

Poverty and Despair: The Failed Policies & Human Rights Violations directed against Native Americans

Fate of Lakotahs Highlights America's Failed Native American Policies

By [Stephen Lendman](#)

Global Research, November 21, 2008

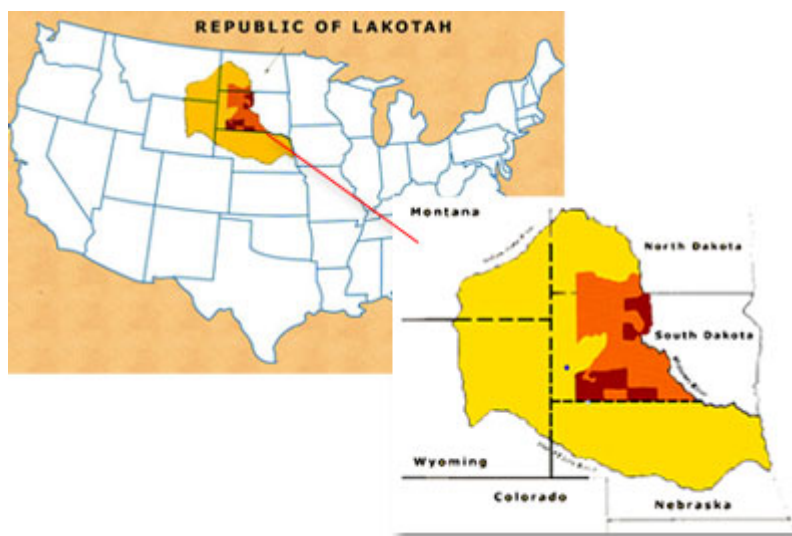
21 November 2008

Region: [USA](#)

Theme: [Crimes against Humanity](#)

On November 6, South Dakota's governor Michael Rounds declared a state of emergency as heavy snow blanketed the state and threatened all parts of it – including Native American reservations.

They, however, were excluded from his declaration. They'll get no badly needed help, and it's an all too familiar story for our nation's original inhabitants. They've been abused and slaughtered for over 500 years. At Mabila, Acoma Mesa, Conestoga, the Trail of Tears, Pamunkey, Mystic River, Yellow Creek, Sand Creek, Gnadenhutten, and Wooded Knee. At far too many other places as well at a cost of many millions of lives, now forgotten and erased from memory.



Worst still, our Native people continue to be systematically repressed and mistreated. They live in poverty and despair. They're mocked and demonized in films and society as drunks, beasts, primitives, savages, and people to be Americanized or warehoused on reservations and forgotten.

Their cultures are willfully denigrated. Their legacy is one of millions slaughtered, betrayal, treaties made and broken, stolen lands, rights denied, and welfare criminally ignored to this day.

The Lakotahs are one of many examples, and the Republic of Lakotah web site highlights their plight. It welcomes "all self-sufficient People who come with an open Heart, a Passion for Freedom and a Love for Grand Mother Earth."

In a commentary titled “Broken Promises & Laws,” it describes a Broken People whose lands were stolen, buffalo massacred, people slaughtered, and who were herded onto reservations in violation of Treaties successive US governments signed and then abrogated.

The Treaty of 1851, for example, in which the government requested a right-of-way for a road through Lakotah lands to the newly-discovered Montana gold fields. It became known as the Bozeman Trail to be used only until all gold was removed. By the Civil War it was gone and the government reneged. Forts were erected on its right of way. Lakotahs demanded they be removed. The US refused, war ensued, and it ended with the Treaty of 1868.

It stated that “The government of the United States desires peace, and its honor is hereby pledged to keep it.” It also re-affirmed all rights the Indians were granted under the 1851 Treaty. Those rights and all others were abrogated and denied.

Western North and South Dakota Lakotahs are one of seven Sioux tribes comprising the Great Sioux Nation and are best known by their redoubtable leaders – Sitting Bull, Crazy Horse, Red Cloud and Black Elk, among others. Names even young school children know but not their heroic feats and the great price they and their people paid.

Before the 1770s, Sioux held territories from Minnesota to the Rocky Mountains and from the Yellowstone to the Platte Rivers. Until the Treaty of 1868, they were the richest Native American nation of the northwestern plains, but years earlier their lives were irrevocably changed. Treaties were made and broken. Settlers, railroads, and mining interests took their lands and resources.

