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Democratic candidate for the U.S. Senate Elizabeth Warren faces reporters during a news conference at Liberty Bay Credit Union headquarters, in Braintree, Mass., Wednesday, May 2, 2012.

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Elizabeth Warren Finally Teaches a Lesson on Native Identity

ROB CAPRICCIOSO | 5/7/12

UPDATE: The New England Historic Genealogical Society issued a clarification May 15, saying the group has "no proof that Elizabeth Warren's great-great-great-grandmother O.C.

Sarah Smith either is or is not of Cherokee descent" and that the society "has not expressed a position on whether Mrs. Warren has Native American ancestry, nor do we possess any primary sources to prove that she is." The below story is updated to reflect that position.

When Senator Scott Brown (R-Mass.) suggested in late April that Elizabeth Warren, his likely Democratic opponent this November, had forged a Native American identity that helped her get ahead during her career in academia, many Indians couldn't help but think of the cautionary tale of Ward Churchill.

The former professor of ethnic studies at the University of Colorado-Boulder was once praised in Native circles for his work to extinguish racist notions about Indians in American society. With his long, straight hair and angular features, he was a major star in academia until the mid-2000s, when a drumbeat of questions over his research and his Native American identity...

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Band of Cherokee Indians, renouncing his claim. He was officially fired, the college said, for research misconduct, and he has since waged legal battles to have his position restored—all the while never being able to prove he is any part Indian.

Was Warren—despite her strong showing in the polls and her strong background as an esteemed law professor and advisor to the Obama administration—to be another Churchill, career upended, and forever marked and mocked as a fake Indian?

In the early days of the drama, the answer seemed to be no. Soon after the controversy began, genealogists found evidence that Warren does have Indian heritage, as she claims. Christopher Child of the New England Historic and Genealogy Society uncovered an 1894 document in which Warren's great-great-grandmother is listed as Cherokee. That would make Warren 1/32nd Indian, although Child has said more research is needed.

Upon further review, the New England Historic Genealogical Society issued a clarification May 15, saying the group has “no proof that Elizabeth Warren's great-great-great-grandmother O.C. Sarah Smith either is or is not of Cherokee descent” and that the society “has not expressed a position on whether Mrs. Warren has Native American ancestry, nor do we possess any primary sources to prove that she is.”

Warren still has a lot to account for, and her campaign has not responded to requests for an interview with *Indian Country Today Media Network*.

While she was a professor, she had no genealogical record of the sort that Child has since uncovered, and she was not an enrolled member of any tribe, yet she listed herself as “minority” in the directories of the Association of American Law Schools from 1986 to 1995. She quickly rose in the academic ranks from the University of Texas to the University of Pennsylvania to Harvard Law School. “It is one thing to claim to have had an Indian somewhere in the family tree, but it is much different to then use that unexplored notion to check a box indicating concrete Native ancestry,” says Robert Warrior, director of American Indian Studies at the University of Illinois at Urbana-Champaign. “I have met people with these kinds of claims this very week, who strongly believe them, but that doesn't mean that they don't have more work to do to understand their heritage.”

Many American families claim Native ancestry, but have not done the research to back it up, which doesn't mean they aren't Native, of course, but for a person in Warren's position, Indians in the world of academia say it would have been desirable and appropriate for her to learn more about her roots before checking any boxes. “It's what we ask of our candidates,” says Warrior, a citizen of the Osage Nation, who notes that his program has published an official statement entitled *Identity and Academic Integrity*. “Too often, we realize, American Indian studies as a field of academic inquiry has failed to live up to its potential at least in part because of the presence of scholars who misrepresent themselves and their ties to the Native world,” the statement reads in part.

While Warren was never a professor of Native studies, Warrior says it is still important for all college programs to be clear and honest about what they are trying to achieve when promoting diversity. In the case of Warren, Harvard was definitely willing to promote her as Native – its spokesman was quoted in the *Harvard Crimson* in 1996 as calling her American Indian – but it didn't really seem to think that was important. She wasn't exploring tribal law in her legal teaching, and she wasn't doing any research on or writing about Indian topics. What seems clear now is that she was simply being counted by the college as Native to appease critics who have long criticized Harvard Law School for its lack of diversity. “It seems self-serving,” Warrior says. “And it really did nothing to help Native American students, communities, or faculty, if that was the intention.”

