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MINORITIES AND JUVENILE JUSTICE: A NONCOMMITMENT TO EQUAL PROTECTION

Josh Hilpert

Manifest in the juvenile justice systems of every state in the Union is an ugly phenomenon antithetical to America's professed commitment to ethnic impartiality and equal protection of the laws. Myriad studies have all reached the same conclusion: there are disproportionate numbers of African American, Native American and Hispanic American youth in the juvenile justice system; and the disparity can be observed at each decision-making stage in the process. The reality of the situation underscores the disconcerting truth of which most are aware but with which too few of us are forthcoming: the United States still has long strides to take before it finally outruns the looming specter of its racially divided history.

The statistics bear stark witness to a system in dire need of reform. Although ethnic minorities account for only one-third of all American adolescents, they comprise more

than two-thirds of the population of all youth detention and correctional facilities. In fact, when charged with the same offense, African American youth with no prior admissions are six times more likely to be incarcerated in public facilities than white youth, and Latino youth are three times more likely to be incarcerated than their white counterparts. Young minority defendants also find themselves transferred to adult criminal court far more often than young white defendants, and, of these transferees, those of color tend to fare worse when being sentenced.

This kind of disparity is by no means limited to the adjudication phase of the juvenile process. It can be observed in the rate at which apprehended youth are referred by police for further processing; race also has a measurable

impact on prosecutorial decision-making. Charges are filed much more consistently against referred minority youth than they are against referred white youth. Moreover, studies on plea trends and case dismissal rates, considered in tandem with the fact that white youth retain private counsel at a much higher rate than minority youth, suggest an epidemic of poorer representation for nonwhite youth.

The disproportionate presence of youth of color often increases at later stages of juvenile justice processing: adjudication, commitment, and placement in public versus private facilities. The cumulative effect of these decisions is that the racial composition of the cohort becomes increasingly nonwhite as it moves through the

system. Moreover, minority youth typically remain incarcerated longer than white youth sentenced for similar offenses, and the former tend to receive fewer services once they return to their communities.

These disparaging findings shed light on only a limited portion of the problem. Many bleak statistics can be culled from the vast literature on this topic, all of them pointing to the inevitable conclusion that America's commitment to equal protection of the laws is reprehensibly deficient where juvenile justice is concerned. Disproportionality, in fact, is greater in the state juvenile systems than it is in adult criminal justice generally.

The problem of where to begin in effectively addressing the issue is bewilderingly complex and cannot be solved without identifying its causes. Concluding the analysis with a general observation that the situation is illustrative of more endemic trends in American society at large will render impotent any effort for meaningful reform. It has become increasingly

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COCHRAN DELIVERS 2009 CASH MEMORIAL LECTURE “INDIGENOUS PEOPLES AND CLIMATE CHANGE”

Patricia Longley Cochran, executive director of the Alaska Native Science Commission and chair of the Indigenous Peoples' Global Summit on Climate Change, delivered the 15th annual Joseph Harper Cash Memorial Lecture at The University of South Dakota on Oct. 15, 2009. An Inupiaq Eskimo born and raised in Nome, Alaska, and a distinguished voice in the international climate change dialogue, Ms. Cochran was invited to the University to discuss some of the issues concerning indigenous peoples and climate change and share what she has learned from affected communities around the world.

“We in the Arctic have witnessed the most dramatic environmental effects of globalization,” Cochran explained to her Farber Hall audience. “Our indigenous communities are struggling to cope with extreme erosion, melting permafrost and slumping beaches, thinning sea ice, receding glaciers, and an invasion of new species of animals.” To underscore the gravity of her remarks, she presented a slide show of distressing photographs, including pictures of long-established coastal communities literally falling into the sea as a result of ongoing and unprecedented erosion. “Disease patterns are shifting as well,” said Cochran, “bringing malaria, dengue fever, and possibly avian flu to areas and people who often have little access to basic health services.”

