

AN OPEN LETTER TO THE UNIVERSITY OF DENVER, THE STURM COLLEGE OF LAW, & OUR ALUMNI REGARDING INDIGENOUS PEOPLE'S DAY, AND SYMBOLS OF HOPE

On November 29, 1864, the United States Army attacked a Cheyenne and Arapaho encampment of mostly women, children, and the elderly.¹ On that infamous day, now known as the Sand Creek Massacre, members of the 1st and 3rd Regiment of the Colorado Volunteers murdered approximately 200 Native Americans, and wounded another 200.² The historical record is tragic, complex, and incomplete. Yet, it undeniably bears witness to a fragile peace process that led the encampment to believe it was resting safely under the American flag and universally recognized, white flag.³

In 2014, the University of Denver (DU) released its "John Evans Study Committee Report," and Northwestern University released a "Report of the John Evans Study Committee."⁴ The DU report details a series of recommendations rooted in the Sand Creek Massacre. The intent of these recommendations was to promote whatever healing is possible from this tragic event. The recommendations ask for Truth Telling and Public Dialogue, Educational Opportunities and Outreach, and Memorialization.⁵ Among other things, the educational specifics call for increased financial aid, robust scholarships, establishing law clinics, and recruiting Native Americans to join us as staff, faculty, and students.⁶

The Black Law Students' Association (BLSA), other affinity groups, and allies have been pleading for aggressive, urgent change in the law school and on-campus.⁷ These conversations demand that we call attention to the scarcity of students graduating from legal institutions. In 2019 the University of Denver Stur姆 College of Law and University of Colorado Law School collectively awarded three Juris Doctorate degrees to Black or African American students.⁸ However, BLSA is not blind, or deaf, or untouched by a larger tragedy: **from 2017 - 2019, the University of Denver Stur姆 College of Law awarded four Juris Doctorate degrees to American Indians.**⁹

¹ <https://www.du.edu/news/john-evans-study-committee-report>

² <https://www.nps.gov/sand/learn/historyculture/massacre.htm>

³ <https://www.pbs.org/video/colorado-experience-sand-creek-massacre/>

⁴ <https://portfolio.du.edu/downloadItem/286858>

⁵ <https://portfolio.du.edu/downloadItem/286859>

⁶ Id.

⁷ <https://www.law.du.edu/studentorgs/black-law-students-association>

⁸ <http://www.abarequireddisclosures.org>

⁹ Id.



These numbers only begin to speak of the macro- and micro- aggressions that occur on campus. They only begin to illuminate those who cringe and stir with a deep, internal rage at the epithet, Pioneer.¹⁰ We must remember that the Supreme Court did not, and has not, declared today Indigenous People's Day, we did. We must know that the Supreme Court will not declare "the Pioneer," a hollow fallacy that has long seen its last days, we will.

A few weeks ago, the law school held a noon-hour event honoring the late Justice Ruth Bader Ginsburg.¹¹ Former President Barack Obama also issued a statement where he credited Justice Ginsburg for inspiring generations: from the tiniest trick-or-treaters, to law students burning the midnight oil, to the most powerful leaders in the land.¹² As law students and legal professionals, we know the law can be just, and it can be unjust.¹³ And as engaged citizens we know the reality and implications associated with the loss of Justice Ginsburg.¹⁴

Sigh, but not aloud, make no mourning for the dead; bind thy headtire upon thee, and put thy shoes upon thy feet, and cover not thy lips, and eat not the bread of men.¹⁵ We say, Don't Mourn, Organize!¹⁶

In a 2005 essay, the late historian, Howard Zinn wrote:¹⁷

It would be naive to depend on the Supreme Court to defend the rights of poor people, women, people of color, dissenters of all kinds. Those rights only come alive when citizens organize, protest, demonstrate, strike, boycott, rebel, and violate the law in order to uphold justice...

The rights of working people, of women, of black people have not depended on decisions of the courts. Like the other branches of the political system, the courts have recognized these rights only after citizens have engaged in direct action powerful enough to win these rights for themselves...

¹⁰ <https://kdvr.com/news/students-protest-against-dus-pioneer-logo/>

¹¹ <https://www.du.edu/events/law-reflecting-justice-ginsburg-gender-equality>

¹² <https://obama.medium.com/my-statement-on-the-passing-of-justice-ruth-bader-ginsburg-5a925b627457>

¹³ https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html

¹⁴ https://www.washingtonpost.com/politics/courts_law/trump-barrett-supreme-court-senate/2020/09/29/bc94fae8-0272-11eb-b7ed-141dd88560ea_story.html

¹⁵ Ezekiel 24:17

¹⁶ http://archive.boston.com/bostonglobe/editorial_opinion/editorials/articles/2010/01/29/zinn_dont_mourn_organize/

¹⁷ <https://progressive.org/op-eds/howard-zinn-despair-supreme-court/>



Forever intertwined with the Sand Creek Massacre are the stories of Captain Silas Soule, Major Edward Wynkoop, and a handful of others that disobeyed orders and refused to open fire in the massacre. ¹⁸ On that day, Captain Silas Soule's chose not to do the easy thing, or the popular thing, he chose the just thing and changed the course of history. His actions teach us that before we can change the hearts and minds of others and stomp out hate, we must first evolve within ourselves.

Again, the Supreme Court did not declare today Indigenous People's Day, we did. And the Supreme Court will not overturn "the Pioneer," we will.

Just like moons and like suns, With the certainty of tides,
Just like hopes springing high, Still I'll rise.
- Maya Angelou

¹⁸ <https://www.nps.gov/sand/learn/historyculture/the-life-of-silas-soule.htm>