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Warren must have been thinking about such concerns in the mid-1990s when she

decided to stop including herself as a minority in the directories. She told reporters on May 2 that she originally listed herself that way in order to connect with others like her, “people for whom ‘Native American’ is part of their heritage and part of their hearts. There aren’t a lot of people like me in law teaching. And so I just thought I might find some others. That’s evidently not a particularly good use for the directory because it never happened.” That’s why, she says, that she stopped calling herself a minority in the directories after having done so for almost a decade.

Republican detractors say this is proof she was exploiting a pseudo-Native identity to further her career until she reached the pinnacle, and when she no longer needed that “boost” she dropped it. Warren says that’s false. She was qualified for her position, and the Native aspect didn’t play a role in her hiring, she says, which has been backed up by the Harvard officials who hired her.

Still, there is two-fold problem with Harvard’s defense of Warren: First, there’s the student newspaper quote from the Harvard spokesman calling Warren Native in 1996—if this spokesman thought she was Native, where did he get the idea? And why was he promoting her as such? What was the goal?

Second, Harvard has been known to be insensitive on Native issues. Indian scholars have long complained that the institution has failed to hire a permanent scholar to fill the Harvard Law School’s Oneida chair, which has received substantial financial support from the Oneida Indian Nation of New York (which also funds ICTMN). The position was created in 2003, with the understanding that Harvard would hire a full-time, tenured faculty member dedicated to Indian law. Visiting professors – some of them non-Native – have instead filled the position. That practice, some claim, has denied the tribal law program the chance to grow under steady guidance.

In light of the Warren case, Harvard officials may wish to review their policies on box-checking and what exactly they are trying to achieve by promoting a diverse staff, Warrior says: “The Elizabeth Warren story highlights the need for academic officials to think about and highlight these issues all over again—maybe in new and different ways. What was the institution seeking? What were they trying to achieve?”

If Harvard and other institutions use this situation as a reason to review their policies, then that could be a great end to this circus, Warrior says.

For now, the circus doesn’t look to be ending soon enough for Warren. The *Washington Post* has called her handling of the situation “convoluted.” *Politico* has asked whether this is “an image-defining moment that undercuts her profile as an authentic populist candidate.” And the local papers have kept pressing her for details.

Warren has helped keep the controversy in the news, sometimes with answers that didn’t seem well thought out. “I still have a picture on my mantle at home, and it’s a picture of my mother’s dad, a picture of my grandfather,” she told reporters on May 2. “My Aunt Bea has walked by that picture at least a 1,000 times, remarked that her father, my Papa, had high cheekbones, like all of the Indians do, because that’s how she saw it, and your mother got those same great cheekbones, and I didn’t. And she thought this was the bad deal she had gotten in life.”

Even though many Indian educators think Warren has more explaining to do, many also feel she is being unfairly attacked. Some are even defending her, especially since Republicans are working overtime to use this controversy to their advantage, although none seem too keen on understanding the important underlying issues. Instead, conservative writer Michelle Malkin has made fun of the situation using phrases like “Pinocchio-hontas,” “Chief Full-of-Lies,” “Running Joke” and “Sacajawea.” The *Post*’s *Washington Post* twisted the situation out of context, with its campaign manager, Jim Barnett, telling the

Associated Press, "Professor Warren needs to come clean about her motivations for making these claims and explain the contradictions between her rhetoric and the record." In reality, these slams turn out to be unsubstantiated, but the Brown campaign is playing politics, nuance be damned.

Donna Akers, a professor with the Department of History and Native American Studies at the University of Nebraska-Lincoln, is skeptical of the conservative outrage. "I think this is simply a cynical ploy by right-wing propagandists trying to find a piece of mud that sticks against Warren," she says. Akers believes Republican politicians sometimes use racial issues to divide voters and to play on their insecurities. In this case, she says that the Brown campaign is trying to make it seem like a white person may have lost out on a position due to Warren's situation. "Smearing Warren by the suggestion that she benefited unfairly by claiming Native ancestry panders to the racism extant in many sectors of the right wing—especially the working class," Akers says. "The Republican Party today solidly embraces a thinly veiled racist agenda that privileges white Americans at the expense of Native Americans and other peoples of color in the United States."

