

LAW, PRINCIPLE, AND REALITY

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Hello. I really feel better when I hear the women speak because they hold life. I know how much they mean to us and to our process of governance and how much we depend on them. When you have women like we have, things always look a little better, a little brighter. There is that fundamental respect for one another that we have within the Indian nations, for the partnership of man and woman. We understand what they have to do to continue, create, and protect life, and we understand that this is really a spiritual partnership. We have had good luck. We have had good luck because in our part of the country we have the Great Law, we have our instructions, and we are still able to define and follow them.

We are in a lot of crises at this point. I found it very difficult to sit and listen this afternoon to our spiritual rights and our most precious rights of religion and ways of life discussed and questioned and come to conclusions on. It is very hard to be unemotional about things like that when somebody is telling us that "This is what Justice Scalia said," and "This is what Justice O'Connor said," and "This is what other people have said."

Why are we in this contentious position? Are we so different? Yes! Because we refuse to be talked out of existence. In societies, you have laws and principles, you have ethics, you have morals. Law is how you organize yourself to uphold the principles, ethics, and morals of the society that you choose to live in. So we talk about *Conquering the Rule of Law*. It is an interesting title, because that is what it means to Indian nations and people. We must really overcome these positions of law that overrule our original laws.

I heard the word "sovereignty." It is getting pretty scarce these days. You don't hear it much anymore. There was a time when we used to talk about sovereignty all the time, used to hear it as the standard position. People talk about it and ask, "What is sovereignty?" I note that sovereignty is probably the most used and misused word as it relates to Indian nations. Self-recognition, that's first. Self-determination, the ability and right to govern oneself, exercising national powers in the interest of the nation and its peoples, is fundamental to sovereignty. This, along with the jurisdiction over the lands and territories that we live and exist on, is sovereignty. Simply put, sovereignty is the act thereof. It is a state of mind and the will of the people. No more, no less. That is sovereignty, as we understand it, and as we understand it, sovereignty is freedom. Sovereignty, as I heard the word, is responsibility. I think

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that the United States would have been much better off if, instead of making a Bill of Rights, it made a bill of responsibilities, because that is what is lacking in this country today and in the world at large.

The Haudenosaunee are a separate, sovereign nation. We have our own passport, and we travel about the world independently. That is an act of sovereignty. We didn't go to the federal government and ask them, "Can we have a passport?" We issued it, and we traveled. And we continue to do so. It's hard work, but we do it.

Recently, we just completed a month of amazing revelations and negotiations at PrepCom 4, the United Nations Conference on Environment and Development (UNCED). I was glad I stuck it out, spent almost a whole month there, to hear what other countries thought about us. My assessment of that whole discussion was that it's probably the most irresponsible action taken by a collection of nation-states I have ever seen. They talked of development as the process and panacea—environment was resources. "Clean" environment was problematic and secondary to economics. They were talking about *development* underlined twice. They asked, "How are we going to continue our development with all of this discussion about environment? We must keep the people somewhat mystified and agreeable to us." As we listened, it became clear that there was more "unsaid" at UNCED. The meeting wasn't a failure, it was a refusal by nation-states to act responsibly. They did not fail in their purpose. They did precisely what they had come there to do—to maintain the status quo and add the word "sustainability." I mean, everybody's using sustainability now; it's a green flag that everybody picks up and tacks on—"This is a sustainable way." It's a word that fits all criteria. Doublespeak.

So, in reality, we didn't gain much; we lost quite a bit. But one thing became clear—we saw who were our friends and who weren't. That was well worth the trip. We saw the antagonists against indigenous *people*. They still refused to add the *s* to *people* because *people* means we are still generic. When you say *peoples*, then we have to be recognized as separate nations and sovereigns. Consequently, they still refuse to add *s* to *people*.