In 1874, General George Custer invaded the most sacred Lakotah territory, the Black Hills (Paha Sapa), and with him came gold seekers. An illegal occupation followed along with billions of dollars of stolen resources and great numbers of lives lost. All in the name of progress to colonize the continent’s West. All at the expense of our Native peoples who lost everything as a result.

The earlier 1787 Northwest Ordinance was deceptive on its face. Supposedly to afford Indians “justice (and) humanity,” it, in fact, expanded the nation to admit new states on stolen Native American lands. Wars followed. Broken promises and treaties as well in violation of Article 6 of the Constitution that states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land” – binding without qualification on the executive, legislature and judiciary.

The Sioux acted in good faith to avoid confrontation, but in vain. The executive, Congress, and judiciary denied them their lands, vital resources, and basic rights through a succession of repressive laws:

- Homestead Acts – for settlers only that gave them title to 160 acres of “underdeveloped” land outside the original 13 colonies; 1.6 million in all got around 270 million acres, or 10% of all US land between 1862 – 1886;

- Allotment Acts – various “act(s) to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States

over the Indians, and for other purposes;" for example, the 1887 Dawes Act that distributed mostly unwanted and unviable land in Oklahoma; it was done by dividing reservations into privately-owned parcels to destroy Native cultures, impose western values, and achieve forced assimilation;

— the Indian Citizenship Act of 1924 to force citizenship on all Native Americans; the words of one spoke for many: "United States citizenship was just another way of absorbing us and destroying our customs and government; how could these Europeans come over and tell us we were citizens in our country; we had our citizenship;" it's "in our nations;" forcing their citizenship on us "was a violation of our sovereignty;"

— the 1934 Indian Reorganization Act (aka the Wheeler-Howard Act or the Indian New Deal); it reversed Dawes provisions and created what Native Americans call the first Apartheid Act that still applies; the 1964 Bantu Development Act copied this law and institutionalized black and white separation in South Africa; the same practice exists now in Occupied Palestine, in US inner cities, and wherever else white supremacists want unwanted people kept out of their restricted spaces;

— forced relocations continued during the 1950s and 1960s;

— Supreme Court rulings against Native American religious practices; in *City of Boerne v. Flores* (June 1997), the Court ruled against the 1993 Religious Freedom Restoration Act that prohibited the government from "substantially burdening" a believer's religious practices; the Court held that this act attempted to overturn its own First Amendment interpretation; in *Employment Division v. Smith* (April 1990), the Court ruled that Oregon could deny unemployment benefits to a person fired for violating a state prohibition on the use of peyote, even for a religious ritual; in other words, this and similar practices aren't protected under the First Amendment freedom of religion provision; and

— Native Americans on reservations aren't entitled to the same constitutional rights (like free speech, religion, assembly, and due process, etc.) as other Americans even though they're legal citizens; non-Indian people when on reservations (so-called "tribal trust status lands") also relinquish these rights while there; in addition, "tribal sovereignty" benefits leaders alone, not their people, and tribal chiefs get their authority from the Interior Secretary and US-run Bureau of Indian Affairs (BIA).

"Tribal sovereignty" is a profound misnomer. It belies any sense that Indians on reservations are self-governing. They are not. There are no checks and balances, no separation of powers, no constitutional protections, and the US government owns the lands as federal territories - under "plenary power" in trust status. In 1978, the Supreme Court ruled that Indian tribal chiefs and councils (not US law) have full authority over their people, and these "governments" are empowered by Washington.

Indian tribes are beholden to the government for help and need permission for most everything they do. Their people on reservations remain warehoused, abused and forgotten. The notion of "sovereignty" is another indignity, a charade, and silent outrage against our proud original inhabitants. Out of sight and mind in tribal "homelands," no different than South Africa's former bantustans and equally oppressive.

The Republic of Lakotah Today - A Broken People the Result of Broken Promises and Broken Laws

To this day, Native Americans and the Lakotah people are victims of what Ward Churchill calls “A Little Matter of Genocide” that he explained in his book by that title. It’s from American Indian Movement founder, Russell Means, who spoke of “a little matter of genocide right here at home” by which he meant a process still ongoing.

In 1944, jurist Raphael Lemkin first defined the term to mean:

“the destruction of a nation or of an ethnic group” that corresponds to other terms like “tyrannicide, homicide, infanticide, etc.” Genocide “does not necessarily mean the....destruction of a nation, except when accomplished by mass killings....It is intended....to signify a coordinated plan (to destroy) the essential foundations of the life of national groups” with intent to eradicate or substantially weaken or harm them. “Genocidal plans involve the disintegration....of political and social institutions, culture, language, national feelings, religion....economic existence, personal security, liberty, health, dignity, and” human lives.