The intriguing question to explore, Indian academics say, is whether any Native candidates lost out on a chance to teach at Harvard because Warren was laying claim to an identity she knew very little about. That is a question, of course, that Republicans are not asking. And neither is the mainstream press. "The mainstream media definitely has added to this controversy due to their well-known ignorance about tribal citizenship and other tribal issues," says Julia Good Fox, a professor at Haskell Indian Nations University. Good Fox notes that the media has largely failed to explain tribal citizenry and blood quantum issues to give context to the situation because these aren't easy stories to tell. It's easier to label the case "convoluted," blame Warren, and move on to the next political gotcha story.

"Unfortunately, for the most part, their coverage is just adding to the confusion and threatens to feed racism or anti-Indianism," Good Fox says. To do better, she says the media should start by noting that tribal nations have a right to determine who their citizens are, rather than focusing on the misunderstood notion that tribal citizens can only be determined by U.S.-imposed mathematical fractions.

The candidate holds responsibility, too, for the confusion. "It says a lot about Warren if she is unable to give a focused and intelligent answer to the questions that arose about her during this past week," says Good Fox, a Pawnee Nation citizen. "If they want, Warren and her team could take control of this controversy. Right now, it looks like they are unclear about tribal issues, including the difference between tribal citizenship and simple ancestry.

"This is playing into her opponents hands, including those who are anti-American Indian."

"Apparently, she has no conception of Native identity as a function of community upbringing, not 'blood,' and that is a problem brought about by U.S. colonialism, one which has been adopted by many tribes under their own schema for calculating individual eligibility for citizenship," adds Akers, a citizen of the Choctaw Nation. "It brings up the whole can of worms of Indian identity."

To turn things around, Good Fox says Warren could initiate a meaningful dialogue with the Cherokee Nation. "There are plenty of politically savvy Cherokee individuals who could help her out with her Senate campaign," she says. "Her good-faith efforts would help her campaign, and certainly would assist her if she is elected. And other politicians and candidates ought to take note of this controversy so they can learn lessons from it, too."

Even if Warren hasn't internalized any lessons on Native identity from all this, she may be helping others come to a better understanding of *their* identities, Warrior says. This case has proven, [SIGN IN/REGISTER](#) [FACEBOOK CONNECT](#) is genealogy to track down true Native ancestors, rather than just relying on family

folklore.

And if Warren is elected to Congress, maybe this whole Indian can of worms will spur her to become a better advocate for Indian and tribal issues than she has been in the past.

“Knowledge about tribal issues is a congressional responsibility, and this could be one of the issues that sets Warren apart from her opponents,” Good Fox says. “I hope this controversy will nudge her into articulating a strong and clear platform about protecting tribal rights. She needs to step up to the plate and hit a homerun on this controversy real soon, or it's going to dog her all the way to the ballot box.”

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17 Comments



billcarson

Several tribes objected to the Cape Cod wind turbines in Nantucket Sound. Former Sen. Edward Kennedy served notice that the fight over a controversial wind-turbine project off Cape Cod was far from over. Native American rituals and beliefs have been an obstacle to federal approval of the nations first offshore wind farm. If Professor Elizabeth Warren is Native American why didn't she come forward to help the religious beliefs of the Massachusetts Native Americans? Elizabeth needs to read about the Legend of Moshup the Giant which is an ancient creation story from the Native American oral tradition....

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Mon, 05/07/2012 - 19:25



sparrowtooth

I have very mixed feelings about these developments. Warren claimed to possibly have ancestry but did not do any verification or research to support her tribal connection--however limited it might be. It turns out she does actually have an Indian ancestor...but at Harvard she was touted as BEING Native American; she got counted as a person of "diversity" Lani Guinier cites Ms. Warren in 1998 as the first black woman tenured at the law school, mentioning that Warren was "the first woman with a minority background to be tenured." So, as an assimilated adoptee with a BIA Blood Quantum card of 1/4%....and 1001 questions about "identity" myself; I feel overall Ms Warren was deceptive, not forthright or consistent. At the same time she may just have that subjective "tug" that claims YOU (if you are lucky). So she fails on many counts, but she is Cherokee nevertheless.

