

Sioux Nation Treaty Council

established in 1894

PO Box 2003, Rapid City, SD 57709 USA

Email: bhdefenders@msn.com

Feb. 9, 2015

To: Expert Mechanism on the Rights of Indigenous Peoples

Re: Promotion and protection of the rights of indigenous people with respect to their cultural heritage

**Submitted by the Sioux Nation Treaty Council established in 1894,
Zumila Wobaga (Charmaine White Face), Spokesperson**

The following information is being submitted according to operative paragraph 5 of Human Rights Council Resolution 27/13 for a study on the promotion and protection of the rights of Indigenous Peoples with respect to their cultural heritage, including through their participation in political and public life.

The Sioux Nation is an Indigenous nation that once lived in an area that covered 24 of the states of the United States and 4 of the provinces of Canada. Now, only a remnant of that large nation is still alive and living primarily in the Dakotas in the middle of North America. Although the Sioux Nation still has a legal treaty with the United States, the Sioux Nation has been subjected to an illegal occupation by the United States since the mid-1870s. This illegal occupation has been brought to the United Nations since 1984 with no solution to date.

The Sioux Nation Treaty Council was established in 1894 to continue reminding the United States that a legal treaty was still in effect. The consequences of bringing this information to the attention of U.S. government officials, or even the general public, was imprisonment, death, or lobotomies without anesthesia at an insane asylum specifically established for the Sioux people. The consequence was that the Sioux people kept the information of the 1868 Fort Laramie Treaty quiet, passing it along secretly from one generation to another, until a safer time.

The above information is presented to set the foundation from which the following information regarding the promotion and protection of the cultural heritage of the Sioux people can be understood. The last remnant of the Sioux people, primarily the Tituwan, also called Lakota (although that is the dialect spoken by the Tituwan) were the ones with the most recent contact with the white people, Euro-Americans, beginning in the late 1800s. Most of the other Sioux sub nations had had contact with Europeans beginning in the 1600s near Lake Superior with France. The Sioux nation made treaties with France, Britain, Canada, and the United States. The cultural damage to many Indigenous nations, including actual genocide of many other Indigenous nations, had already occurred before white contact with the Tituwan sub nation of the larger Oceti Sakowin, the Great Sioux Nation. However, the Sioux people had heard of the atrocities that had been occurring for more than 200 years as the occupation by the Euro-Americans spread across North America.

By the late 1800s, the physical population of Indigenous Nations in the United States was almost totally destroyed as many nations became extinct. The final destruction of the cultural heritage of Indigenous Nations, or American Indians, in the United States began in the late 1800s with the United States policy of "Kill the Indian to save the man." However, the invasion and occupation of North America by the people of the United States and the destruction of Indigenous Nations cultural heritage continues to today.

Cultural Heritage does not mean just music, art and dance. Although that is usually what is promoted as it is safe as an entertainment. Cultural heritage includes language, geographic location and the relationship to that location, societal norms, governance, and life ways, and religious or spiritual practices. To damage any one of these weakens the whole, and the healthy totality of the individual as a member of a certain nation with a distinct culture is destroyed. This was absolutely understood by the United States and the basis of "Kill the Indian to save the man." This policy was imposed upon the Sioux people without their consent, and under the threat of death.

The following are short summaries of different parts of the Sioux culture that have been damaged, with a Recommendation following as to how to rejuvenate that particular aspect. This information is being presented with the hope that it will be used to help revive the culture of the Sioux nation, not as a means to further destroy it.

Language:

The most common and effective way to begin the destruction of a culture is to prohibit the children from learning the language. This was initiated in the United States in the late 1800s with children taken away to boarding schools and beaten, sometimes to death, for speaking their Indigenous language. As adults, these same children would not teach the language to their children due to the traumatic imprint left on them as children thus further destroying the language. This practice was used for more than 80 years until it finally subsided in the 1950s. By that time, almost all of the children only spoke English. A few families and communities continued to teach their children the language in secret thereby keeping the language alive for a few. The language spoken by the Sioux Nation were the dialects of Lakota, Nakota, and Dakota.

Today, some schools try to teach the Sioux languages but students receive the instructions only during the class period lacking the total immersion necessary for the language to be ingrained as a part of the person. This is either a convenience for, or a deliberate strategy the American education system as it can be said that the language is offered, although it is only used in the class period, only for certain classes, and not in the entire school by all students and teachers during the entire school day. This meets the requirements of providing Indigenous nations with their language, but is more of a cultural bluff than a benefit. Without total immersion, the language will be lost.