The Convention on the Prevention and Punishment of the Crime of Genocide (adopted December 1948 and took effect in January 1951) defines genocide in legal terms as follows:

“any (acts like those Lemkin cited) committed with intent to destroy, in whole or in part, the national, ethnical, racial or religious group (by) killing (its) members; causing (them) serious bodily or mental harm; (or) deliberately inflicting (on them) conditions” that may destroy them in whole or in part.

Destroying peoples’ cultures, preventing them from practicing their religion, speaking their language, and/or passing on their traditions to new generations are acts of genocide.

Nowhere does the Constitution let government abuse its people or deny them their rights. Nowhere does it authorize genocide, either in or outside the country, or permit the theft and occupation of their lands or any others.

Nowhere does it say “We the People” are the chosen few or that the minimum function of government is less than to insure the “general welfare” as stated in the Preamble and Article I, Section 8 as follows:

“The Congress shall have power to....provide for....(the) general welfare of the United States” – the so-called welfare clause for all its citizens.

Nowhere does it sanction rampant crime, unequal justice, political or corporate corruption, dishonest officials, raging social problems, the right to ignore the law, or to be able to slaughter and abuse its Native people. Nonetheless, it happens. Most egregiously to native Indians for over 500 years and counting.

Before early Europeans arrived, the Americas (North and South by expert estimates) were home to over 100 million indigenous peoples. From 1492 to 1892, US Census Bureau figures showed less than 250,000 survived. Or put another way – white Europeans committed the greatest ever genocide that was rivaled only, but not equaled, by the one against black Africans who were stolen into slavery for the “new world.” Millions of them died during capture and the Middle Passage.

Our Native peoples in even greater numbers – victimized by ritual slaughter. By being hacked apart, buried alive, trampled under horses, hunted as game and fed to dogs, shot,

beaten, stabbed, and even scalped for bounty or as trophies. They were also hung on meathooks like beef, thrown into the sea from ships (the way blacks were), worked to death as slaves, starved, frozen to death during forced marches and internments, and infected with deadly diseases. Our disturbing “civilization” that’s untaught in American schools, and when it is Indians are the villains and the settlers their victims. History on its head the way Hollywood portrays it and still does.

Ward Churchill recounts otherwise about what he calls “the American holocaust” and compares it to the Jewish one under the Nazis. He explains that:

“Distinctions....between right, center, left and extreme left in the US are quite literally nonexistent on the question of genocide of indigenous peoples. From all four vantage points, the historical reality is simultaneously denied, justified, and in most cases celebrated (or just forgotten. But preposterous as these arguments are, all of them are) outstripped by a substantial component of zionism which contends not only that the American holocaust never happened, but that no ‘true’ genocide has ever occurred, other than the Holocaust suffered by the Jews” in Nazi Germany.

It’s an all too familiar pattern of historical revisionism or denial to view one people’s ordeal as important, preeminent or unique and another’s as non-existent – depending, of course, on who suffered and who caused it. After WW II, Zionist Jews copyrighted Hitler’s genocide, rebranded it “The Holocaust,” framed it as a one-off event, and created the myth of unique Jewish suffering.

The Plight of the Lakotah People

The Republic of Lakotah web site recounts it from the first official political and diplomatic contacts “between Lakotah and the (US) government began in earnest after the United States (completed) the (so-called) Louisiana Purchase in 1803.”

It refers to “fantasy” US history about the purported French sale of 530 million acres for a mere \$15 million – part of which belonged to Lakotahs who weren’t consulted or consented to the transaction. The first “peace and friendship” treaty followed in 1805. Like others later on, it was systematically ignored and violated as settlers invaded, encroached, and occupied Lakotah lands.

Throughout the 19th century, the US government “engaged in multiple military, legal and political strategies....to deny Lakotah our right to freedom and self-determination.” Even after the Supreme Court’s 1883 Ex Parte Crow Dog decision, it persisted. The Court recognized Lakotah freedom and independence in ruling that tribes held exclusive jurisdiction over their internal affairs. It didn’t matter as in 1885 Congress passed the Major Crimes Act to extend US jurisdiction into Lakotah territory, and more egregious actions followed.

