

TESTIMONY

ON SENATE BILL 964

"THE CHEYENNE RIVER SIOUX TRIBE
EQUITABLE COMPENSATION ACT"

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

August 3, 1999

SUBMITTED BY LOUIS DUBRAY
VICE-CHAIRMAN
CHEYENNE RIVER SIOUX TRIBE
SENATE BILL 964
THE CHEYENNE RIVER SIOUX TRIBE
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TESTIMONY

Honorable and distinguished Members of Congress, my name is Louis DuBray. My Lakota name is Mini Kola Kiya (Friend of the Water). I belong to the Oohe Numpa (Two Kettle) band, one of the four bands on the Cheyenne River Reservation within the State of South Dakota.

The Cheyenne River Sioux Tribe consists of approximately 3.5 million acres of land within the exterior boundaries of the Cheyenne River Indian Reservation (about the size of the State of Connecticut). The Oahe Dam and Reservoir Project overlies the eastern boundary of the Cheyenne River Indian Reservation, and approximately 150 miles of shoreline lie along the Oahe Dam and Reservoir.

I currently serve as Vice-Chairman of the Cheyenne River Sioux Tribe and want to say it is an honor that I was selected by my colleagues to chair the committee that helped with the task of making sure this very important legislation reached this forum.

My testimony is about the devastation that was bestowed upon my family as well as 181 other families that made their living from the rich bottomlands that were sacrificed for the construction of the Oahe Dam. 181 families were forced from their homes to live elsewhere. Some of the families chose to move their cattle operations to the upper windswept lands that provided little or no shelter. They were soon wiped out, and literally gave up. This was the beginning of the high unemployment rates that plague the Cheyenne River Sioux Tribe today.

My family owned bottomland that consisted of timber and some of the richest soil along the Missouri River that was completely inundated.

I lost my mother in a car accident in 1952, two years before the 83rd Congress enacted Public Law 83-776, the law that took our land. My father was left to raise 6 children ranging from ages 13 years to 3 months old. Upon learning in 1954 that he was going to lose all of his land and would receive less than half of what the land was worth, my father turned to alcohol. Three years later he passed on to the spirit world, leaving my three brothers, two sisters, and myself to be placed with relatives of the family.

My story is only one of many devastating stories that could be told, many of which are far more devastating than mine.

I respectfully urge the Members of Congress to read all the testimony that is before you, particularly the study entitled "ANALYSIS OF ECONOMIC LOSS RESULTING FROM LANDS TAKEN FROM THE CHEYENNE RIVER SIOUX TRIBE FOR THE OAHE DAM," prepared by Robert McLaughlin.

After reading the study and hearing all the testimony that is before you, I am positive you will realize the Tribe could never be returned to its former existence. However, the \$290,722,958 will

help to restore and make right some of the wrong that was bestowed upon the people of the Cheyenne River Sioux Tribe when taking the Tribe's most valuable and productive lands.

I foresee economic development so as to reduce the Tribe's high rate of unemployment from the interest that will be generated from the \$290 million Trust Fund that will be established.

I foresee better health care for every member of the Cheyenne River Sioux Tribe, and a much-needed nursing home so our elders can spend their last days close to their loved ones.

I foresee our roads being brought up to the standards that are consistent with other entities.

I foresee much needed housing being made available to every family that resides within the boundaries of the Cheyenne River Sioux Tribe.

I foresee the Tribe establishing a banking system so credit can be made available to our agricultural producers and be consistent with other entities.

I foresee the banks of the Missouri River along our shoreline being stabilized, and our natural resources being managed and developed to their full potential.

I foresee the membership of the Cheyenne River Sioux Tribe becoming self-sufficient from the \$290 million Trust Fund that will be established, rather than that being just a dream.

The United States Government has a unique legal relationship with the Cheyenne River Sioux Tribe as set forth in the Constitution of the United States, the Fort Laramie Treaty of 1868, Statutes, court decisions, and Executive Orders. Because of the recent cuts in the funding to the Bureau of Indian Affairs, and the Federal Government never fully living up to their trust responsibility, the economy of the Cheyenne River Sioux Tribe has always suffered.

With all due respect to the Tribes and States of our Nation that help stabilize their economies with revenues from gaming, I am proud to say the Cheyenne River Sioux Tribe is the only Tribe in South Dakota that does not have a casino. I am proud to say that the two main reasons our Tribe does not have a casino are because of the moral issues related to gaming, along with keeping our jurisdiction intact. This tells me, as an elected leader of the Cheyenne River Sioux Tribe, that the membership chooses to stabilize our economy by means other than gambling.

Senator Karl Mundt, speaking on behalf of the South Dakota delegation, stated the following on August 30, 1954, when he wrote the Chairman of the Cheyenne River Sioux:

-if, the tribe would accept the bill as it is now before the President they would have the assurance that the South Dakota Congressional Delegation would cooperate fully to see

that the necessary amendments to the law (to justly compensate the Tribe) are introduced and acted upon during the next Congress (meaning the 84th Congress).

I have great respect for and commend the Honorable Senator Tom Daschle, the Honorable Senator Tim Johnson, and the Honorable Congressman John Thune for honoring the promise that was made by Senator Karl Mundt 45 years ago.

In closing, I thank you for taking the time to read my testimony. I truly believe that after you hear and review all the testimony that is before you, you will find it in your minds and hearts that it is in the best interest of the United States to right the wrong that was bestowed upon the Cheyenne River Sioux Tribe in 1954, and vote to approve the \$290,722,958 that was determined by the Comptroller General of the United States to be the appropriate amount of compensation to pay the Tribe.

With all due respect, I truly believe you will find it in your minds and hearts to treat the first Americans of this country the same as your predecessors treated the war torn nations of World War II when millions of dollars were given by the United States for the purpose of restoring the economies of those nations under the Marshall Plan.

Pilamaya Pelo,

Louis DuBray, Vice-Chairman
Cheyenne River Sioux Tribe