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Mon, 05/07/2012 - 20:03



violet

There is no way to defend Warren's blatant use of identity politics to advance herself professionally. Native Americans should be outraged. The article states that the Brown campaign "twisted the situation out of context" by asking that Warren "come clean about her motivations for making these claims and explain the contradictions between her rhetoric and the record." Huh? Twisted? Brown made a simple request

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for an explanation of the situation, which is ludicrous at best and a shameful, self-promoting lie at its worst. What's funny is that I wondered about Warren when she first appeared on the scene. She was my neighbor here in DC, briefly. She seemed so inept and partially unhinged that I wondered about her background and how she made it to Harvard. Even after reading her biography it wasn't clear. Now it is.

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Mon, 05/07/2012 - 20:20



galecoureytoensing

Greetings, Bill Carson Interesting observation. I've written a lot of stories about Cape Wind and I'd very much like to talk to you about this. Can you please send me an email at gtoensing@comcast.net? Thanks! Gale Courey Toensing

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Mon, 05/07/2012 - 21:03



laura

I agree with Violet. Warren's claim was completely disingenuous, as she has no Native identity or connection to her claimed heritage. People who check that box sure better be able to back up the claim long before they are asked about it. Nothing wrong with having a low blood quantum if you live as an Indian. For the western Cherokees, a BQ of 1/256 is perfectly acceptable if ancestry is well-documented. But it seems that she just got lucky with her ancestry search conducted by Mr. Child. I can't see how her claim was anything but self-serving.

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Mon, 05/07/2012 - 21:07



charlesshirley

My problem with this article in ICT is that Ms. Good Fox sounds like she wants to be Ms. Elizabeth Warren's campaign adviser on Indian issues. It is not objective. It reads like cheerleading for Warren. Warren's response to the controversy has shown that she does not know the first thing about Indian law or Indian culture. Her comments about her grandfather are borderline racist, but this article still seems to make this out as a drummed up right-wing conspiracy. Of course, Republican politicians are making hay on this issue, but that does NOT, in any way, excuse the blatant exploitation of Indian identity by Warren for over a decade. Also, the article flats out states that Warren has an Indian ancestor. That statement is flat out untrue. Warren MIGHT have an Indian ancestor, five generations ago. Even Mr. Child, the gentlemen doing the research on the issue, cannot say for certain that Warren has an Indian ancestor. The way that this article by Rob Capriccioso, flat out makes the statement, without proof, that Warren is Indian is all too much like the Ward Churchill fiasco from a few years back. Churchill was running around talking about some person in his ancestry that had Indian roots, but it was not documented, etc. Churchill's protectors, inside and outside academics, jumped on that vague notion of a mysterious Indian ancestor and told everyone who would listen that Churchill was an Indian and those folks that dared question his fake Indian pose was either: (1) a right-wing fanatic, or (2) certifiably insane. All that Mr. Child has found is a computer file that refers to the Cherokee on Warren's great-great-great grandmother's marriage application. The word does not even appear on the document. That is a fact. The author of this document should do a lot more research before he makes flat incorrect statements like he did above. Rob Capriccioso, please go back and read ALL of the Boston Herald articles closely and you will see that Mr. Child later stated that they followed up on the computer transcript (that had the word Cherokee written on it) and dug out the actually document behind the transcript, which was a marriage application and a marriage certificate. Those two documents had ZERO references to "Cherokee". This means that a real document backing up Warren's claims has NOT surfaced as of yet. Mr. Child announced that the underlying documents did not have the reference to Cherokee on them on the exact same day that Warren gave her borderline racist speech about her grandfather. I understand why you might have missed the follow up by Mr. Child. SIGN IN / REGISTER FACEBOOK CONNECT attention for her misguided, embarrassing statements. Also, let us assume for a minute that the underlying marriage application and underlying

