

THOMAS W. FREDERICKS
AMERICAN BAR ASSOCIATION SPIRIT OF EXCELLENCE AWARD

- I feel so honored to be standing before you all today accepting this award. Initially, I would like to begin by thanking Thomasina for the kind introduction and for nominating me. Thank you to Chairman Gunn and the Commission for selecting me for such a prestigious award. Congratulations to my fellow awardees. And, thank you to my esteemed colleagues for their support of my nomination. Finally, I want to thank my immediate family; wife, Judy, daughters Michelle and Monique and their respective families. I would also like to thank my siblings Betty Lou and Pete and their spouses for coming in support of me and all my friends and relatives for supporting me over all these years. We, as Indian people, cherish family and when one of us gets an award, we all show up as you can see here today!
- In my first job as an attorney, I joined the Native American Rights Fund in Boulder, CO. We spent a lot of time developing tribal and inter-tribal organizations with goals of empowering Indian people to assume control of their own lives and destiny. We assisted in the creation of the coalition of Indian controlled school boards and the Indian Higher education Consortium (IHEC) so that Indians could control the education of their children. I was instrumental in assisting NARF in creating the Council of Energy Resource Tribes for the purpose of giving Indians more say in the development of their natural resources. I'd be remiss if I didn't mention that while at NARF, I helped create the American Indian Bar Association and served as its President for the first three years. It served as our professional organization where Indian attorneys could exchange ideas and effect change. It's now known as the National Native American Bar Association and its President Jennifer Weddle and several of its board members are here today and carrying on the important work of our profession.
- As you can see in the good old days of Indian Law, we didn't let a lot of grass grow under our feet. We were very busy and enthusiastic young dreamers set on accomplishing our goal to have Indians run Indian programs and tribal governments, and to represent Indian people and their issues at all levels of government and in the courts. We wanted to reinstitute and strengthen the tribal government to federal government relationship and simply to empower Indian tribes to be able to fully and effectively govern themselves, their resources and their citizens. In addition, we were able to create a lot of Indian law through litigation in the courts of the United States during the period from the 1970s to the 1980s.
- After my whirlwind five years at NARF, I was called upon by the Carter Administration to serve as the chief legal officer for Indian Affairs within the Department of the Interior. In

that position, I was honored to be able to shepherd many Indian cases through the federal courts. Later, I was asked to serve as Assistant Secretary for Indian Affairs, which is the highest policy position for Indian Affairs in the United States government. As ASIA, I was responsible for representing Indian Affairs within the various departments and other governmental agencies, as well as working with Congress on laws that affect Indians.

- The accomplishments that I'm proudest of during my tenure with the federal government are:
 1. Development of the **Indian Water Settlement policy**. This has survived the test of time and has been the policy of every administration since the Carter Administration. In that settlement, I coined the phrase "wet water for Indians as opposed to paper water rights."
 2. Developed the framework for and got Congress to commit to enacting the **Indian Minerals Development Act**. This law allowed Indian tribes to be full partners in the development of their natural resources as opposed to being just passive lessors.
 3. Developed the legal position for the Federal government on **Indian gaming**. In my solicitor's opinion in the Butterfield case in Florida, we laid the rationale of civil regulatory versus criminal prohibitory with civil regulatory meaning that Tribes could game without state interference if the state's policy towards gaming was civil regulatory and not criminal prohibitory.
 4. Worked on the regulations to implement the **PL 93-638** whereby Indian tribes were allowed to contract for BIA and IHS programs and to be responsible for administering these programs on their respective reservations.
 5. Helped develop the regulatory schemes for the **Federal Land Policy & Management Act** and the **Surface Mining Act**.
 6. Allocated the **Central Arizona Project Act's water to Indian Tribes** in Central Arizona allowing them to again have wet water.
- At NARF, with the Federal government, and at my own firm, I've been the boss, therefore, I've had the opportunity for a lot of great young people to work for me and the opportunity to teach them and guide them in their Indian law careers. I have always tried to place Indians in positions of power by hiring them as my attorneys, staff, and

even law clerks. I've also had the fortune to have had the chance to do good quality work and to have great clients along the way, and for this I am eternally grateful.

- Today, Indian nations are thoroughly entwined in the fabric of the United States of America and the policy of self-determination and government-to-government relations is here to stay. I'm proud to have been a part of this great accomplishment in Indian jurisprudence and policy. I trust that the new Trump administration will not attempt to take us back to the dark days of paternalism and termination. If they do, I can tell you this, there will a strong resistance from all the Indian nations and their attorneys!
- In conclusion, there is still more Indian law to be done. Although Indians may now have control of the surface of their lands, we must fight for Indian control over the subsurface of their lands as well. Indians still need more control over the development of their resources through more legislation resembling the Hearsh Act. Receiving this award and sharing my thoughts certainly isn't the "end of the road." Myself, my partners, my associates, my consultants, my law clerks, and my staff will continue to treat our clients with the utmost respect, and...
 - Push back when county police mistreat our people...
 - Protect our lands...
 - Develop our oil, gas, and minerals as desired...
 - Conduct business transactions...
 - Provide essential governmental services...
 - Use and protect our water and natural resources...
 - Protect our children and allow them to be raised in tribal ways...
- Some of these issues aren't popular causes in the courts of the majority; our chances of winning are challenging and sometimes dim. But with a passion for what we believe in, we will press on despite sometimes feeling inconvenienced, despite sometimes feeling ill, despite sometimes feeling my old age, and sometimes having my eyesight bother me. Despite all these problems, I feel confident that my partners and colleagues will carry on the good fight. This is what keeps me coming in every day to push ahead on Indian law issues with enthusiasm and an everlasting passion.
- Thank you all for coming. It really means a lot to me to be amongst each of you. I will continue celebrating and encouraging racial and ethnic diversity in the legal profession, and I trust you all will continue do the same.