

SOVEREIGNTY AND SUSTAINABLE DEVELOPMENT OF INDIGENOUS PEOPLES

Seventh Tribal Sovereignty Symposium

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THE DEAN'S WELCOME ADDRESS

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I am not only honored to be here, but I am humbled, very humbled, to be here, and to meet with so many distinguished tribal leaders, scholars and government officials. So many of you, if not all of you in this room, have made a significant change for the positive of the people that you work with and represent. You have never given up, nor should you, nor will you.

One of the reasons why I accepted the offer to become Dean of this Law School was its commitment to the oppressed, its heartfelt and sincere concern for the poor, as well as its dedication to a true social justice. This institution has demonstrated that since its inception. This University's inception was not in 1963, in Miami. It started many, many years ago in Cuba. Castro asked the Augustinian Priors to leave the country, which they did, and they formed, in 1963, what they then called Biscayne College on this campus. When they started their law school in 1984, the institution reassumed its original name, St. Thomas University. That mission, to work for social

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justice, is a strong mission. We, as a law school, had that mission from the beginning. We are dedicated to reaching into the communities that are underrepresented by lawyers, educate them as good lawyers, ready to practice law well, and encourage many of our lawyers to go back into the communities and practice law there.

Some of you are lawyers, some of you are not. We call you non-J.D. impaired, if you are not a lawyer. If you are a lawyer, you are J.D. impaired, and you have lost all of your common sense. We find, however, and I am sure you will agree, that communities without lawyers are at a definite disadvantage, and we hope that many good lawyers, good people like you, who may not be from that community, will go to that community, to assist that community.

In my former line of work as an Attorney General, I found that many people who were being taken advantage of financially, physically, you name it, probably did not have lawyers in that community that looked like them. And they did not feel comfortable going to the Wall Streets or the Brickell Avenues or wherever those silk-stockings law firms were, in order to get some help. Thereby redlining would occur, where if you lived in a certain area, you would pay a higher percentage for your mortgage than someone else, just perhaps because of your culture or because of your color. You would be taken advantage of with the pay-day loans, car title loans, where you would go in and give your title to your vehicle to only borrow a hundred dollars, only a hundred dollars, pay it back in a week with an interest rate of, let's say, \$15 for the week. You didn't have \$115, so you borrow \$115. Eventually, you lose your vehicle pretty quickly.

It's almost like we are seeing it now. When I see my young nephew, in college, receive in the mail, a credit card, unsolicited, and also, "for your convenience, *for your convenience*, we have also sent along three checks. And because we wanted you so much to be with us, we are going to charge you no interest at all for a period of 6 months and your credit line is up to \$3,000." Well, that sounds pretty good. I met this young lady and I'd like to borrow my uncle's car to go into town and maybe I'd like to go out on a date. I'll write this check here for \$500. The credit card company knows full well that

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many people are not going to be able to make that first payment. What happens then? It says if you fail to make a payment, you will then have to pay at the going interest rate, which is 29.9%. They are going into this program, knowing full well what is going to happen. I can guarantee you, at some point and time there is going to be a class action suit against that and maybe St. Thomas University, with our law center, may very well seriously commit to going into a suit just like that.

I was not surprised when the Supreme Court of the United States stated when it comes to affirmative action as it relates to law schools, that you can use affirmative action. Well, St. Thomas Law School has used affirmative action from its beginning. We are very proud of the fact that we are one of the top, most diverse law schools in the country. Anywhere between 40% and 48% of the student population self-designates as minority. We're proud of that. We're proud of the fact that so many of our alumni have gone into the communities, where they are from, to reach down, to bring people with them, to say, "You can become a lawyer. You can be whatever you want to be." We are very proud of the fact that *U.S. News and World Report* as well as *The Princeton Review* rank us number nine in the country for diversity of faculty, because that is what this world is. When a person has that law degree, they can go into a courthouse, pay a filing fee, and have a key to it now, and make a difference for many, many people. And that is what many of you have done here in this room. You continue to do it and you make everyone proud when we see what is actually being done.

Some of the communities in dire need of help are the Native Americans, more generally, and globally, indigenous peoples. We have a tradition of addressing their issues. Our first conference on this topic was titled "Tribal Sovereignty: Back to the Future?" When you think about it, that was kind of profound because when it evokes the emancipation from a state of dispossession, the rise of the indigenous Phoenix from the ashes of history to becoming a powerful, self-reliant agent not only in this country, but in the many various corners of this planet.