Recommendation for Language survival:

Total immersion in the Sioux language needs to be provided for all Sioux people, not just the children in a classroom. The language will only survive if all generations of family members are allowed the opportunity, as is their human right, to relearn their Indigenous language so it can be used in the home, which would also include the opportunity to relearn aspects of the culture that can only be explained in the Indigenous language.

Adult Sioux people also need to be provided with psychological assistance to overcome the Trauma Impact that has now been passed down for generations. Trauma Impact is a biological response to trauma and is passed down in the genes. So even though an adult Sioux person might not have experienced the physical and emotional trauma of their parent or grandparent, they will still have an innate inability to learn their own Sioux language outside of a safe, classroom situation. Many adult Sioux people can speak the language in a safe, classroom situation but are unable and do not understand why that ability cannot be continued outside of a safe environment. This is due to Trauma Impact passed down through the genes. Their human right to learn their own language in these situations also must include healing from Trauma Impact.

Geographic location and the relationship to that location:

Indigenous Nations live according to Natural law in their specific geographic location. The concept of closed territories is a European concept and is not an Indigenous or Sioux perspective. Therefore, many different Indigenous nations might live symbiotic lifestyles covering the same geographic location. For example, natural law dictates that many different kinds of plants will inhabit a certain geographic territory, although one plant may be the most numerous. They live together harmoniously each providing something for the other. The same holds true for Indigenous nations, and was also true for the Sioux nation.

As Indigenous Nations lived with their environment, not in domination of it, as European way of life dictates, Indigenous Nations were able to inhabit the same geographic locations for tens of thousands of years without destroying the environment, the water and air, or other species. The depletion of resources was never practiced as it meant the destruction of the life of the nation. (See also the section on Life ways and Spirituality)

There was a distinct relationship to the geographic location that went far beyond the physical. However, this concept is alien to American or European thinking, so the United States government systematically moved, or isolated, American Indian nations, or parts of the nation, to small parcels of land not necessarily where they would naturally live. The people of the Sioux Nation were moved to Prisoner of War Camps, later called American Indian Reservations. This relocation ruined many philosophical, spiritual, and emotional ties with specific geographic locations effectively damaging cultural ties.

The destruction of Sioux cultural heritage continues today with the prohibition of access to many cultural areas due to "private ownership" in spite of Treaty provisions, state and federal laws, and many kinds of 'development' such as housing, roads, mining and pipelines being built on burial grounds or sacred sites. Although members of the Sioux Nation protest publicly in person and in writing to the federal and state agencies, participating in the government procedures, their objections are blatantly ignored and the 'development' allowed to continue. Case in point is the Keystone Pipeline and the Keystone XL Pipeline which has been proven to destroy sacred sites and burial grounds in its path from Canada to Texas. The United States Senate passage of a bill to allow the building of the Keystone XL Pipeline through the Northern Great Plains, which is still legally the Treaty territory of the Great Sioux Nation, "for their absolute and undisturbed use and occupation" as stated in the Treaty, is only one example.

The Fort Laramie Treaty of 1868 was made between the Sioux Nation and the United States to help protect the way of life with the buffalo and the people of the Sioux nation. The

Treaty articles were made with the land area specifically needed for the survival of the buffalo and the Sioux people together. The extermination of the buffalo, which was the economy of the Sioux nation, was a deliberate attempt to exterminate the Sioux nation. The buffalo provided not just food but also clothing, housing, utensils, and fuel for fires. The Sioux people had a physical, spiritual, and emotional symbiotic relationship with the buffalo. By exterminating the buffalo, the survival, not just the culture, of the Sioux people was and is in the hands of the United States despite their word and signatures given in the Fort Laramie Treaty of 1868. Since that time, the Sioux people have lived under the tyranny, occupation and oppression of the United States in the middle of North America.

Delegates from the Sioux Nation have been coming to the United Nations since 1984 bringing this tragedy to the attention of the world with no resolution. Although a recommendation was given by the United Nations Independent Expert on the promotion of a democratic and equitable international order, Alfred diZayas, to the UN General Assembly in 2013 and again in 2014 to include the Sioux Nation in the list for the Special Committee on Decolonization, the General Assembly still has not notified the Committee of their inclusion on the list of his recommendation.

