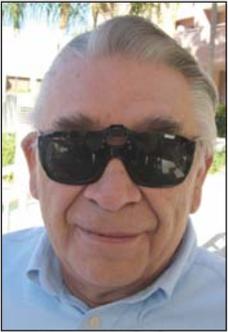


By Vine Deloria Jr.

**Keynote Address at the luncheon, Fri., Dec. 10, 2004 at the Ninth Justice for Victims of Crime**



I am very impressed at how many people are at this conference and if you stop and think about it, it is great that all of you are working in this field. But I figure that you are work-

ing with 30 or 40 clients each and that is a measure of the violence that is going on in Indian Country and that is pretty depressing.

Trying to address the audience with so many professionals and people working at the grass roots level is a pretty difficult thing. So let me start out with a story and then comment on it.

At the end of the 1970's, in between all of the nonsense that goes on in Pine Ridge, my friend Gerald One Feather was named head of the police for a two-year term. What he did was call the officers together and told them, "you are not going to be policemen here. You are going to be peacemakers.

"Before you put the people through all of the institutional activities, responsibili-

Saturday night, on Monday morning you get the families, along with the two people who misbehaved and you have them straighten things out between the families."

This didn't sit well with the Bureau and the Department of Justice, but Gerald forced the officers to do that. Within those two years the crime statistics in Pine Ridge fell something tremendous. So he was working to get a renewal on his appointment and Washington saw that the crime rate declined, so they said they could cut their grant.

So, you had that one brief period. And believe me, a two-year period of peace in Pine Ridge is equivalent to a 500 year period somewhere else. For that brief period they had a traditional, functioning police force.

From that, I have to ask myself how statistics can turn that fast, in favor of a better social climb at Pine Ridge. What I have to say, is that he reached far back into the traditions and took some of the ideas that had been practiced before reservation days. Once he oriented just one part of that community to that kind of change, then you have beneficial effects all over.

So, how do we go back to the tradi-

ties, and eventually penalties, why don't you get the relatives of the people who are misbehaving and address them as well as the wrong-doers.

"So, if you have two people drunk and beating each other up on a

tions? What I see, looking at various programs on reservations, plus the requirements of the 1968 Civil Rights Act, we are being asked to import institutions and procedures that are only foreign to Indian communities, and are not working in white communities either.

When I look at it from that perspective and how to enhance the positive work that you are doing, and how you would begin to bring violence under control, it is really to fight for the concept of community in those reservation communities. That is, to involve all age groups in the decisions made with regard to wrong doing, sexual misbehavior, etc. We have to get people to stand up in the communities and say that this is not the way to do it and it is wrong.

I think that if you begin to build core groups in each community that say they are not going to put up with this, and that it is the wrong thing to do. I recognize that this is the most difficult part of dealing with that.

When I was with National Congress of American Indians, at one point we had to vote whether or not to accept an omnibus bill, which was bad legislation. A group of us opposed it, but others voted for it, even though they didn't like it, because they didn't want to get in trouble with anyone or have bad feelings.

So you have that barrier at the community level and at the tribal level, on up through the federal level. You can't run away from your responsibilities — to call out if something is right or wrong. To pretend that we are going to let things go by, because we don't want friction is simply doing nothing, with the possibility of having more victims.

Where do we start with this?



Unfortunately, I think we have to start with the movement towards traditional religion. If you look at what has been happening, there are severe appropriations of traditional religious practices, and many times by Indians not really centered in the communal life of the reservations, and many other times by bogus medicine men.

I must get at least one letter or phone call a week, primarily by people in the eastern part of the United States saying, so and so came through here, claiming he was a pipe carrier or whatever and he did these ceremonies for us and we discovered he was exploiting the young women. Over and over again, I ask them to check people's credentials, get on the telephone and ask the elders. I think we have to start there, because if we don't have traditional religion as a basis, exactly what is going to be the core value that we are going to have to build communities and stop the violence?

Time to time I deal with Arvol Looking Horse, and I point out various men masquerading as medicine men but even with Arvol's name on it, it doesn't do much good most of the time. When you look at the larger society, these people are hungry for some type of spiritual experience, not just a belief, but to go through a ceremony in which there are different experiences than they have had before.

That is the situation that we find ourselves in. So, to even start talking about reform in the area of violence, it is going to involve considerable agony within the Indian community, of laying down some laws and demanding that something be done.

It is very difficult for me to talk to this generation of people, because when I grew

up in South Dakota, each reservation seemed to be dominated by one or two older women who could read the riot act to their relatives, and people in the community, and they pretty much kept things in check.

Since then we have seen that function of the older women more or less fade away. I think in terms of reform, we need to look seriously at establishing certain prestigious positions within the tribal community, one of which would be an elderly woman. They should have the power to intervene as a moral presence in whatever is happening in tribal institutional life.

I spent some days up in the Six Nations in the early 70s, and was invited to one of their governing meetings. They have a very sophisticated way, with three different kinds of chiefs discussing things back and forth. I told them that if we had that back in Sioux country, things would be a lot better than everyone standing up and claiming to be a descendant of a treaty signer.

So, I asked how they made all of these decisions without any input from the women? Art Lion said, "Look in back of the room." There were all these old women sitting back there, "so when the five head chiefs make a decision, you will notice that they are pretty hesitant about announcing their decision. They know if the women are shaking their heads, then they won't do it, and if they nod their heads, then they know that it is ok to do it." I thought that that was a clever way of doing things. In about a three-month period, I had that verified for me.

