

Testimony Concerning S. 1691 "The American Indian Equal Justice Act"

by Mr. Roland Morris Sr., Board Member, Citizens Equal Rights Alliance
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Oversight Hearing Before The Committee On Indian Affairs
United States Senate
Concerning S. 1691 The American Indian Equal Justice Act

Good afternoon Mr. Chairman and Members of the Committee. My name is Roland Morris Sr.. I am a board member of the Citizens Equal Rights Alliance (CERA) and president of All Citizens Equal (ACE). Although opposition has labeled these groups harshly, both are grassroots, multi-racial groups dedicated to the promotion of equal rights for all citizens within Indian Country.

I am also a full-blooded Anishinabe American citizen. Originally from the Leech Lake band of Minnesota Chippewa, I now live in Montana. Thank you for the opportunity to appear before you to testify on the American Indian Equal Justice Act. It is my hope you will discern the truthfulness of my message by examining both my heart, as well as my words.

I believe current federal Indian policy coupled with tribal government behavior is taking a bigger toll on tribal members than most people admit.

I am Indian. When I step foot onto a reservation, State and Federal constitutional rights can be denied me. I become a second class citizen. On a reservation there is no guarantee the United States Constitution and the Bill of Rights will control. There are no guarantees the Civil Rights Acts or legislation against age or gender discrimination will be honored. There are no guarantees of the Veterans Preference Act, no Civil Service classification to protect tribal government employees, no guarantees of the Americans with Disabilities Act, no guarantees against blanket nepotism or a fair and orderly process concerning access to reservation housing, and no guarantee of freedom of the press or freedom of speech. In other words, basic human rights other Americans take for granted, that allow people to live in dignity with their neighbors, are not guaranteed on Indian reservations under the present version of "sovereignty."

Secondly, tribes are dependent on Federal government help. Through this dependency, many tribal governments have become corrupt with unchecked power and money. Because of corruption and unwillingness to let go of power and money; tribal governments themselves, in some cases, are keeping their people in the bondage of poverty and oppression. It cannot be denied that current federal policy is such that tribal governments financially benefit from the general membership's poverty level staying just as it is. The plight of the average Native American is what keeps money flowing into the coffers of those in charge of tribal government. Thus, tribal government needs to keep in control of its members, even to the extent of demanding from this Congress that the "tribe shall retain exclusive jurisdiction over any ...Indian child...", as is written in the Indian Child Welfare Act, which states further that tribal interests are "independent of the interests of the birth parents."

The Indian Civil Rights Act mandates that no Indian tribe in exercising powers of self government shall violate various basic civil rights. However, when there is no separation of powers within tribal governments and tribal sovereign immunity protects tribal government from civil rights claims, tribal members are left without recourse.

But many tribal members say nothing publicly. Cronyism, nepotism and ballot box rigging are all part of political reality on many reservations. Everyone seems to accept it as a given, and because tribal government controls tribal jobs, HUD housing, tribal loans and land leases, many members are reluctant to speak out. Tribal government controls most everyone's strings, not to mention the judicial system. Getting on the bad side of the government can mean the loss of one's job or home. Some have even been threatened that their family members

would lose their jobs.

Further disabling to membership outcry is the manipulation used to keep control. I have seen tribal governments pressure members to rally to their cause and political goals through misinformation, bullying, and even bribes. At a political rally two years ago, in order to portray a good show of force for the media, a tribal government gave its employees the day off and told the employees they were expected to attend the rally. In order to ensure the attendance, the tribal government offered transportation to the rally, free food, and distribution of the employees' pay checks.

At the recent Montana gatherings held by Senator Conrad Burns in reference to tribal jurisdiction, the tribal governments transported students from the colleges and high schools, offered free food and dance before the hearings, and inflamed the large group with speeches about genocide. Prior to the busses leaving one of the schools on its way to the hearing, a student was told that unless he planned to speak at the hearing, he wouldn't be allowed on the bus. Again, a show of angry force was important for this media event, and it was highly unlikely that under those conditions many tribal members would get up and say anything in opposition to tribal government dogma.

Actual bullying usually occurs on more of a one-on-one scale. In one case, a tribal member had been essentially share-cropping with a white neighbor. The tribal member shared his tribally leased land; the neighbor shared his tractors and other heavy equipment. Together, they both benefited. However, this arrangement angered the tribal government which, without warning, revoked the tribal member's lease on the land in question, threatened to revoke other land he leased, and threatened him with forced eviction from his HUD home. The government eventually allowed him to keep his home and other land, but permanently revoked the land he had shared with a non-member. This tribal member, having a large family, has no intention of taking another chance of losing his home by speaking out.

In another case, a person running for office in a recent tribal election was denied, by the tribal council, the right to advertise in the local tribal paper.

I have had many tribal members come to me in confidence and relate their concerns and fears. I have even had a former tribal council member come to me to discuss these issues. I see true elders feeling defeated. Many of those within tribal government won't listen to the elders. Seeing this disrespect is hurtful to me and it pains many other tribal members that this is the way things are.

It can be no wonder that Indian people are tired and depressed. Not only do many feel alienated from the United States Government and the rest of society, but many tribal governments can't be trusted either. This situation, having become a hopeless fact of life, along with poverty and other factors, has bred depression and loss of trust.

With the current epidemic of corruption on Indian Reservations, how could tribal members be better protected? It is clear to us that something needs to change. We can't continue to sit back and watch relatives despair. Let us work together as brothers and sisters to correct the problem.

Senator Gorton's bill, The American Indian Equal Justice Act is wonderful news for anyone, either tribal or non-tribal. By providing federal district courts jurisdiction over civil rights actions brought under the Indian Civil Rights Act, tribal governments will be held accountable for their actions. This bill will not hurt tribal members, it will only hurt corrupt tribal government.

While non-members all over the country are gathering to support this bill, this is actually one of the best things that can happen for tribal members. This bill will give members the right to sue tribal government when they deny member's rights.

If tribal government looks at the plus side of the bill, it'll see that it will improve the economy for everyone on the reservations. Industry would be willing to come and build businesses on the reservation. Our relationship with the so-called outside world would improve. If tribal government looks at the plus side of the bill, it'll see

that it will provide encouragement and hope for everyone on the reservations. Not only would people begin to feel less like pawns in the chess game of politics, but they would feel strength in the knowledge that their independent thoughts mattered and could be voiced without fear of punishment. Furthermore, if industry within the reservation improved, less people would have to depend on the government for assistance.

People will not feel as useless or trapped anymore.

Thank you.

Roland Morris, Sr.