Most troubling to the Alaskan and other northernmost indigenous communities of the world are the ominous predictions regarding ice-free Arctic summers. As Cochran explained, “the most alarming estimates show a new, open seasonal sea at the top of our world within a decade.” Early indications of the accuracy of this dire forecast are already wreaking havoc on the traditional lifestyles of Inuit peoples, most notably in the realm of hunting, the traditional practice of which continues to sustain entire communities in the same way it has for thousands of years. “Our hunting culture is tied to the land,” remarked Cochran. “For us, climate change is an enormous social issue, and, thus, we believe, an issue of our right and ability to exist as an Indigenous people.”



Patricia Longley Cochran

“For us, climate change is an enormous social issue, and, thus, we believe, an issue of our right and ability to exist as an Indigenous people.”

“In this age of globalization and our ever-increasing connectivity,” Cochran continued, “we must recognize how the global affects the local, and the local affects the global. Let us consider not only the physical, but the social impacts of climate change so we can begin to imagine the endless ways our warming world will affect indigenous communities and indeed, all communities, around the globe.”

Cochran hosted the Indigenous Peoples' Global Summit on Climate Change in Anchorage last April, which brought together more than 400 representatives from indigenous communities around the globe. “The Anchorage Declaration adopted by the Summit shows that indigenous wisdom has its place and strength in guiding and influencing a world that has largely lost its perspective on balanced human development and sustainability,” Cochran explained. “Now, in this great struggle with climate change, we must find solutions that end the cycle of victimhood for Indigenous and other vulnerable peoples of the world.”

Accompanying Cochran on her trip to South Dakota and adding enlightened observations of his own was Mr. Stanley Tom, the village

administrator of Newtok, Alaska. A Yupik Alaska Native, Tom has witnessed firsthand the devastation to his coastal community wrought by climate change. Newtok was established generations ago on permafrost which is now thawing and steadily eroding into the Ninglick River and the Bering Sea in the north Pacific. The community of just over 300 people was featured in a 2007 *New York Times* article which cited studies estimating that it could be washed away completely within a decade. Tom and his constituents currently are undertaking a massive relocation effort with the assistance of the federal government. The entire village will be moved nine miles south to a new site on higher ground that the community acquired through a land swap with the United States Fish and Wildlife Service.

Climate change “profoundly challenges our simple-minded notion that unrestrained economic growth can cure social ills and lead the way to a better world. There is precious little time for us to re-center development on humanity—not only industry—before we fundamentally change our world, particularly for indigenous peoples and others who contribute least to the problem but have the most to lose. Let us all work together to come to common ground in dealing with this daunting task and move forward as a human community.”

The Joseph Harper Cash Memorial Lecture Series is named for a longtime professor of history and director of the Institute of American Indian Studies at The University of South Dakota. Dr. Cash was founder and director of the American Indian Research Project and the South Dakota Oral History Project, each a major division of the South Dakota Oral History Center. Between 1977 and 1987, he served as dean of the College of Arts & Sciences. The lecture series was established to bring scholars in the fields of American Indian Studies, frontier, western, and mining history to the USD campus for presentations and discussions. The program was developed through private donations from Dr. Cash's family and friends and continues to grow as other contributions are received.

BROKEN LANDSCAPE: INDIANS, INDIAN TRIBES, AND THE CONSTITUTION

DISTINGUISHED USD LAW PROFESSOR PUBLISHES BOOK ON AMERICAN INDIAN LAW

“The very point of history,” writes Frank Pommersheim, “is to make it accountable and render it useful in the realization of important values, such as liberation, self-determination, and fair play.” Pommersheim, a nationally acclaimed scholar in the field of American Indian law and member of The University of South Dakota School of Law faculty since 1984, powerfully pursues that objective in his new book *Broken Landscape: Indians, Indian Tribes, and the Constitution* (Oxford, 2009).

A career-defining effort from a man who, in addition to his teaching duties at USD, has long served on several tribal appellate courts throughout Indian country, *Broken Landscape* offers a comprehensive history of the vastly complex and issue-laden relationship between Indian tribes and the United States government. “Much of this book,” explains Pommersheim, “confront[s] the Indian law jurisprudence of the past and present with one eye on the Constitution and the other on the rather consistent doctrinal patterns that have departed from the Constitution and caused great harm to tribal culture and sovereignty, as well as often resulting in significant impairment of individual Indians’ rights.”