But at least this time we were recognized as people. Since 1982, we have been working in the United Nations Division of Human Rights, as the Working Group for Indigenous Populations. We've been trying all these years to get *populations* changed to *peoples*. We would be satisfied with *people* but we want *peoples*. And they've refused to do this, up to this point, simply because if we are recognized as *people* or *peoples*, then we will have human rights. As long as we are populations, we are not eligible for human rights. So these are the kinds of discussions that go on about us.

The ultimate problem native nations and peoples have today is with their aboriginal title to land. That is fundamental. The only reason we are here having this big discussion today is that we are still standing on land and title. Nobody wants to talk about it, but that is essentially what it is all about. All other problems revolve around this issue. If the governments of Canada and

the United States upheld and respected the agreements and treaties we made as equals in those times and followed international law that says that all treaties must be read according to the times in which they were made, there would be peace and justice in Indian country.

The United States said to us, "Treaties are as good today as the day we made them." I have heard that several times right from the White House and right from several presidents. Yet, when we want to exercise the agreements and rights of the treaties, we find that is not true. Nation-states call us "dependent," "wards of the government," "minorities," and "ethnic groups." [The delegate from] India said, "We think all indigenous people are social groups." And Malaysia, who was bashing us all day long, said, "Well, I'm indigenous, so you can't say that." And the Philippines said, "Indigenous people are ignorant, they cannot read, they cannot write, they do not know protocol, why are we discussing this at all?" And France said, "That's right. Why don't we just strike *indigenous* from the agenda?" Saudi Arabia agreed with that. It was a voice we haven't heard before. It may have something to do with surrogates, since Israel is having its problems. Perhaps the U.S. has found another surrogate (with oil). I don't know.

Brazil was adamant against indigenous people. So was Peru. Canada was the leader against us. We fought Canada all the time we were there. The United States was silent, publicly. But I believe there were plenty of manipulations behind closed doors.

So, if it were true, when we talk about treaties and agreements we made as equals being as good today as the day they were made, we wouldn't have to be here talking to you about it. There would be no discussion. We would be home living in peace and freedom on our own nations with no problems. But obviously something else has taken place.

Well, some of us, some nations, are still trying to hold the high ground. In these past years as I've seen strong leaders pass away, I hear less and less of sovereignty and more and more of autonomy. I have yet to have a good definition of autonomy. But I know that it is not sovereignty. And yet I've heard it again and again, sometimes from our own people: "We'll do some autonomous acts; we'll work together."

Another issue of our peoples and nations is [the fact of our] being in all of your courts: county, state, federal, supreme. How did we get to be under your jurisdiction, how did we get to be discussed here if indeed we are sovereign? Well, it has been a long process and, as one of the lawyers said, it is not law, it is a process by which we have suddenly, or eventually, or finally, come under this jurisdiction. It has been a long process.

Principled, honorable, international councils agree that size does not define equality. Inherent in all discussions is that the integrity of a nation lies in the spiritual and moral will of its people. And so when the nations gather, some may be richer, some may be poorer, some may be stronger, and some weaker, but in principle, all agree that they are equal. As we are.

We must return to those standards if there is to be justice for our nations in North America today. How do we do that? It is very difficult in these times. People say that I am unrealistic, they call me unrealistic; I have heard it many times. But I simply uphold the trust of my nation under the Gí-anasahgonah, which is the Great Law of Peace. We have rules, and we have a constitution that is ancient by any standards. It still governs, and we still believe in it.

Now, we, our Indian nations, are at a crossroads. I see this across the country now. I see finally the Achilles foot of our people and it is called gambling casinos, fast bucks. It is called economic development. It is called development. And I see our people sliding down the slippery slope with everybody else, without integrity. They have been seduced by promises. I do not know how long it will be, or how long it will take, or what will be the outcome, but if we are to survive, we have to maintain our standards, we have to maintain our positions. We cannot compromise.