The biggest crimes that I see right now, occurring within our

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great country relate to that we are not protecting our land. We are not protecting our quality of life, the air we breathe. We seem to just want to use it up today, as quickly as we possibly can. We seem to want to pull that oil from the ground, as quickly as we can, with no regard to the harm it may have to the surrounding environmentally sensitive lands. Our forefathers sincerely cared about leaving the lands that they lived on in a better shape than when they took them. I do not believe we as a country are doing that, but many of you indigenous leaders believe in that goal because your ancestors, that's what they did. Land was the most important item to them. As one of the indigenous leaders of the Amazon, the Coordinator of the Indian Nations Union, once famously said,

When the government took our land . . . they wanted to give us another place . . . But the State, the government, will never understand that we do not have another place to go. The only possible place for [indigenous] people to live and to re-establish our existence, to speak to our Gods, to speak to our nature, to weave our lives, is where our God created us. . . . We are not idiots to believe that there is possibility of life for us outside of where the origin of our life is. Respect our place of living, do not degrade our living conditions, respect this life. . . . [T]he only thing we have is the right to cry for our dignity and the need to live in our land.

We, as a country, talk about values. Both main political parties talk about and try to out-value each other. "I am the party of values. My opponent does not have values."

What type of values are we talking about? I believe everyone in this room knows what values you stand for and what values you fight for. No political party has the right to be the only party of value. And if voters are buying into this stuff, we have just dumbed down the voting population of this particular nation, which is, and is supposed to be, because of our size and power, the country who basically does lead, to some extent, the world.

Many in this room have dedicated their lives to working and

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making life better for everyone else. It was nice to see last Sunday, the inauguration of the first indigenous leader as a President of his country, here in our hemisphere, in the center of Latin America: the ceremony of the ascent to power in Bolivia of Evo Morales, with many other people watching on.

We had here earlier with us today, Chairman Billy Cypress, of the Miccosukee Tribe of Indians. He and I have worked together on numerous, numerous issues, involving the Everglades. For some time now, the Everglades has been an issue to really fight for. But it seems like he put it much better than I could, or any of us could, that this was his land, and he was one of the ones who was going to fight for it, and he was one of the ones to make sure that the Everglades is being preserved for all time.

We also had an issue on Indian gaming, which we had a little disagreement about because of the laws of the State of Florida. But, he has done a wonderful job, as many of the tribes have, that when you run your gaming in an honest way, and you run it yourself or for a management company where your tribe keeps virtually all the profits, then the society is so much better off, and the economy is so much better off within the tribes.

As I said, I'm very humbled to be here. We want to make your stay here as nice as it possibly can be. We know that when Premier Okalik of Nunavut made his comments this morning, he stated, "Back in my home, it's minus 20 degrees." We did all we could to make him feel at home.

Premier, we are very proud of your and what you are doing. You are a true person that all of us look up to and we are humbled by your presence here. You are definitely a person who we have a great deal of respect for and people like myself are looking forward to your long political career. You are very, very special.

We have Professor Julie Fishel on campus this week. Professor Fishel, a lawyer, is lecturing on Human Rights Lawyering. As you all know, she is involved in a very, very important legal battle. Carrie Dann, elder of the Western Shoshone, is also here with us. This is a lawsuit that has gotten much attention. I think it was in the paper today. Welcome to all of you. Hopefully, the United States

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will come to an accommodation that will be fair.

When I came to this University, I had just been offered a job in a law firm, a major law firm, that offered money that I could not believe. This law school also offered money that I could not believe. But one of the programs that really drew me to this school, besides the mission and the students, was Professor Wiessner's program, the LL.M. in Intercultural Human Rights. We also have a J.S.D. Program in Human Rights, one of only two in our country, Notre Dame being the other one.

If you saw in the quadrant, as you came in today, all the flags, those are flags from students that are on campus today in Professor Wiessner's LL.M. Program that came from other countries and will be in residence for about a year. They will graduate and they are going to go back to their countries. Many of them are here on scholarship from their countries, some on their own money and some on scholarships that we provide. We want to make a difference in human rights throughout this world. We want to promote fundamental rights, and human rights, and perhaps all the values that, I believe, bring us together in this room. It would be wonderful to have all those values accepted throughout our world.

Thank you so very much. I am so pleased to be here.