

**FIELD HEARING**  
**OF THE**  
**COMMITTEE ON NATURAL RESOURCES**  
**OF THE UNITED STATES**

**HOUSE OF REPRESENTATIVES**

**Hon. Nick J. Rahall II, Chairman**

**Hearing On Indian Education**

**Testimony of Joseph Brings Plenty Sr.,**

**Chairman of the Cheyenne River Sioux Tribe**

**August 6, 2010**

**10:00 am**

**Cheyenne River Sioux Indian Reservation**

**Cheyenne River College Center**

**100 Lincoln Street**

**Eagle Butte, South Dakota**

---

<sup>1</sup> House Subcommittee on Natural Resources, 1324 Longworth House Office Building, Washington, D.C. 20515,  
Phone (202) 225-6065, Fax (202) 225-1931.

Hin hanni waste (good morning) Cante waste' nape

~~Hau Mitakuyapi, Ota Au Naca emacyapelo. I am called Chief Brings Plenty, in English, Ciyuzapi (I shake your hand with a good heart.) I am Sharon Lee, Vice-Chairwoman of the Cheyenne River Sioux Tribe. I am known as Joseph Brings Plenty Sr.; I am Chairman of the Cheyenne River Sioux Tribe. We are the Wakpa Waste Oyate or Good River People. Iyaha, cante wasteya napeciyuzapelo. I greet all of you, my relatives and I shake your hands in a good hearted way.~~

On behalf of the Cheyenne River Sioux Tribe, I welcome you to our ancestral homeland and ask that you bring all your energy, resources and abilities to help our young people achieve their potential through education.

Once, the force of American law was used to take our children from their homes and loving families to schools thousands of miles away. There they were forced into a regimented existence and beaten for speaking our Lakota Language. This mistreatment of our students by the BIA and others continued for a whole century. The "belt line" punishment at the C-EB Boarding School Dormitories for speaking Lakota finally ended about 1970.

This is the reason our Tribal Council enacted the Cheyenne River Sioux Tribe Language and Cultural Preservation Ordinance 66. Ordinance 66 mandates the teaching of Lakotiya, our Lakota Language in reservation schools funded by the Bureau of Indian Education (hereafter "BIE") within the Bureau of Indian Affairs (hereafter "BIA").

Recently, because of difficulties we experienced concerning the implementation and enforcement of our Lakota Language Ordinance, the Tribal Council adopted Resolution No. 112-2010-CR. This resolution was adopted after the Tribal Council met in regular session on April 6, 2010 and noted its dissatisfaction with the performance of Dr. Nadine Eastman in her position as 95-561 School Supervisor, and directed that Dr. Eastman be removed as 95-561 School Supervisor. The Council requested the assistance of our South Dakota Congressional

Delegation, Representative Herseth-Sandlin, and Senators Johnson and Thune. I respectfully repeat and renew the Tribal Council's request for the removal of Dr. Eastman.

It is significant that Dr. Eastman, acting on her own authority, excused a member of her immediate family from studying the Lakota Language. As a role model in our community, we view Dr. Eastman's action as violating our Ordinance 66.

In addition, we are distressed that despite the Tribal Council's opposition to the imposition of a dress code in our school—it brings back bad memories of the old BIA Boarding school days--Dr. Eastman implemented the dress code and suggested in a memorandum that it

would be more palatable if the school referred to it as a Personal Appearance Code. *\* However, as a former eight (8) year member of the Cheyenne Sch. Bd., I felt it was a decision of our Sch. Bd. Honorable Committee members, you can call a cow a horse but it still won't win the race. I don't believe it is absurd to think that this type of double-talk is what Congress meant when it enacted*

Public Law 100-297 and declared:

**its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs.**

25 U.S.C. § 2501(b), "Declaration of policy"; "Commitment," June 22, 1988. In this case that means that the Cheyenne River Agency BIE must obey the mandate of Ordinance 66 and listen to the Tribal Council, ~~when it declares that there will be no dress code!~~

Furthermore, Honorable Committee, on January 8, 2002, when President Bush signed the No Child Left Behind Act (hereafter "NCLB"), Congress said that NCLB was meant "[t]o close the achievement gap with accountability, flexibility, and choice, so that no child is left

behind.” Yet, our children have been and are being left behind because we don’t have funding commensurate with public schools and because the BIA has been so grossly underfunded that it cannot band-aid our school facilities any longer.

NCLB is supposed to be about the quality of education and about local policy choices. Where is the choice for our children when they and their folks can’t even decide what to wear to school? There is none.

Equally troubling is the message implicit in the statements we hear from the Local Cheyenne River Agency BIE when they say that they will obey the mandate of Tribal Ordinance 66 “if there is money in the budget.” To the Lakota people of this reservation this sounds like the BIE intends to ensure that the Lakota Language is not prioritized in the budget for School year 2010-11. Our language is at least as important as any other subject taught at the C-EB school!