It seems like that, after two hundred years of federal process to disenfranchise our people from our language, from our culture, from our nations, and finally from our lands, we are now in danger of losing it all. Our title is absolute. We are sovereign. As long as we stand and proclaim title, the U.S. has a problem. As long as we are a nation, and we say so, these countries have a problem. Because we have title. We are original people. We have long-standing title in spite of this doctrine of discovery that we hear about every now and then and which seems to have standing in Canada. It was last spring that I heard that term again, the doctrine of discovery. And they said, "No, you Indians don't have a proper claim because, under the doctrine of discovery, you only have use of the lands you occupy, which makes you flora and fauna. We win."

It is tough to go to a court like that. Whether they say it or not, they still consider us hostiles. They know it, and they think so. But we refuse to submit. We cannot submit. If we submit, if the leaders submit, if we compromise, we give away the only chance that we have for survival. We cannot submit. And I would say to any federal agents who may be monitoring this discussion that you still got a tough fight.

It didn't have to be that way and it doesn't have to be that way. The Hoyahna, the chiefs, understand that the treaties we hold are tremendous legal instruments. We wouldn't be here today if our grandfathers and our grandmothers didn't have the foresight to make those agreements. And they are solid legal instruments. International. And so we must uphold them. We must keep them. It's an agreement between nations.

The government, recognizing this, has gone through a long process of changing the people rather than the treaties. They know they cannot change the treaties, so they are going to try and change the people. In 1871, the Congress of the United States said they would no longer treat Indians as na-

tions. In 1887, the Congress passed the Allotment Act,¹ which broke up nation territories and disenfranchised the chiefs and traditional law. In 1890, they killed hundreds of Indians at Wounded Knee. In 1924, they passed the Citizenship Act,² unilaterally declaring all Indians U.S. citizens. Piece by piece, they destroyed our national integrity. And even Senator Inouye himself has asked whether we do not realize that the government is chipping away our sovereignty one slice at a time. And so it is a principled, moral, and spiritual stand we make.

Today, when we listen to the problems of the world, we say, "You have problems at home." We take the time to come here and speak to you—because this forum does support our position—and we must thank NYU for putting up this symposium because it allows us to speak and it allows you to hear from the young lady talking about repatriation. We, the Indian nations, have to make an assessment. We have to step back for a minute and say, "All right, let's take a look, let's see where we are today. What have they gained? What have we lost? Where are we now? Where are our people? Are they retrievable? Can we still move them in a positive direction? Can we still work together as nations?"

As the sun begins to kill people through the holes in the ozone, and as acid rain kills the forest and vegetation, as the water kills everything that drinks it because of the poison in it, as all of this is happening, we must maintain our traditions and must maintain our position and status as nations. Because therein lies the direction for leadership of moral quality which is required today, if we are to continue.

Perhaps there may be another card. I remember an old friend who traveled many times with us. His name was Bad Wound. Louis Bad Wound. He was a cantankerous old man. Some people didn't like Louis, because Louis always said what was true. Further, people didn't know that he also belonged to that Lakota society called The Contraries. He was a Lakota man. They could never figure what the heck he was doing, as I couldn't sometimes. One day he laughed and said, "I'm going to tell you something. I belong to The Contraries." Which means he did exactly the opposite of what he was saying, in ways that were definitive at times.

But anyway, one night we were sitting around a campfire someplace, a lot of Indian leaders, sitting there talking about the fate of our people and so forth. Louis was very angry and he said, "These goddamn white people, they just don't understand. They won't understand until the house falls down on them. We have enough spiritual strength here with all the leaders to bring down the thunder and bring the rains and flood them. Ask the sun to burn them. Ask the wind to blow them off the face of the earth. Maybe they will listen."

1. General Allotment Act of 1887, ch. 119, 24 Stat. 388 (codified as amended in scattered sections of 25 U.S.C.)

2. Ch. 233, 43 Stat. 253 (1924) (codified as amended at 8 U.S.C. § 1401(b) (1988)).

Well, we all got kind of quiet, you know. We looked at Louis and said, "I don't know Louis, maybe we better think about it before we do that." "Well," he said, "how else, how else are they going to listen?" And in our hearts, we knew that he was probably right and that maybe someday we might have to think about that.