Down in San Carlos, a friend of mine had invited me down to talk at the legislation, and there was a public health official

there who was going to talk to the tribal council. It seemed that an IHS man was there complaining, because one of the new houses that was being built for the people, was pretty close to the reservation line. They had run a water line out to this house, owned by this old woman. She had her grandson hook onto the waterline from the reservation, and she was selling San Carlos water off-reservation, and making a pretty good living at it.

So the IHS man was there to get the tribal council to pass a resolution to take away what the woman was doing. My friend knew what was coming up, and just before the meeting started four old ladies came and sat in the back of the room with their heads down.

I could only imagine what they were plotting. Marvin (my friend), asked me to go first and so I talked about legislation for a bit and the IHS guy was getting pretty nervous. I thought I was done and Marvin had looked at the ladies and they wouldn't look at him. So, he asked if I could talk about the Allotment Act.

All of a sudden I had the most inquisitive tribal council I've ever talked to. I talked about the Allotment Act, and I had a few tribal members ask questions. I was finished with that and ready to go and Marvin asked me to talk about the removal policy. I didn't understand, but Marvin told the IHS man to come back next month, with which, the ladies' heads simultaneously go up in the back.

Marvin took me to the store and got me a free black cowboy hat and thanked me for doing that. I never did hear the end of it. In an old traditional manner, you would have let the old lady go ahead and sell that water because that was a way of subsidiz-



ing a way of life for her and they had a foreign institution coming in and saying no you can't do this. It's not like she was selling the entire reservoir, she was only doing this occasionally to earn some money.

So what does that mean for your practical life? It means that sometimes you have to suck it up and say, "no we are not going to do this, it may be the law but this is not the way to apply it." When the Civil Rights Act of '68 first came out, I was part of the group that got that passed, and we had one hell of a time. What I didn't realize was that the tribal court could become a vehicle for going back to traditional ways. For one, it could invoke more severe penalties; two, if tribal court opinions were required to articulate traditional law of the community in addition to the Anglo law that is being applied, you would quickly build up a reservoir of knowledge among a lot of people, as to how, traditionally, you would handle things.

Once people understand that, you could then transfer some of these transgressions into elder or community forums. A change of behavior is required, and not sentencing, or jail time.

A number of people have written articles on this, on suggesting that the Indian way of restitution and compensation is a lot better than the Anglo way of punishment. We haven't the kind of people who are aggressive about making this type of change, so what I advocate that you do is, one, have strong advocates in the community to say what is right or wrong; and two, put strong pressure on the elders and on the court to explain that the decision made by that court in Anglo terms and traditional Tribal terms.



You will find that some of the punishments are innovative. Sometimes they are not talking about punishment enough, some talk about healing through understanding.

What I am suggesting to you, is that a lot of pressure can be brought on the institutions that you have now, to reorient them in a different way. My biggest fear for tribal courts is that it will just become another Anglo model. I want you to remember one thing, Anglo society is filled with pathological liars and I can prove it.

When you go to court, and you are a witness, what is the first thing that they say? Put your hand on the Bible and swear to tell the truth. What does that say about society? On every other instance, except this formal instance, we expect you to be a liar because we all lie. So telling the truth becomes a ceremonial act.

If you look at what we have been through this year politically, you will say Vine is 100 percent right, there. You want to think about those differences because they are great differences. You want to think, what is compensation and restitution? How do we set up credentials for medicine men? If you have one or two people in the community saying, "hey this is not right," you have got to give people the assurance of, if they speak up, something is going to happen.

Now that is not always true, so don't get discouraged. I turned down an honorary degree from CU because I felt they should have spoken for the needs of three women who were raped by football players. What was really sad, was that I couldn't find anyone on the campus who would speak up with me.



So, you don't always win. But that is OK, because you put down a goal post saying, "I want you people to think about crossing this someday." I think that the best thing that you can do is stick your head out and tell the people around you who knew what you were trying to do, to support you or the next person who speaks out. Institutions have done wrong and not only that, they try to cover up their wrongs.

The final thing that I want to tell you, is that you are in much better shape than the rest of society, because it is not just the government that is failing, but all the institutions are eroding. You have a perfect opportunity to build new institutions. But, they have to be new, and they have to be built, and they have to be something that the people want to attach themselves to.

Project the idea into your community, that you would like a night set aside, maybe every two weeks, where you have an open house, and get the elders to tell about their lives. Invite middle-aged people and many children there. Make it a social event to talk about what has happened, in the last century, to your community.

If you consistently dedicate yourself to that, people will begin to get attracted to it. And they will understand that we are part of a historical train, and that we represent a Nation that was here hundreds and thousands of years ago. And, we hope that we will be here thousands of years from now.

In doing this you elevate the elders to a status, and you get the elders interested. You get them to talk about their lives, and what their parents told them, and what their grandparents told them.

Form alliances with friends that you can trust, people who can help you politically, personally, and spiritually, and cling to that. And, when you see younger people coming, bring them into that circle.

*(Editors Comment: Vine Deloria Jr., you have been a tireless advocate for tribal people, you are a creative inspiration for litigators, tribal people, policy makers. You are doing tremendous research in scholarship now, you have been a tremendous friend to me and my family and our community. You've taken the long view and you recognize the past, present and future. Thank you for being a resource, a strategist and for being an honorable person.)*