Perhaps the Committee recalls that we have had a huge increase in the number of suicides here and on our sister reservations at Pine Ridge, Rosebud, and Standing Rock. Recently, my relative Wamni Omni Naca (Chief Whirlwind) wrote: “Our Lakota Language is the soul of our Culture. Our language is the root of the solution to helping our young people survive; it is essential to our very survival as a people. Ordinance 66 must continue to be implemented in our schools; this is a fundamental element of the United States’ trust responsibility. In addition, we need more funding for counselors and teacher aides who live with and understand our language, our culture and most importantly, our students.

In the 1868 Fort Laramie Treaty, Article 4 provides:

The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the

following buildings, to wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

Article 7 of the 1868 Treaty provides in relevant part:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted. The United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

On February 28, 1877, as our Sacred Hê Sapá or Black Hills were confiscated, Congress renewed its Treaty promises, stating in Article 5:

In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868.

Thereafter, in the Act of March 2, 1889, where Congress created six reservations out of the remainder of the so-called Great Sioux Reservation, § 17 provided:

That it is hereby enacted that the seventh article of the said treaty of April twenty-ninth, eighteen hundred and sixty-eight, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time this act shall take effect....

Significantly, the 1889 Act provided in section 19:

That all the provisions of the said treaty with the different bands of the Sioux Nation of Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with the same approved February twenty-eighth, eighteen hundred and seventy-seven, not in conflict with the provisions and requirements of this act, are hereby continued in force according to their tenor and limitation, anything in this act to the contrary notwithstanding.

When Congress enacted the Snyder Act of Nov. 2, 1921, ch. 115, 42 Stat. 208, codified as amended at 25 U.S.C. § 13, it continued its Treaty responsibility for education. Congress mandated there that the BIA through the Secretary of Interior was authorized to:

direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: General support and civilization, including education....

This is one of the statutory continuations of Article 7 of the 1868 Treaty.

In *Federal Power Commission v. Tuscarora Indian Nation*, 362 U. S. 99, 123 (1960), the Supreme Court held:

By the broad general terms of § 21 of the Federal Power Act, Congress has authorized the Federal Power Commission's licensees to take lands owned by Indians, as well as those of all other citizens, when needed for a licensed project, upon payment of just compensation....

Writing in dissent to the Supreme Court's decision in *Tuscarora*, Associate Justice Hugo Black wrote, 362 U.S. 142: "I regret that this Court is to be the governmental agency that breaks faith with this dependent people. **Great nations, like great men, should keep their word.**"

Here, Honorable Committee members, on behalf of the Cheyenne River Sioux Tribe, I ask you to keep the word of the United States by ensuring that the wishes of the Tribe are

adhered to, and, by ensuring that we have adequate resources to educate our children and grandchildren, that is, our students, now and forever.

For example, we are in need of construction funds so that our children will have classrooms to go to so they may learn:

- 1) The Tribe needs and hereby requests Ten Million Dollars (\$10,000,000.00) for a new 10 classroom building for our Head Start Program;
- 2) The Tribe needs and hereby requests Sixteen Million Dollars (\$16,000,000.00) for a new High School at Takini<sup>2</sup>—the place where Chief Big Foot and his Band left from in December 1890 on their tragic journey to Wounded Knee;
- 3) The Tribe needs and hereby requests Eighty Nine Million Dollars (\$89,000,000.00) for a new K-12 school to replace the existing, crumbling infrastructure at Cheyenne-Eagle Butte School.

Honorable Committee members, we need the Department of Health and Human Services Administration for Children and Families (hereafter “ACF”), which oversees Head Start, to donate the interests they have in buildings on the Cheyenne River Sioux Reservation to the Tribe’s Head Start Program. Currently, we have been trying to satisfy the requests of ACF bureaucrats who want us to give them documents they already have on file detailing the Tribal Head Start Program’s history with the said buildings. Since the ACF folks have all these documents in their files, we don’t understand why we have to give them additional copies. Please, help us with this issue; the Tribe’s Head Start facilities are in an advanced state of deterioration. We will be happy to provide video and photographic documentation of these conditions to the Committee.

I am happy that we are meeting at the Cheyenne River College Center today. Looking around, I am confident that you can see we are in dire need of additional funding for our college, for new classrooms, student housing, equipment as well as for financial aid our college students.

---

<sup>2</sup> The Lakota term “Takini” means “They returned to life [because the 7<sup>th</sup> Cavalry killed them]” at Wounded Knee, December 29, 1890.

Our reservation is the size of the State of Connecticut. I am sure you know that we lack the resources to run even a small city in Connecticut. You can see that we have great needs and scarce resources; despite the great beauty of our lands. ~~Yet, Mahpiya Luta, Chief Red Cloud, War Chief of the Tetonwan Lakota once said.~~

*Chief Red Cloud said* **I am poor and naked, but I am the chief of the nation. We do not want riches, but we do want to train our children right.<sup>3</sup>**

Thank you for listening to the concerns of the Cheyenne River Sioux Tribe. I stand ready to answer any questions the Committee may have.

**REF**

---

<sup>3</sup> The remainder of Chief Red Cloud's quote reads: "Riches would do us no good. We could not take them with us to the other world. We do not want riches. We want peace and love."