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September 29, 2020

Mr. Mark Bennett, Esq.
Clerk of the Court
Appellate Division, Fourth Department
Supreme Court of the State of New York
50 East Avenue, Suite 200
Rochester, New York 14604

RE: Supporting the Posthumous Admission of Ely S. Parker to the New York Bar

Dear Mr. Bennett:

On behalf of the National Native American Bar Association, I am writing to urge the Court to grant the application/request for posthumous admission to the New York State Bar of Ely S. Parker. Such recognition would help right a historic wrong done to Mr. Parker, and by extension, to Native Americans who have been historically excluded from and underrepresented in the legal profession.

One of NNABA's primary goals is to increase Native Americans on the bench and in the practice of law. We encourage all bars of color to expand and increase their membership and presence in the legal community. The Native American community continues to be the least represented of all the ethnic, social, cultural and racial classes in the legal community. To that end NNABA seeks out not only current issues but try to correct past lapses in admission that would have occurred but for now antiquated perceptions. Ely S. Parker presents just such an opportunity.

Ely S. Parker, whose Seneca name was Ha-sa-no-an-da, was born in 1828 on the Tonawanda Seneca land in western New York. He was educated in white schools, including the elite Cayuga Academy. His brilliance led to him serving (while still a teenager) as translator and scribe for Tonawanda Seneca delegations to Albany and Washington, D.C., and he was quickly groomed for leadership himself. He assisted the Tonawanda's white lawyers in years-long legal battles to retain control of their homeland from encroachment by white land developers. Motivated by this experience, he studied to become a lawyer himself and "read the law" for several years under the tutelage of lawyers in Ellicottville. Unfortunately, Parker was denied the chance to become a lawyer; while he met all of the other requirements for admission at that time to the New York bar, he was barred from admission because, as a Native American, he was not considered a "citizen." As one of his biographers, Arthur Caswell Parker, would later characterize it "[t]herefore he could not be admitted to the bar for he was not a citizen of the country. There was no way by which he could become one. He was a man without a country, a victim of legal injustice and popular prejudice."

Undaunted, Ely Parker persevered and became a respected civil engineer on the Erie Canal and other projects. In 1851, he became a sachem of the Six Nations. By 1857, he rose to become Do-ne-ho-ga-wa, or "Keeper of the Western Door," and as a leader of the Tonawanda Seneca, he helped them win critical court decisions in the appellate courts of New York and at the U.S. Supreme Court that enabled the Tonawanda Seneca to preserve their land and their legacy. In 1857, Parker also met and became

friends with Ulysses S. Grant. When the Civil War broke out, Parker tried to enlist and form a Seneca regiment, but was initially rebuffed once again by racist policies. Once again he persevered, and soon became a critical member of Gen. Grant's staff. Parker rose to the rank of general in the Union Army (becoming the first Native American to do so). He famously drafted the articles of surrender at Appomattox, again displaying his lawyerly training.

After the Civil War, Parker served in President Grant's administration. He became the first Native American to lead the Bureau of Indian Affairs. Today, its headquarters building bears his name. Parker died in 1895. Despite the fact that several biographies (including that of the National Park Service) incorrectly identify Parker as having been a lawyer, the simple truth is that racial injustice prevented him from fulfilling that dream. Yet despite this, Parker's contributions to the Tonawanda Seneca and to his country are many.

Citizenship for the first Americans was long past due when Ely Parker read for and qualified for admission. We believe it is time to right this historic wrong. In the spirit of other instances around the country (including this Court) in which posthumous bar admission has been granted to aspiring minority lawyers of the 19th and early 20th centuries who were denied their dreams, we respectfully urge this Court to posthumously admit Ely S. Parker to the New York Bar.

Respectfully submitted,

Thomasina Real Bird

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President, National Native American Bar Association