marriage certificate did have the word "Cherokee" on the document, what does that tell us? Does it tell us what level of blood quantum the great-great-great grandmother had? The simple answer is no. Reporter after reporter has jumped to the conclusion that the great-great-great grandmother was full blooded, but that conclusion cannot be made based upon word Cherokee. The great-great-great grandmother could have been one quarter or one eighth or one thirty second, etc. We just don't know. I completely understand why reporters for the Boston Globe or the Washington Post just flat out jump to the conclusion that the great granny was full blooded because they don't cover Indian issues very often and when they do that just know anything about the topic to cover it well. They don't know what to look for and they don't know what questions to ask and some time they just don't simply care to figure what they should be asking. But I expect more from ICT and Rob Capriccioso should have been asking these questions, instead of jumping to conclusions that Warren's claim is correct and then quoting a professor from Haskell on how to assist Warren cover the whole thing up. Also, just like Churchill, Warren has been claiming for years that she is a member of both the Cherokee and Delaware tribes. Where is the documentation to back up the Delaware claims. If we all remember back to Churchill, we can recall that he claimed Cherokee and Creek and he claimed each of those tribes at various blood quantum levels. He would contradict himself every time he wrote another article and refer to his fake background. Rob Capriccioso, please back down on your incorrect claim that Warren is Indian. All we can say for certain, right now, is that she claims Indian ancestry and she is working with a genealogist to try to back up the claims that she has been making for decades--a claim with which she might have inappropriately used to gain status and employment at Harvard. Rob Capriccioso and ICT should have done a better job covering this topic.

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Mon, 05/07/2012 - 23:14



sparrowtooth

Her affiliation claim is a real stretch and checking those boxes in the '80 were fraudulent. She fumbled around and grasped at a possible claim to a Native heritage...then the irony being that there is some "there" there. I had the misfortune of applying to Kenaitze Tribe and being turned me down flat, my birth mother (she was mentally incompetent) never enrolled. So all kinds of aunts, uncles, cousins etc are enrolled...but I am barred. So these issues exist on many levels. I was not raised in a tribal culture and was estranged- thus impoverished in my Native identity. There are ways to compensate and in some ways it is never too late. But to simply fake it...shame! With Ms Warren; if she were to chose to demonstrably honor this newly verified heritage; that's great. To exploit this heritage for some facile gain.... despicable.

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Tue, 05/08/2012 - 00:06



chico2dc

If she says she is indian, then she is (in the white world theres a Indian backlash and she will find that out real soon) In california politics, if u say your a friend of the indians be ready for a backlash, I have seen it. There is 500 plus "recognized" tribes out there with 500plus different ways to to determine membership, then there are "unrecognized" tribes which are just as Indian as the USgov't "recognized" indians, yet some)jhs-BIA) would't classify them as indians cause the USgov't doesnt recognize them. who is anyone to say, so and so, is or isnt indian, much less academia. So she doesnt know her indian(tribal) culture there alot of card holders out there who dont know thier culture too.

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Tue, 05/08/2012 - 00:52



Imann

As A Member of Tribe from Massachusetts I appreciate that this article attempts to give SIGN IN / REGISTER FACEBOOK CONNECT However I must emphatically state. What she did was a disgrace and an outrage! I'm certainly not a 'right-wing' person; couldn't if I tried. But not only has

she indeed stolen somebody else's seat. She also contributed to the ignorance, bigotry and characterization of our people. By the way, if she wanted to "be with people like her" as she coyly claims; she might have started with Harvard annual powwow sponsored by the Harvard University Native American Program (HUNAP). Which by the way- I've never seen her. Or the Nipmuck or Wampanoag Tribal Gatherings... But nope- never seen her. She will definitely Not get my vote. Her disgraceful and almost "Annie Get your gun- I'm an Indian too" response - she stated in a recent interview "I thought I was Indian because my great grandmother had high cheek bones -like those people do." Every generic Beck /Hannity/Rush sycophant is mocking her all over Massachusetts radio. But they're not really making fun of her, they're making sport of us due to Warrens ridiculous and absurd claims! We have numerous tribal issues and none of them have ever been on her radar. It's one thing to have people say that their grandmother (x3) is a Cherokee princess. But I think what she did is part of a continuing dilemma for First Nations people having to deal with. That is, misrepresentation or no representation.

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Tue, 05/08/2012 - 00:57



fslafontaine

Elizabeth Warren has a right to claim her Native American blood and the heritage that goes with it. Whether she identifies as a European-American or a Native American is up to her, and how she uses her Native American is up to her. Most early British and French colonists experienced intimate contact with Native Americans. Later immigrants from Europe had no such contact and possess no Native American blood.

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Tue, 05/08/2012 - 12:00



jaybird2064

Aw c'mon people, if Warren were a Republican then Natives would not be forgiving and generous with her "using" the identity, as it were. It's her hypocrisy and use of her identity when convenient that is at issue.

