

UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS

Testimony of Thomas Ryan Red Corn

On the Implications of the adoption of the

UNITED NATIONS DECLARATION OF THE RIGHTS OF INDIGENOUS PEOPLE

June 9, 2011

Hawe, Thatsi.e. Wazhazhe zhazhe wita Wakontia. I.e to.e ekipshe konbra.

I came here from the Wa.xa.k'o.lin district

I'd like to acknowledge the Senators and staffers. And I'd like to acknowledge all the nobodies watching on C-SPAN the ocho as well as the Daily Show Intern watching this. Aye!

I'm not an elected official. I'm not an expert. I'm not any kind of anybody. I come to you today representing nobody. I come to you representing all of the nobodies. I'm here to talk to you about the passage of the UN Delcaration on the Rights of Indigenous Peoples.

I did not come here to talk about the past. I came here to talk about the future. The future of all nobodies.

Where my home sits, in the Wa.xa.ko'lin district outside the town of Pawhuska, Oklahoma, I live under a different set of rules than most Americans. Where I live there are people who sell drugs whose homes have been raided by federal drug agents over and over again and nothing ever happens, because no one is ever prosecuted. The power to enforce the law resides with the federal government and not the tribal government. And the federal government has little interest in rooting out this type of behavior in my neighborhood. If this Declaration is adopted, I want jurisdiction for my community over these affairs. Localized control has always proven to be more effective than Federal control over these matters. These powers are given to states and cities. They can be given to Tribes as well. Because, if the federal government will not address this situation, then give us the power to do it ourselves.

Drugs arn't the only problems running rampant in my community, and the countless other reservation communities like it, because of the lack of true sovereignty, 1 in 3 Native American women will be raped or sexually assaulted in her lifetime. As appalling as that statistic is, the

women in my life, real women, stats, have relayed their words to me. This breaks my heart and is not acceptable. These are my relatives. My cousins. My friends. My people. I have a daughter who just turned 1-year old. I would very much like to see this power to protect her shifted to tribes in her lifetime. In the hopes that not one more Native woman, not one more daughter, auntie, or sister, has to grow up under these circumstances. This institution has that power to transfer the protection of our women to us. The Declaration and the Executive branch recognize that when tribes have this power, that we thrive instead of falter. There is a 40-year track record of the benefits of this power shift towards tribal sovereignty and self-determination to back that claim up.

In 1979 I was born c-section in Hastings Indian hospital in Tahlequah Oklahoma, to a white mother and an Osage father. My white mother contracted an infection from that surgery. And while she sat there in the hospital, the staff repeatedly pressured her for consent to sterilize her. My grandmother had her transferred to Tulsa where she fully recovered eventually giving birth to three more boys. One has a master's degree in education and is a teacher. One is a civil engineer and the other one has a master's in architecture. My brothers are doing great things with their lives, and I'm proud of them. But my mother was nearly sterilized, and she was one of the lucky ones. Many other women were pressured and relented or were never even asked. I would like to tell you that this practice died with the 70's but the Native women of my life today tell me that they are still being pressured in the same manner.

As I speak right now, my Osage people have a case that waits to be heard by the Supreme Court. The case effects our full reservation status. The Attorney General last week made a recommendation for it to be thrown out. It is our last ditch effort to have a legally fully recognized home. Lawyers play semantics with words over demographics and not actual written law, instead of letting us call it what it is. Judicial erosion of our home. Our land. The land of those that came before us and hopefully those that will come after us. No treaties were signed. No new laws were passed. But the legal definition and premise that everyone had been functioning off of for the past 100 years now hangs in the balance. We are a reservation when the state wants money to build roads. We are a reservation when the state wants our gaming and tobacco compact money. We are a reservation when the state wants our Oil and Natural Gas resources. We are a reservation when we pay a gross production tax on those resources. Every land deed within our boundaries states that we are a reservation. We are a reservation for the tourists who pass signs, paid for by the state of Oklahoma that say **YOU ARE NOW ENTERING THE OSAGE INDIAN RESERVATION**. But the courts say we are not a reservation when we say we should not be paying state income tax when we do not live or work on land under the jurisdiction of the state of Oklahoma. If we are under Oklahoma jurisdiction then where are they when drug dealers are selling methamphetamine? Where are they when the women are being raped? Where are they when our homes are falling in? Give us the power to raise our own taxes to provide for our own infrastructure. Give us the power to prosecute

outsiders, native or non-native, that break the law on our lands. This is not an “extra” right. This is a human right. Rights this country was founded on.

I want to live to see a day when the idea of human rights is not seen as radical. I am asking for the right not to be legally erased. I am asking for the right to be able to put my daughter’s Indian name on her birth certificate in our own alphabet. I am asking for the right to attend a university where there are more live indians on campus than dead ones. The right for the Iroquois Nationals Lacrosse team’s passports to be recognized so they can attend the World Championships for the sport that they invented. The right for the Prairie Band Potawatomi to put a tax on their tribal gas station to pay for roads and bridges on their reservation. I am asking for the right of self-governance. The right for Tribal police departments not to be expected to permanently sustain themselves on grants and the federal funding whims of someone in Washington DC, someone who will never visit my reservation or see my face. I want Indian lands to be the last to be flooded for dam construction along the Missouri river, and not the first. I don’t want consultation. I want the right to say NO. I want the United States to be a leader on Indigenous rights so that they do not have to suffer the international embaressment of being one of the last countries to sign on.

And I do not want lip service. I want to be looked in the eye. I want you to shake my hand and tell me that you’re on board to change the future of Indian Country. That you will adopt this declaration and make it binding. That you will give it teeth. That it will be the law of the land.

I was born Indian and I will die Indian but today, my nation is at war by way of judicial amnesia. This supreme court case is a classic example of the corrosive efforts enacted by the US federal government to assimilate us, the indigenous people of this land, and in order to ultimately be rid of us. So our land, our people, our way of thinking can be absorbed and conveniently forgotten. And the thing is, legislation containing words from this declaration can stop a 500 year long quest to wipe indigenous people from the maps of this hemisphere. It will allow us, all of us, to develop ourselves economically and to provide for our citizens so that the federal government does not have to. In 2004, Republican Congressman Lucas from Oklahoma provided historic legislation that kept Osages from being abolished as a legal entity and allowed us, for the first time in our history, to function as a democracy. With that legislation we have made great strides. We have made health care and housing improvements as well as bolstered our scholarship opportunities for our youth. But the legislation stopped short of shoring up our reservation status which is what we are now fighting.

That fight extending to Oklahoma passing state question 755, currently in litigation and billed as the ban of Sharia Law; it also banned recognition of tribal law. My marriage certificate was issued by a tribal court of the Pawnee Nation. Under such laws even my marriage is considered not valid.

This Geronimo code name is just another way for the United States to paint Natives as enemies of the state. That has to change if we are not only to survive but thrive as respective nations. I am just one person. From one tribe. The issues I have raised here are not new and not relegated to my people alone. Many others struggle under the same set of laws. All that can change with this declaration. It can turn all those nobodies into somebodies.

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