

**Native American Church  
of the  
Ghost Dancers  
United States of America**

Submission to the United Nations  
Universal Periodic Review  
Ninth Session of the Working Group on the UPR  
Human Rights Council  
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I would like to respectfully take this opportunity to address the human rights situation concerning individual indigenous Americans and their rights. Currently, the United States Department of the Interior, Bureau of Indian Affairs, claims to oversee and service 1.9 million American Indians and Alaska Natives. On the same page on their web site which proclaims this number is a link to the Bureau of Census, whose most recent census in the year 2000 publishes that there are 4,119,301 either alone or in combination. This figure would of course be projected to a somewhat larger population currently as of 2010 with the burgeoning census of 2010 in process. But even if the 2000 figure is used in lieu of the current figure the amount of unrecognized or non-serviced indigenous Americans represents somewhat over two-thirds of the indigenous American population.

This situation is not only problematic because of the majority of the population being in the unrecognized or non-serviced category but those who fall into the “federally recognized American Indian” category have no individual rights of self-determination as individual indigenous peoples. Rather many who are either from non-reservation tribes or are living off reservation are living in a state of identity crisis, substance abuse and abject poverty and frequently fall through the cracks. The situation being thus, these indigenous peoples should be recognized by the United Nations, world community of nations and the governments in question as Internally Displaced Persons and their problems addressed as such.

The process of recognition for Indigenous Peoples Organizations or “federally recognized tribal groups and bands” is cumbersome and non-responsive to the needs, interests and desires of many indigenous peoples in the United States. The recognition process is a vestige of the post-depression era Indian Reorganization Act of 1934 and as such fails to address the current problems of indigenous populations and their rights to self-determination and organization. Ironically, two years subsequent to the aforesaid act of Congress another federal law was enacted known as the Thomas Rogers Act or Oklahoma Indian Welfare Act of 1936 which allowed for a marginal self-determinative right for Native American individuals under Article four which provided for ten or more enrolled Oklahoma Indians to organize and obtain recognition as a cooperative. Unfortunately, even this nominal attempt of federal legislation regarding self-determinative rights of indigenous peoples has been largely marginalized or ignored. In the 21<sup>st</sup> century if this federal legislation was to be of any use in addressing the indigenous peoples situation these rights would have to be extended to the whole of the United States as indigenous peoples have dispersed considerably in the intervening years. In addition, the recognition process for said Indigenous Peoples Organizations should be streamlined and simplified. Even though, it might be argued that the current tribal organizations might object to alterations in the current situation under which

they had obtained recognition, this governmental action and/or legislative process would act not as a replacement of the current programs and legislation but as an alternative in behalf of the majority of indigenous peoples who are currently non-recognized or not serviced and are essentially in the position of Internally Displaced Persons.

Land, mineral and property rights must, of course, be fundamental to the rights of the indigenous peoples so recognized or defined under this process. These lands and properties so acquired or held by said Indigenous Peoples Organizations so recognized under this process shall be held as community properties by said organizations themselves and in behalf of the indigenous Americans appertaining and recognized by said organizations through this self-determinative process. Trusteeships by state or federal government organizations and their departments, services, bureaus and agencies which have historically been problematic in regards to trust land and/or allotment fractionation, accounting difficulties and trusteeships that attach thereto would therefore not be a factor under this process. Land and property so acquired pursuant to this procedure should be issued under Land Patents pursuant to aboriginal entitlement held by the Indigenous Peoples Organizations involved as communal lands and properties. In this manner the property rights of said indigenous peoples and their self-determinative rights could be respected and protected commensurate with the spirit of and pursuant to the United Nations Declaration on the Rights of Indigenous Peoples and international jurisprudence.

As Indigenous Americans have historically been regarded institutionally in the United States either as incompetent individuals, “dependent sovereigns” or wards of the state in the language of Chief Justice John Marshall this outlined procedure would have to be addressed by either legislative process or executive order. Indeed, indigenous Americans according to the United States Supreme Court’s land mark decision in *Lone Wolf v. Hitchcock* (1903) have ruled that indigenous Americans have no rights of judicial review in the courts and are under the plenary power of Congress. Indeed, Indigenous Americans are arguably perceived as wildlife by United States governmental institutions being under the mandate of the Department of the Interior which functionally oversees wildlife and land management under their sub agencies of the Bureau of Indian Affairs, Bureau of Land Management and Fish and Wildlife Service. Additionally, Indigenous Americans have been adjudicated and regarded by the United States Supreme Court as devoid of civil rights and liberties exemplified by the *Tee-Hit-Ton v. United States* ruling. Ironically, this ruling was made subsequent to the *Brown v. Board of Education* Supreme Court land mark decision, which established civil liberties and addressed civil rights regarding other racial and ethnic groups and minorities. In the words of Supreme Court Justice Stanley Reed who wrote the majority decision:

“Every American schoolboy knows that the savage tribes of this continent were deprived of their ancestral ranges by force and that, even when the Indians ceded millions of acres by treaty in return for blankets, food and trinkets, it was not a sale but the conquerors’ will that deprived them of their land.”

I beg to differ with the various state governmental implications and categorizations of Indigenous Americans as wildlife or savages and believe that Indigenous Americans should be regarded as human beings and their rights to humanity respected as such and said violations or disregard of such rights to be addressed in an open forum with the stakeholders involved. Unfortunately, a conundrum is currently presented that prevents this dialogue from moving forward; that being that until the self-determinative and proclaimed Indigenous

Peoples Organizations are acknowledged as such by the state governments and parties involved then the dialogue can not take place for the acknowledgement to be addressed. This situation necessitates a third party intervention such as the United Nations or other international body to mediate and act as a conduit to resolve this dilemma. The Native American Church of the Ghost Dancers would be interested and willing to act in the capacity of a pilot program for such acknowledgement and is available to act in an advisory capacity as an indigenous peoples stakeholder and can be contacted by the several government agencies and regulatory bodies via the information following:

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We believe only with open regard for one another without politicization or gamesmanship in a transparent forum of legitimacy, equality and respect can these problems and violations be resolved in an atmosphere that will lead to the betterment of all humanity and indigenous life.

Nan Aiya Hosh Ish Nowashke (May You Walk in Peace)

Statement prepared by

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