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Tue, 05/08/2012 - 13:26



rafaelkafka

If she is Native why she refuses to do genetic tests? I did and now i know that i am native, african, jew, arab and white. It is great. If she refuses the only reason would be the fact that she is fake.

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Wed, 05/09/2012 - 00:53



hontasfarmer

There is nothing morally wrong with claiming to be of partial American Indian ancestry even if it's only based on a robust family oral tradition. More of a tradition than we heard that grandpa or grandma was a tiny bit Indian etc. Demanding that only those who are members of federally recognized tribes claim any part of the Indian identity is going way too far. There are of course the issues of the various state recognized tribes who's legitimacy varies greatly from state to state. Then there are people like me who certainly have significant American Indian ancestry but not the blood quantum to be a citizen of the tribe/band they are related to. There are people who are 1/4 or 1/8th Indian by DNA who's tribe requires 1/2 or 1/4 BQ who are not Indians on paper.... but then there are members of the Cherokee nation or the Citizen Band Potawatomi who are indian by lineal descent and therefore have papers. Is that really the most important thing? Having the right paperwork?

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Fri, 05/11/2012 - 01:28

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**nevadasmith**

Why do the phonies always claim Cherokee? Never Apache or Sioux or Creek. Always Cherokee. There are multitudes of red-headed, blue-eyed Cherokee running around these days. My grandfather (on my father's side) was full-blooded Creek and my mother's father was half Creek (his mother was full-blooded)-I have no idea what that makes me but I'm 70-years-old and it's never crossed my mind to use it as any kind of minority status. That's silly.

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Mon, 05/14/2012 - 01:09

**bobklahn**

"Warren still has a lot to account for, and her campaign has not responded to requests for an interview with Indian Country Today Media Network." She has nothing to account for. There is no where anyone has seen where she claimed to have any evidence, nor cited any particular level of heritage. Nor has anyone ever shown where she profited from claiming Indian heritage. She claimed genetic heritage, she did not claim to be part of an Indian culture or tribe. Oh, and the NEHGS? They say they have not *PROOF*. They say they have no *Primary* evidence. All that was ever claimed was a marriage license application. An application like that might well not be a primary document, but it certainly could be convincing under the circumstances. Yet they don't deny the existence of the application. They only say they can't prove it one way or the other. Oh, and even that only said she was Cherokee. That may not mean 100%. She might have been 1/2 Cherokee, or 1/4 or less. Back then I suspect the same 1 drop rule applied as it did to Blacks. However, that would mean Elizabeth Warren might be 1/32 or 1/64 or 1/128th Cherokee. Considering the attacks on her in Indian Country Today Media Network, not just the fact of the attacks, not just the number, but the viscous nature of some of them, why should Warren allow an interview with you?

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Wed, 10/03/2012 - 11:27

**bobklahn**

"It is one thing to claim to have had an Indian somewhere in the family tree, but it is much different to then use that unexplored notion to check a box indicating concrete Native ancestry," says Robert Warrior, director of American Indian Studies at the University of Illinois at Urbana-Champaign. "I have met people with these kinds of claims this very week, who strongly believe them, but that doesn't mean that they don't have more work to do to understand their heritage." There is no where shown where she ever checked any box before she was hired. And after she was hired she was employed, and she never got a promotion that I have seen, so the accusation that she checked a box, or even might have checked a box, for personal gain, is not only unsupported, it demeans the accuser. "Many American families claim Native ancestry, but have not done the research to back it up, which doesn't mean they aren't Native, of course, but for a person in Warren's position, Indians in the world of academia say it would have been desirable and appropriate for her to learn more about her roots before checking any boxes." Since when do "Indians in the world of academia" get to make that decision for her? Why have there been attacks instead of efforts to help her learn more about her roots? And, especially, why not tell Scott Brown to shut the hell up and stop trying to trivialize Indian issues to whether or not you have documents, instead of what are the problems the community faces?

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Wed, 10/03/2012 - 11:36

**bobklahn**

"In light of the Warren case, Harvard officials may wish to review their policies on box-checking and what exactly they are trying to achieve by promoting a diverse staff, Warrior says: "The Elizabeth Warren story highlights the need for academic officials to think about and highlight these issues all over again - maybe in new and different ways. What was the institution seeking? What were they trying to achieve?" That

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is true, but that's not Warren's fault!

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Wed, 10/03/2012 - 11:43

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