

Real apology means you won't do it again

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Congress is considering an apology to Indians and other native people for the wrongs done by this country -- forced relocations, takings of lands, violating treaties, destruction of sacred sites and outlawing native religions and languages, to name a few. But a real apology means you won't do it again, and there is the problem. Congress needs to stop doing the things for which it is apologizing.

Congress insists it may freely violate treaties made with Indian nations, and, sad to say, it does this regularly without making amends. Indeed, Congress maintains a range of laws and practices that are so discriminatory and racist that they should have been discarded generations ago.

The federal government still takes Indian land without paying for it. The Constitution says Congress may not take anyone's property for a public purpose, except with due process of law and with fair market compensation. But these rules are not applied to most land and resources owned by Indian tribes, and the government takes the land and resources at will.

The Interior Department still does not account for billions in Indian funds that it holds. The United States still insists that Indian tribes are in a state of permanent, involuntary trusteeship, with the federal government as trustee. No one else in the United States is subject to such unaccountable "trusteeship."

Congress insists it can even put Indian nations out of existence at any time by terminating their rights. All of this is not only wrong, but very bad public policy and wholly out of keeping with American values. Some examples: Congress passed a law in 2004 that confiscates more than \$145 million belonging to nine Western Shoshone tribes and orders the Interior Department to hand out the money to individual tribal members. A few years ago, Congress confiscated part of the Yurok Nation's reservation in California and gloated that it could do this without paying compensation.

So what should Congress do? In addition to an apology, Congress should conduct hearings on these issues and adopt a resolution never again to take Indian or tribal property without due process of law and fair market compensation.

Congress must assure that the government accounts fully for the Indian money and property it holds. The resolution should promise that Congress will never again terminate any Native American tribe and never again violate a treaty with an Indian nation without correcting all the resulting harm. Congress must examine and change all federal laws, regulations, and court-made law that deprive Native American nations and tribes of constitutional rights.

Until Congress corrects this unjust legal framework, tribal governments must work at a terrible disadvantage to battle the poverty and social problems that afflict most Indian communities.

This embarrassing state of affairs, this ongoing lawless and arbitrary congressional power over Indians has resulted in a negative, risky, unpredictable business climate on Indian reservations that inhibits needed economic development.

Government funds and casinos cannot ever overcome the fundamental legal injustice that Congress continues to inflict on Indian and Alaska Native nations.

Without such commitments from Congress, an apology will not be in good faith and will have to be made over again. Until the government changes its ways, things cannot be expected to improve much in Indian country. It is time to make the changes.

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