In addition to presenting a concise and lucidly written timeline of the important events, key legislation, and judicial decisions that have molded the peculiar contours of tribal sovereignty since the days of early contact between colonists and the indigenous peoples of North America, Pommersheim offers his vision of a brighter future. He



Frank Pommersheim

suggests that a new amendment to the United States Constitution would represent a path “back to a legitimate constitutional footing in Indian law that accords tribes and individual Indians the appropriate measure of dignity and respect.” Claiming neither finality nor exclusivity, Pommersheim proposes the following working language for such an amendment:

The inherent sovereignty of Indian tribes within these United States shall not be infringed, except by powers expressly designated by the Constitution. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

According to Pommersheim, the adoption of such an amendment “would move away from the traditional bilateral view of constitutional federalism toward a trilateral federalism involving the federal government, the states, and the tribes.” Recognizing



the radical nature of such a paradigm shift and the difficulty that undoubtedly would inhere in bringing it about at this advanced stage of federal Indian policy, Pommersheim suggests a series of intermediate steps that Congress and the Supreme Court could take in paving the way. “To be clear,” he explains, “the Court should properly confine congressional ‘plenary power’ to the essential plain meaning parameters of the text of the Constitution and the Marshall trilogy (of seminal Indian law cases decided between 1823 and 1832), establishing constitutional boundaries that provide dignity and respect to tribes. Congress acting within such boundaries could presumably overturn any of the Court’s modern common law decisions that erode tribal sovereignty.”

A well-respected authority and voice of reason for many years in both Indian country and the academic community at large, Pommersheim is to be commended—both for his latest and most significant publishing achievement and for his forward-thinking approach to tribal sovereignty and the rights of individual Native Americans. “The moribund thinking of plenary power—both congressional and judicial—is no more than a doctrine of containment, a domestic branch of continuing colonialism,” he writes. “There is a better way.”

IAIS NAMES ULLYOT SCHOLARS FOR 2010–11 ACADEMIC YEAR

The Institute of American Indian Studies would like to congratulate the following current and prospective University of South Dakota students, each of whom has been selected as an Ulyot Scholarship recipient for the 2010–11 academic year:

David Estes (Lower Brule), Dwight Luxton (Rosebud), Tyler Tordsen (Sisseton Wahpeton), Cassandra Valandra (Rosebud) and Matthew Wilson (Rosebud). We look forward to their academic and cultural contributions to the USD community,

obvious that certain characteristics of the system itself contribute to the problem. The lack of important procedural safeguards, the often arbitrary nature of juvenile justice practices and judicial decision-making, and the strong social and racial correlates in administrative decisions make it a particularly probable host to discrimination.

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Legislative efforts to combat discrimination in the juvenile justice system have been sluggish in producing any significant results. Congress enacted the comprehensive Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 in an effort to prompt the states to address inherent problems in the traditional juvenile justice model. One of these was the increasing disparity in the treatment of white versus nonwhite youth. In 1988, a disproportionate minority confinement provision—the “DMC Mandate”—was added requiring states to correct DMC.

Amended in 1992, the DMC Mandate requires states to recognize the extent to which DMC exists to identify its underlying reasons, and to create and implement intervention strategies aimed at curtailing the problem. States that fail to address DMC issues risk losing substantial federal funding and under go compliance efforts. Have these congressional efforts met with any success in combating the problem? Not really. States are baffled by the causation questions, confronted with a shortage of funds, mired in layers of state and local bureaucracy, and resistant to changes in administrative functioning, and the federal government has been tepid in its enforcement of the mandate. Since 1992, penalties for noncompliance have been imposed on only three occasions. In 2002, a full 14 years after the DMC Mandate was signed into law, 18 states had yet to even

identify any factors contributing to their DMC problems.

In South Dakota, Native American youth continue to be overrepresented throughout the juvenile justice system, with the greatest disparity occurring at the stage of arrest, according to a 2008 report by the state Council of Juvenile Services.