One was the 1903 Supreme Court Lone Wolf v. Hitchcock decision that recognized near absolute plenary congressional power over Indian affairs, virtually exempt from judicial oversight. It was an outrageous ruling to let the government freely expropriate tribal lands and resources on the pretext of fulfilling its federal trust responsibilities. Quite simply, it empowered Washington and rendered Indians impotent over their own internal affairs, with no rights of any kind without Washington’s permission.

This ruling was then used to violate hundreds of treaties between the government and indigenous peoples, including Lakotahs. As a result, the sacred Black Hills were stolen along with billions of dollars of resources from them. America was on the move. Lakotahs were in the way, so they were shoved aside through all the various ways described above.

Today, the Republic of Lakotah explains the “Genocidal Results of the Failed American Indian Policies of the United States” under the following headings:

Mortality

- Lakotah men have the world’s lowest life expectancy at 44 years;
- the Lakotah death rate is the highest in America;
- the Lakotah infant mortality rate is three times the US average;
- one-fourth of Lakotah children are fostered or adopted by non-Indian households – a willful Americanization policy to destroy their culture and existence;
- Lakotahs have epidemic levels of disease and illness; and
- teenage Lakotah suicide is 150% higher than the US national average.

Poverty

- median income is a shocking \$2600 – \$3500 a year;
- 97% of Lakotahs live below the poverty line – unmatched anywhere in the world except by other indigenous peoples; and
- most families can’t afford heating oil, wood, propane or any way to heat homes.

Unemployment

- it’s at 80% or higher; and
- government funding for job creation is lost through cronyism and corruption.

Housing

- it’s so inadequate that many elderly die each winter from hypothermia (freezing to death);
- one-third of homes lack clean water and sewage;
- 40% have no electricity;
- 60% no telephone;
- 60% are infected with potentially fatal black molds; and
- an estimated 17 people on average live in each family home – many with only two or three rooms; some homes built for six to eight people have up to 30 living in them.

Drugs and Alcohol

- drug addiction afflicts over half of Lakotah adults; two known meth-amphetamine labs are allowed to operate; and
- alcoholism affects 90% of families.

Disease

- the tuberculosis rate for Lakotahs is about 800% higher than the US national average;
- cervical cancer is 500% higher;
- diabetes 800% higher; and
- the Federal Commodity Food Program provides sugar-rich foods that cause high rates of diabetes, heart disease, and other preventable illnesses and diseases.

Incarceration

- the rate for Indian children is 40% higher than for whites;
- 21% of South Dakotan prisoners are Indians yet they comprise 2% of the population;
- Indians have the second largest state prison incarceration rate in the nation after blacks; and
- most Indians live on reservations that are supposed to be self-governing – in principle, that is; around 2% of Indians live under state jurisdiction.

Threatened Culture

- only 14% of Lakotahs speak their native language;
- it's not being taught inter-generationally; the average age of fluent Lakotah speakers is 65; thus the language is endangered and on the verge of extinction; and
- the Lakotah language is forbidden to be taught in US government schools – a further indignity inflicted on the people.

A Final Comment

In September 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. It passed 143 – 4 with only Australia, New Zealand, Canada and the US voting “no.” Eleven nations abstained.

This document enumerates the “collective rights of the world’s 370 million native peoples, calls for the maintenance and strengthening of their cultural identities, and emphasizes their right to pursue development in keeping with their own needs and aspirations.”

The Declaration affirms the right of native peoples “to the recognition, observance and enforcement of treaties concluded with States or their successors. It also prohibits discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them.”

This document concluded 25 years of “contentious negotiations over the rights of native people to protect their lands and resources, and to maintain their unique cultures and traditions.” In that and the above stated respects, it’s historic and important.

Nonetheless, America has its own “traditions” over and above those of others it disdains and abuses – the poor, non-whites, the disadvantaged, labor, non-Jews and Christians, virtually everyone outside its white supremacists elites, and clearly its Native peoples from the earliest settlers to the present day.

Nothing’s changed from then to now – Broken Promises, Broken Laws, Broken Treaties, and Broken Hope for a Broken People suffering hugely in the United States of America – out of sight and mind and not an issue for the dominant news media. Very much one for people who care.

Stephen Lendman is a Research Associate of the Centre for Research on Globalization. He lives in Chicago and can be reached at lendmanstephen@sbcglobal.net.

Also visit his blog site at www.sjlendman.blogspot.com and listen to The Global Research News Hour on RepublicBroadcasting.org Mondays from 11AM – 1PM US Central time for cutting-edge discussions on world and national topics with distinguished guests. All programs are archived for easy listening.

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About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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