Well, when I look about now and I see what is happening, this is what Louis was talking about. It is here. It is here, and it is real, and we are going to suffer. We are going to suffer in disease; we are going to suffer in water. The United States has lost a whole generation of children. You are not going to get them back. They are out in the streets shooting each other, carrying guns in school, and people don't seem to care. You are going to pay for that, you are going to pay for those children. They will make you pay. Because you don't seem to care. Because you neglected them. Because they didn't have love. And if you don't know love, you don't give love. And what is going to happen to their children? What will they teach them? This is serious business.

So we look back at that time and think maybe this will be the thing that will unite us, as he said, maybe we can set aside this business of whether our spiritual rights are equal to yours, and maybe you are going to have to ask us to use some of that power that we have to help you now. I don't know where you are going, but I know that we will not submit and that this whole discussion on laws, as it sits here today, is man-made. The laws I just spoke about are spiritual laws. They are the ones that are going to prevail. That is real law. If you don't understand that law, and you don't abide by that law, or you ignore it, you will perish. This natural law has no mercy; there is no need for lawyers because this law is absolute. Do we have a chance? I don't know. I really don't know. It's a question of time.

Three weeks ago, I was in Stavanger, Norway, at their airport. I was on a Boeing, a big Boeing aircraft that investigates the ozone. It was a NASA plane. There are only two in existence. We were there to interview the head of the scientists leading the investigation on the ozone. We were standing in the middle of the plane, and I asked him directly, "Just how big is this ozone hole?" He says, "You have to use the plural, holes. There are many." And he says, "They are quite large and they are over the Northern Hemisphere." And I said, "Well, maybe there is some justice after all. People who caused the problem may suffer a little bit from that problem. What is going to happen?" He says, "Nothing for a hundred years. Because it will take that long to reverse any activity. That's providing everybody begins immediately to do what is right." He says, "Every day that you don't do what is right, it's a hundred years more." I asked, "Have you told the people?" He says, "We get the word out, but not many are listening." I said, "You must be very busy." And he says, "Yes, we are, because, since there are only two planes in the whole world that do this business, we can only use this plane every other year."

Now, if you want a set of priorities, there you have it. Two planes for the people in your house and fleets of bombers sitting in every country in the world. Those are your priorities. That is your leadership or lack of it. And I don't know what will happen. Indians don't influence federal policy. We don't vote.

Tomorrow, I have to be in Las Vegas, Nevada, at this Project Monkey 100, which is an anti-nuclear and pro-Shoshone demonstration for the Dann sisters [Western Shoshone activists seeking enforcement of the Ruby Valley Treaty]. I'll tell them about this discussion on law. They know about U.S. federal law, and, for them, it brings injustice and persecution. I want to say that Indian leaders are not going to give up on this business. Chiefs will not. I mean, that is not in our mandate. Our mandate is to go. What kind of a leader is that, that would give up?

So, it's work. It's hard work. It's a large mandate, and we have to overcome a lot of negative things, but one thing we do have to do is work together. We've got to unite. And I think we are going to have to depend on the women very much on this next issue. We are going to have to depend on the young people very much, because this is your fight. We older people, well, we are not going to be here all that long. And so best you take advantage of us while we are here. Put your minds to what is the best way for you to do this. How will you meet all these problems, and how will you gain the support of the spiritual power, which is the only power that is going to be able to change the direction of human beings? This path takes a lot of courage. I wouldn't say that people are dumb: more stupid and self-centered and greedy. And it seems like that is the problem we face here. The problem is us, each one of us. And every day we have to deal with that ourselves, first. No one walks away with a clean slate, no one is pure, and everybody is affected.

So I say, let us get on with it. Save Indian nations. Save indigenous peoples, because they have a philosophy that could help you in this crisis. Spend some time at it, and exert some effort, and maybe, just maybe, in that process, you might save yourselves. Thank you.