A South Dakota Disproportionate Minority Contact Committee was created by the Council to monitor, research, and make recommendations to address DMC. The DMC Committee includes local workgroups located in Sioux Falls, Rapid City and Sisseton.

“In South Dakota, Native American youth continue to be overrepresented throughout the juvenile justice system, with the greatest disparity occurring at the stage of arrest...”

What other avenues might hold some promise for the future? University of Minnesota Law Professor Perry Moriearty proposes an equal protection challenge to the disproportionate pretrial detention of minority youth. As she sees it, “of the six primary decision points in the juvenile justice system—arrest, intake, detention, waiver to adult court, adjudication, and disposition—the nature of the detention decision makes it most susceptible to an equal protection challenge.” Her reasoning on this point is persuasive: “[R]esearch indicates that whether or not a juvenile is detained at arraignment plays a significant role in determining whether she will be committed at disposition. And...secure

detention—however temporary—is believed to have a profoundly negative impact on detainees.”

Moriearty recognizes, however, that litigants face a substantial hurdle—namely, the “intent” requirement first articulated by the Supreme Court in *Washington v. Davis* (1976), and later applied to criminal process decision-making in *McCleskey v. Kemp* (1987). By virtue of this line of cases, a disparate racial impact, by itself, is not enough to demonstrate invidious racial discrimination. Actual discriminatory intent must be shown as well in order to prove that an equal protection violation has been committed.

Whether an approach of the variety proposed by Moriearty would meet with success as a first step towards effective reform is, of course, debatable. The existence of a severe DMC problem in the juvenile justice system demands urgent attention. Although reform has picked up steam, evidence of racial discrimination continues to be reported at an unyielding rate. If, nearly 50 years after Dr. King so memorably implored the United States to “rise up and live out the true meaning of its creed,” we still find ourselves struggling with these kinds of issues, it seems more than apparent that there is still a long way to go before the dream is realized.

A complete version of this article, including full citation information, can be viewed at www.usd.edu/iaais.



Josh Hilpert served as a graduate assistant at the Institute of American Indian Studies during the 2009-2010 academic year. He graduated from the University of South Dakota School of Law this spring, earning a Juris Doctor degree and a Master of Arts degree in

History concurrently. Josh would like to thank Carole Cochran, program coordinator at USD's Beacom School of Business, for her valuable contribution to this article.

THE RELATED IMPACTS OF NUTRITION AND MEDIA ON NATIVE PEOPLES

Cecily Engelhart, Yankton and Oglala Sioux, USD 2012
First Prize Winner of the USD Native American Essay Competition

ESSAY TOPIC: Oglala Lakota leader Black Elk spoke of the 7th Generation mending the sacred hoop for Native peoples. He believed that the 7th Generation would return to the red road way of life of its ancestors to bring hope and guidance for future generations. Please discuss how your higher education experience as part of the 7th Generation will positively influence the sustainability of the social, political, spiritual, and/or economic well-being of Native nations, their peoples, and future generations.

When surveying history, it is easy to define the eras that changed the face of America: the Great Depression, the Cookie-Cutter '50s and its beatnik subculture, and the groovy '60s all made their mark. As a member of the 7th Generation, I feel it is my responsibility to do my part to change the face of Native America.

Working within the system of academia, I realize how much a degree will give me credibility in reference to the goals I have concerning Native nations. I am particularly interested in indigenous nutrition, as well as indigenous media. I hope to continue studying these areas throughout my education, and for the rest of my life as a whole.

Nutrition interests me mostly because I have seen the detrimental effects of the Western diet first hand. My family has health problems stereotypical of Native peoples, such as diabetes, obesity, heart disease, etc. During my years here, I have had professors and peers who have really opened my eyes to the massive effects of cultural merging. One trait of Western medicine is to constantly try and combat the after-effects of poor health. I know that in the modern health system, much focus is placed on treatment and reversal of illness as well. I feel that the field of health should focus on prevention, especially when discussing the health of Native nations.

Certainly there are many methods available for preventing poor health, but I think the most effective way would be found in examining the dietary habits of Native peoples pre-contact with Europeans. What kind of nutrition was common, what kind of physical activity was common, how food was integrated into society and more ought to be explored in trying to find

answers to solving the health problems facing Native communities.