Recommendation for Geographic Cultural Restoration:

For the Sioux Nation, the solution for Geographic Cultural Restoration is available with the enforcement of all the Articles of the Fort Laramie Treaty of 1868. The return of the land area to the Sioux Nation with the inclusion of all the species that were there prior to 1868, and the water in a condition to support all life is the only answer. The United States must be made to uphold it's own Constitution, Article VI, which states that "treaties are the supreme law of the land," and enforce all the provisions of this International Treaty.

As the Sioux Nation is so small, the rest of the family of nations, the United Nations through the Special Committee on Decolonization needs to ensure that this occurs. If not, it is only a matter of time before the Sioux Nation disappears completely as a nation.

Societal norms, governance, and life ways:

Contrary to the idea that if you live WITH the environment, like so many Indigenous Peoples do, that you do not have the intelligence to create technology. Today, the world is learning that only by living WITH the environment can the human race, indeed the entire life force of the planet be kept viable. Societal norms, governance, and life ways of the Sioux nation were in place for tens of thousands of years and kept the environment of the vast land mass of North America not just viable, but actually thriving. Now, the environment is almost totally destroyed and the only culture that can save it, is cast aside as too primitive.

Societal norms of the Sioux Nation were established tens of thousands of years ago based not just on physical convenience, concepts of property, power, or greed, but were guided by spiritual foundations as well. The norms, governance, laws, and life ways were strong, strict, and provided protection for the weakest, as well as survival for the nation. The norms, governance, laws and life ways were based on a foundation of trust, honesty, and respect for all: people, things, the environment, and Mother Earth.

Two laws of the United States imposed upon the Sioux Nation and all Indigenous nations of North America, were among the last to achieve the destruction of the Sioux nation.

In 1889, the imposition of the Major Crimes Act took away the right of the Sioux Nation to police itself. Not understanding the laws, or caring to learn the laws of the Sioux Nation, the United States took upon itself, in violation of the 1868 Treaty, the right to try, punish, and imprison violations of certain major crimes.

For example, the punishment for child sexual abuse or rape in the Sioux Nation was death to both the perpetrator and victim. Prior to the invasion and occupation by the United States, there was no child sexual abuse or rape because of traditional law. However, as the United States gave the reservations, and the boarding schools to certain religious sects to "civilize" the Indians, and as the ministers, priests, and nuns practiced child sexual abuse, the crimes committed by those people were not prosecuted. But a Sioux man, imposing the traditional punishment on another Sioux man, as was his right even in the Treaty, was charged, tried, and sent to prison. Thus began the Major Crimes Act of 1889, which has been amended and used many times to today.

The second law by the United States was the 1934 Indian Reorganization Act which took away traditional governance and replaced it with the election and voting process, supposedly democratic. Traditional governance placed leaders in positions based on their character, morals, and values as exhibited by their actions for the good of all the people. Elections could be bought where traditional governance could not. The people suffer to this day, as the United States insures that only the Sioux people they want in a power position can be there.

Recommendation for Societal norms, governance, and life ways:

The Sioux Nation needs to be allowed to practice their own norms, governance and life ways as a human right. The occupation and oppression by the United States must end. Again, by upholding and enforcing the provisions of the Fort Laramie Treaty of 1868, the Sioux nation could begin this course of action. The United Nations Special Committee on Decolonization would be the process to use to achieve this end.

Religious or Spiritual Practices:

There is no word for religion in the Sioux language. Rather, spirituality was a life philosophy to be lived constantly. The idea of organized religion was a totally foreign anathema. No one can tell another about their relationship with the Great Mystery. It is individual and occurs continually. In the Sioux culture, there is no separation between the spiritual and the physical. They are always together.

As stated previously, in order to carry out their policy of "Kill the Indian to save the man," the United States took the children out of their homes, stripped them of their culture, and made them learn Christianity. Beginning in the late 1880s, the United States had a policy that outlawed the practice of any Sioux ceremonies. Again, a few Sioux people kept the understanding of Sioux spirituality and ceremonies in secret and passed that wisdom down through the generations.

