

10-1-2002

Native Treasures: Law Library Adds Two Superb Collections of Native American-Related Materials

UB Law Forum

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Recommended Citation

UB Law Forum (2002) "Native Treasures: Law Library Adds Two Superb Collections of Native American-Related Materials," *UB Law Forum*: Vol. 15 : No. 1 , Article 20.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol15/iss1/20

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Native treasures

Law Library adds two superb collections of Native American-related materials



- A 1795 original printing of the Jay Treaty giving Indians free passage between the United States and Canada.

- An 1851 original edition of Lewis H. Morgan's League of the Hohenosaunee or Iroquois.

- A 1938 reprint of a volume of Indian treaties first published in the 18th century by Benjamin Franklin.

Such are the treasures on the fifth floor of the Charles B. Sears Law Library, now that a major gift and an additional purchase have brought to the library's Archives and Special Collections Room two major collections of works related to American Indian law and the rights of indigenous peoples.

The major part of the acquisition is the library and personal papers of Howard R. Berman, a 1973 UB Law graduate who taught American Indian law and human rights law at UB from 1978 to 1982. Berman then went on to teach and conduct research at Harvard Law School and California Western Law School until his untimely death in 1997. He donated his entire collection to the Law Library in his will.

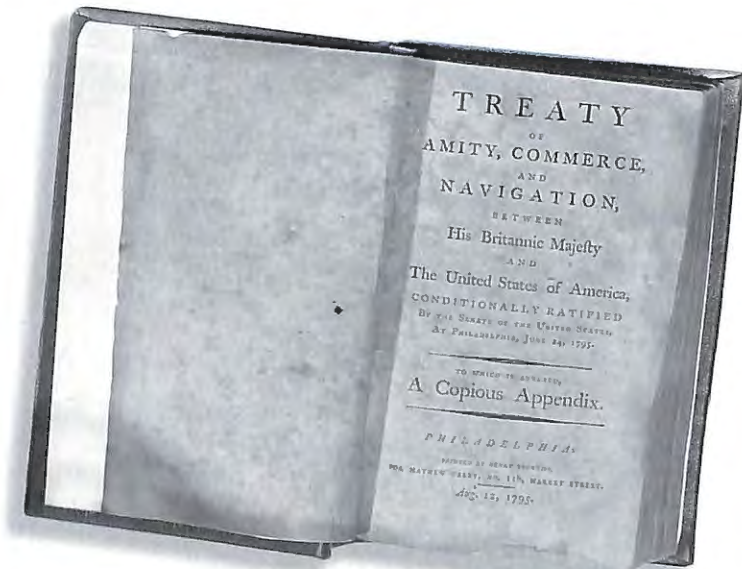
"Howard would scour used and rare

bookstores for items on New York, United States and Indian history, as well as international law," says Karen L. Spencer '88, Archives and Special Collections librarian, who studied under Berman at UB Law. "He was a historian at heart."

Spencer says Berman's work included historical analysis of the terms of treaties between the nascent United States and its Indian nations. Using the doctrine of intertemporal law that requires events to be interpreted according to the law at the time, he pierced the veil of 20th century literature's tendency to read 19th century legal concepts back into the 17th and 18th centuries. "He exposed the fact that Indian nations were strong powers to be reckoned with, and that the European countries dealt with them as such at the time according to the rules of international law."

Berman also traveled world wide to work with indigenous peoples, and his library and papers reflect that interest. "He was a pioneer in establishing the notion of aboriginal rights," Spencer says. "Judge Arcara (Hon. Richard J. Ar-





cara, U.S. District Court, Western District of New York) cited Berman's seminal 1978 *Buffalo Law Review* article in the recent case involving the Seneca Nation's claim for Grand Island."

To supplement the Berman collection, the library has purchased a collection of books owned by Marilyn L. Haas, who as a member of the University Libraries faculty developed an expertise in American Indian sources. The Haas collection specializes in Iroquois-related books, and it is rich in historical, anthropological and cultural sources.

Spencer says she has had e-mail inquiries from researchers who have seen the Law Library Web site. In a major research project, former Dean Barry B. Boyer has used the collection to look at the natural history of Western New York as he researches the Holland Land Company.

Says Law Library Director James Milles: "We see this collection as a public service to the community. Not necessarily only lawyers, but people in the Native American community find it very useful."

Added John Mohawk, co-director of the Center of the Americas and director of the Center for Indigenous Studies at



UB: "Howard was a pioneer. He led the way. He started in Buffalo. His legacy will remain in Buffalo. It will, in fact, make the University, the Law School and the Law Library a significant place in both that history and as a geographical place – as a place to come and browse. This collection is a wonderful place for that."

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The Law Library's Web site more fully describes these collections at <http://ublib.buffalo.edu/libraries/units/law/collections/specialcollections.html>