Another aspect of the rampant poor health in America has to do with the media. Advertising can be deceiving, and I think equipping children with the knowledge to make healthy, nutritious food choices is essential. That way they can ask questions

“...the importance of returning to more traditional dietary habits could help Native nations to relinquish dependency upon the government for sustenance.”

such as “Is this better for me because it has no sugar, even if it contains aspartame or other artificial sweeteners?” or “Is this okay to eat when it has only 100 calories but still has twenty-seven ingredients I can't even read, let alone pronounce?” I think media issues immediately inhibit the goals of those trying to become more health-conscious, which can already be difficult within Native communities.

The nutritional value in commodities is less than desirable. Processed foods with white flour and sugar and canned goods are ineffective for supplying physically thriving individuals. As the field of indigenous nutrition expands, a core consideration is the possibility that food is the gateway to sovereignty. I agree, and I feel that the importance of returning to more traditional dietary habits could help Native nations to relinquish dependency upon the government for sustenance.

Along with the impact of diet on Native nations, I feel the media is very influential.

Not only does the media affect Natives personally, but media about Natives affects the opinions of people worldwide. Although the media has often been very negative in its one-sided relationship with Native America, it can have positive results as well. The media, especially anything televised, reaches millions and has the potential to expand minds, change opinions, and provide insight.

I am also extremely passionate about breaking down stereotypes, both for non-Natives and Natives alike. I think studying the media will be an excellent asset to me by providing me with answers about how to inform without preaching, how to intrigue without exaggerating, and how to influence without aggression. Essentially I hope that I can learn to create works that stand the test of time and encourage the acknowledgement of Native America as a complex, diverse, and legitimate portion of the United States.

Although nutrition and media may seem unrelated, I think the synthesis of the two shows how everything is connected. I hope that by fusing my passions I can provide inspiration for others interested in making a difference and, hopefully, offer a stepping stone to the next seven generations, just as the seven previous generations have done for me.



Cecily Engelhart, an American Indian Studies major, recently finished her junior year at USD. This essay won the 19th annual Native American Essay Competition. Cecily will embark on a cross-cultural study of Maori dietary customs in New Zealand next year.

DIRECTOR SPOTLIGHT—GENERAL LLOYD R. MOSES

Retired Major General **Lloyd Roosevelt Moses** served as director of the Institute of Indian Studies (the current Institute of American Indian Studies) between 1967 and 1974. Moses, a member of the Rosebud Sioux Tribe, was born in 1904. He later was given the name Tokaha Waste Wicasha (Good Leader) by his people. General Moses, as he commonly was called, began his career as a schoolteacher for the Rosebud School District in 1925. He then studied chemistry at The University of South Dakota.

Upon his graduation in 1931, Moses, a member of USD-ROTC, received a commission of Lieutenant in the Army Reserve. He was called into active duty in 1940 and had a distinguished military career that included combat in both World War II and Korea. Along the way, he earned the Distinguished Service Cross, the second-highest military decoration awarded to members of the United States Army. Before retiring from the service in 1964 and settling in Vermillion, Moses also served as commander of the Eighth Infantry Division (1959–60) and the U.S. Fifth Army (1960–64).

During his seven-year tenure as director of the Institute of American Indian Studies,



General Lloyd R. Moses

General Moses focused on expansion of the University's Indian studies program. He is remembered for playing an instrumental role in developing Indian-related courses and overhauling the Institute's direction and purpose. In 1967, he secured a large grant from the Doris Duke Foundation that enabled the Institute to greatly increase the number of interviews in the Oral History Center. Under his leadership, the Institute aided in the publication of two important works that impacted scholarship in the field of American Indian history: *The Indian Americans*, written by Drs. Joseph Cash

and Herbert Hoover in 1970, and *To Be An Indian*, edited by Cash and Hoover the following year. The latter book utilized material collected in the Oral History Center and has become a respected field manual for conducting oral history interviews.