It wasn't until 1978 when the United States passed the American Indian Religious Freedom Act that the Sioux people could begin legally doing their own spiritual practices. However, the law has "no teeth" and many areas that are sacred to the Sioux Nation, such as the Black Hills, are continually desecrated with development, housing, mining, and tourism. Many hundreds of sacred sites and burial grounds in the Northern Great Plains are destroyed

despite the protests of the Sioux people. So many, that the protests are diminishing as they fall on the deaf ears of state and federal governments.

A current case is the Azarga Uranium Mining Company, a Chinese firm, which plans on doing In Situ Recovery Uranium Mining in an area that has been proven to be an ancient burial ground. The federal Nuclear Regulatory Agency (NRC), has granted a license to Azarga in violation of another federal law, the National Environment Protection Act (NEPA) which requires a Cultural Inventory. The Cultural Inventory has not been completed which NRC knows but has deliberately ignored. All of these activities lie within the 1868 Treaty Territory and are being done without the free, prior, and informed consent of the Sioux Nation.

An older case is the North Cave Hills and Slim Buttes areas in the northwest corner of the American state of South Dakota. Hundreds of burial sites, spirit writings (petroglyphs), and sacred places were destroyed beginning in the 1950s for Uranium mining. This area is also within the Treaty territory. The destruction occurred without the free, prior, and informed consent of the Sioux Nation, but the US Forest Service knew the archaeological and historic sites that were being destroyed and looked the other way. At least 103 open-pit Abandoned Uranium mines can be found in this area spewing radioactive pollution into the air and water contaminating two American Indian Reservations to the East.

The foundation of the United States was supposedly based on religious freedom. Yet, that very freedom is denied over and over again to Indigenous Nations, such as the Sioux Nation. Just because Sioux burial sites are not surrounded by a fence or built next to a church does not mean that they are any less important. Just because Sioux spiritual practices do not follow the pattern of organized religion does not mean that Sioux spiritual practices and ceremonies, the life philosophy, is any less significant. Indeed, one of the first Catholic missionaries, Father DeSmet, to meet the people of the Sioux Nation said the people he met were more Christian than the Christians he knew.

The question often arises that if the followers of Christianity, Islam, and Judaism were to know the exact place where God picked up the earth to make man, would that be considered a sacred place? It would be to Indigenous Peoples. For the Sioux Nation, we know where we came to the Earth in the sacred Black Hills. It is a place called Wind Cave, or for us, the Breathing Hole. However, the United States federal government keeps that place as a tourist attraction, with tourists told that it is sacred to us, but they can still walk in there. It is an abomination and desecration of one of the most sacred places on Earth. Yet, we are denied the right to keep it in a sacred manner. We can go there to pray, but the U.S. federal government will be the only ones to take care of it. There is so much more that needs to be done to keep it in a sacred manner, but we are not about to tell the federal government, for fear they will try to do it themselves, people who have no spiritual connection to this sacred site.

There are hundreds of other sacred places in the Black Hills, places where miracles happen, but we won't tell where they are because they also will be exploited. The greatest injustice in all of this is that our great-great grandparents kept the Black Hills always in the center of the Treaty Territory. Until gold was discovered there, in 1874, then the U.S. President, Ulysses Grant told the American soldiers not to keep the miners and settlers out. That's when the plans were made putting us in Prisoner of War camps. That's when the hugest desecration of a sacred place began.

Recommendation regarding Religious or Spiritual Practices:

As stated previously, the only real solution to the destruction of our spiritual practices and the sacred sites is the upholding and enforcement of the Fort Laramie Treaty of 1868. Due to the decimation of the Sioux Nation to the place where we are now, we are asking the rest of the family of nations, the United Nations through their Special Committee on Decolonization to come to our aid. We see this as the only way to be able to protect these sacred places. The U.S. government has proven time after time that they will not as evidenced by the examples given.

Public Information:

The submission of this report is for use by the public. Without knowledge of what has occurred and continues to occur to the Sioux Nation, the world will lose the opportunity to correct an egregious tragedy. We do not want to be remembered only as the Indians battling the cowboys in western movies. That depiction is in itself a grave error. We were a people of peace, but fought valiantly, and are still fighting today with words on paper for the survival of our nation. It is with this survival in mind that this report is being sent for your consideration.

Respectfully submitted by,

Zumila Wobaga (Charmaine White Face)

Zumila Wobaga (Charmaine White Face), Spokesperson
Sioux Nation Treaty Council established in 1894