close, touched the heart of a nation. Her face lined with worry and despair, this migrant madonna helped to awaken Americans to the plight of these particular families and thousands of others facing similar difficulties in Depression-torn California.

But the story is even more than that — the rest of the story, as Paul Harvey would say — is that Florence Thompson, migrant mother, was herself an Indian. She was a woman whose ancestors, a hundred years earlier, had been driven out of Georgia and onto a similar "trail of tears." This woman, the symbol of dustbowl depredation was a Native American, driven off her tribal lands, destined to die away from her people and their homeland.

Surely, it is not surprising that this could happen in a nation built on land stolen, or skillfully traded (to put it in the best light), from the original inhabitants. One is reminded of the cursed land described in an oft-quoted passage from D.H. Lawrence:

America hurts, because [the land] has a powerful disintegrative influence upon the white psyche. It is full of grinning, unappeased aboriginal demons, too, ghosts, and it . . . is tense with latent violence and resistance . . . . Yet one day the demons of America must be placated, the ghosts must be appeased, the Spirit of Place atoned for.

We can hope that Lawrence was correct; that while "the white man's spirit can never become as the red man's spirit, that 'white



spirit' can cease to be the opposite and the negative . . . . It can open out a new great . . . consciousness . . . ."

In concluding, I want us to return to the beginning. In my introduction I quoted Willa Cather. You remember her dictum that there are only two or three stories. The Ridge story is, in so many ways, all our stories: The story of my colleague Anita Hill, who reluctantly became a symbol of abuse by the powerful, particularly of sexual harassment of women; Anita is herself a descendant of Creek Indian slaves, tribal freedmen driven from Alabama and cheated out of their land allotment; the story of the young Naval Academy midshipman dismissed weeks before graduation or the older Army enlisted woman given a discharge because of sexual preference; the story of Senator Inoyoe who was refused a hair-cut in San Francisco after returning from the Italian campaign as a wounded war hero; the story of the Latino family whose children have little opportunity for quality education as they follow the crops from Texas to Illinois; the story of the Japanese-American citizen imprisoned during the Second World War on what was Indian land in the Arizona desert; the story of the Irish-Catholic and German Jew secretly excluded because they are not "our kind."

Until we understand that our story is not an isolated one, we will all continue to be like Yellow Bird, who observed — upon first arriving in California: "I was a stranger in a strange land . . . looking at the multitude that thronged the streets, and passing each other without a friendly sign, or look of recognition even, I began to think I was in a . . . world, where all were strangers and none cared to know . . . ."

Yellow Bird dreamed of "a trumpet of our own" that would "wake the world to listen to what we say." Until all of us acknowledge that our songs — our stories — are very much the same, we will continue, like Yellow Bird's harpist, to play on broken strings. And yet, I do believe we have a song to sing, a melody to trumpet. This need for close harmony in our chorus may be the ultimate message of Yellow Bird's song.