Native student enrollment at USD increased markedly during General Moses' tenure as Institute director. This, coupled with a rising interest in Native American issues, prompted the formation of many campus associations and clubs centered on Indian affairs. Among these were the Wapaha Club (forerunner of Tiospaye), the Tribal Law Study Club, the Indian Community Action Project (ICAP), and Upward Bound. In those days, these organizations and several others were placed under the broad umbrella of the Institute. Lakota language courses were also added to the University's curriculum for the first time during General Moses' directorship.

General Moses died on Aug. 22, 2000. He and his wife Ruth are buried in Arlington National Cemetery in Washington, D.C. His papers, donated to the University's I.D. Weeks Library between 1996 and 2001, are divided into 11 categories in the Lloyd Roosevelt Moses Collection and are available for research without restrictions.

CANTE WAS'AKE WICOIYE — A MESSAGE OF FORTITUDE

Everything that we do today, our children will remember in the future. No one will remember what we owned in our lives as much as how we lived it and what we did with it.

Takukiya ecunk'unpi kin tokatakiya wakanyeja unkitawapi kin kiksuyapi kte.
Ni unk'unpi hehan taku unyuhapi hena tuweni kiksuyapi kte sni, eyas tokeske ni unk'unpi kin nahan taktokunk'unpi hena eca kiksuyapi kte ksto.

*Written and translated by Susana Geliga,
Rosebud Sioux, graduate student in history,
The University of South Dakota.*

| English Word | Lakota Word | Pronunciation |
|---------------|----------------|------------------------|
| children | wakanyeja | wah kahn yeh jah |
| future | tokatakiya | toe kah tah kee yah |
| they remember | kiksuyapi | kee ksoo yah pee |
| what we do | taktokunk'unpi | dahk doe khoon kum pee |
| we live | ni unk'unpi | nee oon k oon pee |
| everything | takukiya | dah koo kee yah |
| today | le anpetu | leh on peh doo |
| but | eyas | eh yah sh |

(There is no "D" in the Lakota dialect. The "D" is just for phonetics. A "T" with a line over it makes a soft "D" sound.)

LIVING THE LESSONS WE HAVE LEARNED

Patrice H. Kunesch

Reprinted from *The Harvard Gazette*, April 29, 2010

Engraved on a large slate plaque affixed to Matthews Hall in Harvard Yard is the story of Native Americans' past and the narrative of our future. That is the site of the original Indian College, Harvard's first brick building, where more than 350 years ago Caleb Cheeshahteumuck and Joel Iacoomes of the Wampanoag Tribe of Aquinnah on Martha's Vineyard lived and studied alongside English students. Caleb was the first Native American to graduate from Harvard, in 1665.

The Indian College also housed the College's printing press, on which the first Bible in North America was printed. The Bible was a translation into the Algonquian Indian language.

Behind the plaque's inscription is a faint, incised representation of a turtle, a powerful symbol in Native American creation stories. The turtle represents many things. One is a creative source, the most powerful force we possess. The turtle also embodies a sense of being well-grounded, self-contained, with a steady approach to life. These qualities resonate with many of the lessons learned at Harvard.

I soon will be an unlikely graduate of Harvard University. My grandfather, a member of the Standing Rock Sioux Tribe in South Dakota, experienced a precarious childhood. Grinding poverty, disease, and despair had taken root across the reservation in the early 1900s. Often there was not enough food or fuel. His brother, along with thousands of other Indian children, was taken from his family and sent far away to an Indian boarding school in Carlisle, Penn. Boarding schools were part of the federal government's assimilationist policies aimed at severing Indians' ties to the land.

Like so many Indian children, my grandfather grew up with his feet in two worlds. One foot was in the Indian world, rich with traditions and ceremonies, a language that nurtured his spirit and heart, and a homeland that gave him a sense of place. His other foot was in the fast-paced white world of trains and cars and different habits. Like so many Indian children of that

time, he grew up confused about his identity and indefinite place in American society.

I delved into this history as a law student. It was very disturbing to learn that two generations later things had not greatly improved in Indian country. The wholesale removal of Indian children from their homes and the displacement of their families continued well into the 1970s. This has been the most tragic aspect of Indian life today. Children everywhere deserve to grow up in a safe, stable, and nurturing environment.

“What matters is that we have persisted — that our language, traditions, and culture have endured.”

I decided then to work for the rights of Native American tribes to be self-determined and self-sufficient, and to help improve conditions on Indian reservations. This work, like development work throughout the world, requires a turtle approach: One must be creative, well-grounded, and have steadfast determination, even in the face of daunting obstacles or discouragement.

Constancy served Caleb well at Harvard. Despite the hardships of being away from his family and the contradictions of living in the white man's world, he earned honors in his studies. Sadly, his life, like Joel's, was cut short by the perils of the time. After Caleb graduated, there was no identifiable Native American presence at Harvard for more than 250 years. Now, about 120 Native American students from 40 tribes study at Harvard every year.

Many Native American students at Harvard still struggle with the contradictions that Caleb and Joel faced. We still have our feet in two worlds. One day we are in our jeans studying economic theory, and the next we are in our jingle dresses dancing at the powwow. Soon we will be in the Yard receiving our degrees, and shortly after we will be fishing or hunting to feed the community. What matters is that we have

persisted — that our language, traditions, and culture have endured. While our time at Harvard has given us a sense of place here, what we have learned will extend far beyond these ivy-covered walls. It will reach across all of our borders and become a part of our communities.

Culture mattered then and matters today. The diversity of our cultures is the underpinning of our human bonds, and of our intolerance and prejudice as well. Caleb and Joel lived and studied alongside their ethnic English classmates at a time when the two cultures disputed one another's right to exist on the continent. Three centuries later, we persist, mostly intact, and determined as ever.

Diversity abounds at Harvard today. Diversity in race and ethnicities, of different religious beliefs and spiritual practices, and in widely varied talents and interests. This diversity, spurred many years ago by Caleb and Joel, not only invigorates the vitality of our learning experience, it cultivates a broader and more insightful view of the world.

The lessons gleaned from the plaque affixed to Matthews Hall continue to inspire us to know the human value of the world and to place ourselves within it. There is certainty in the lessons we have learned from the past, of being creative, well-grounded, and steadfast. Let us not linger, for there is no time to spare. So let us begin.



Patrice H. Kunesch, of Standing Rock Hunkpapa Lakota descent, is the current director of the Institute of American Indian Studies. A member of the faculty of The University of South Dakota School of Law since 2005, she teaches

in the areas of federal Indian law, children and the law, legislation and property law. Awarded a Bush Leadership Fellowship for the 2009–2010 academic year, Professor Kunesch recently received her Master's in Public Administration degree from the Kennedy School of Government at Harvard University.

DIGITIZATION PROJECT UNDERWAY FOR ARCHIVAL NEWS REPORTS

The Institute of American Indian Studies (IAIS) has issued this newsletter in one form or another since 1955. A complete collection of the Institute's publications is available in the IAIS archives and The University of South Dakota's I.D. Weeks Library. The newsletter collection is a rich yet virtually untapped resource for research. Last spring, IAIS enlisted the help of Archivist and Special Collections Librarian **Dan Daily**, who joined the faculty and staff of the University Libraries in the summer of 2009. Daily and tech fellow **Aaron Lougheed** devoted a generous amount of their time during the 2009–2010 academic year to digitizing the IAIS newsletter collection, a task that involves the painstaking process of creating both archival and cropped scans of each page of every back issue.

As of today, Daily and Lougheed have completed scanning all the newsletters published between 1955 and 1993. Work on subsequent issues will continue through the summer. Daily also has been working on the metadata or cataloging aspect of the project, with the goal of making all back issues available for browsing and viewing on the Digital Library of South Dakota (DLSD) website (<http://dlsd.sdln.net/>).

Watch for the completion of the project and the electronic availability of the complete newsletter archive during the 2010–2011 academic year. IAIS would like to extend a special thanks to Daily and Lougheed for the tireless effort they have devoted to the digitization project thus far.



UNIFYING THE AMERICAN INDIAN PRESENCE
AT THE UNIVERSITY OF SOUTH DAKOTA

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