

**Testimony of**  
**The Honorable Richard Brannan**  
**Chairman of the Northern Arapaho Tribe**  
**For the Reauthorization of**  
**The Indian Health Care Improvement Act**  
**Before**  
**The Senate Committee on Indian Affairs**  
**March 8, 2007 – 9:30 AM**  
**Room 485, Senate Russell Building**

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Good morning, Chairman Dorgan, Vice Chairman Thomas and members of the committee. My name is Richard Brannan. I am the Chairman of the Northern Arapaho Tribe of the Wind River Reservation in Ethete, Wyoming. I am serving my fourth term as Chairman of my Tribe. I am a member of the National Steering Committee for the reauthorization of the Indian Health Care Improvement Act, the Tribal Leaders Diabetes Committee and the Indian Health Service (IHS) Budget Formulation team representing the Montana and Wyoming Tribes. I worked for several years for the Wind River Service Unit, the IHS facility on my reservation, as the administrative officer. Health care has been a personal priority not only during my interim in the IHS but as a Tribal leader. I appreciate this opportunity to address the health issues of Tribes and would like to thank the committee for the opportunity to testify in support of a senate bill to reauthorize the Indian Health Care Improvement Act.

Today I would like to divert from the usual delivery of testimony. I have faith in my colleagues with their knowledge and experience that they will impart to the committee today the priority issues relating to and the importance of reauthorizing the Indian Health Care Improvement Act. Instead today, I would like to put a face to those priority issues, so that as we deliberate on reauthorization, that we keep the faces of American Indian/Alaska Native people in our minds and hearts.

As I begin this address, there are fundamental principles that need to be reaffirmed regarding Tribes and our sovereign status.

**Principles of Tribal Sovereignty**

The overarching principle of Tribal sovereignty is that Tribes are and have always been sovereign nations, Tribes pre-existed the federal Union and draw our right

from our original status as sovereigns before European arrival. The fundamental principles of Tribal sovereignty are:

- As a sovereign nation, Tribes, as evidenced through Treaty-making and Indian Commerce Clauses of the Constitution, engage in a government-to-government relationship with the United States, and
- The sovereign powers of Tribes include: (1) the power to determine our own form of government, (2) determine Tribal membership, (3) regulate domestic relations among our members, (4) prescribe rules of inheritance, (5) levy taxes on members and persons doing business with members or on Tribal lands, (6) control entry onto Tribal lands, (7) regulate the use and distribution of Tribal property, and (8) administer justice among members of the Tribe.

We are sovereign nations, with distinct treaty rights, which have been negotiated with the full faith and honor of the United States. The United States has a trust responsibility toward Tribes based on these treaty rights.

### **The Sand Creek Massacre**

I want to take you back 143 years, to one of the most horrendous acts perpetrated upon the Arapaho people, the Sand Creek Massacre. To this day we do not really know the level of historical trauma sustained by our Tribe because of this event...but we do know that it is there and we continue to suffer because of it.

Colonel Chivington and his 800 troops marched in order to attack the campsite of Black Kettle. On the morning of November 29, 1864, the army attacked the village and massacred most of its inhabitants. Chivington proclaimed before the attack "*Kill and scalp all, big and little; nits make lice.*" Only 9 or 10 soldiers were killed and three dozen wounded. Between 150 and 184 Arapahos and Cheyennes were reported dead, and some were reportedly mutilated, and most were women, children, and elderly men. Chivington and his men later displayed scalps and other body parts, including unborn babies and the private parts of women.

The Joint Committee on the Conduct of the War declared:

*"As to Colonel Chivington, your committee can hardly find fitting terms to describe his conduct. Wearing the uniform of the United States, which should be the emblem of justice and humanity; holding the important position of commander of a military district, and therefore having the honor of the government to that extent in his keeping, he deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest [sic] savage among those who were the victims of his cruelty. Having full knowledge of their friendly character, having himself been instrumental to some extent in placing them in their position of fancied security, he took advantage of their in-apprehension and defenceless [sic]*

*condition to gratify the worst passions that ever cursed the heart of man.*

*"Whatever influence this may have had upon Colonel Chivington, the truth is that he surprised and murdered, in cold blood, the unsuspecting men, women, and children on Sand Creek, who had every reason to believe they were under the protection of the United States authorities, and then returned to Denver and boasted of the brave deed he and the men under his command had performed.*

*"In conclusion, your committee are of the opinion that for the purpose of vindicating the cause of justice and upholding the honor of the nation, prompt and energetic measures should be at once taken to remove from office those who have thus disgraced the government by whom they are employed, and to punish, as their crimes deserve, those who have been guilty of these brutal and cowardly acts."*

I am Arapaho and when I speak about the Sand Creek massacre, I am amazed that we as Arapaho people have persevered. During the Sand Creek Massacre Arapaho women and children were brutally murdered. The soldiers especially targeted children that day with the idea to "exterminate" them would destroy the entire Tribe. The Sand Creek Massacre occurred in 1864 and today in 2007, we as Tribal people continue to fend off the attack on our children. This time the attacker is not as visible as Colonel Chivington's troops but more deadly. In 2007 we are defending our children from succumbing to the effects of a decreasing Indian Healthcare budget, devastating health disparities, and dangerous emerging diseases i.e. the impacts of methamphetamine abuse.

### **American Indian/Alaska Native Health Disparities**

Nationwide, the disparity in health status and access to healthcare for AI/AN is staggering. Tribal Leadership and the Indian Health Service continues to educate Congress, the administration and all of America, on the devastating disparities suffered by AI/AN in health status, mortality rates and access to healthcare. Diseases that continue to challenge the health of AI/AN are diabetes, alcohol & substance abuse, heart disease and cancer.

### **Cancer - Dylan Whiteplume**

This is Dylan Whiteplume. Dylan is Arapaho. He was diagnosed in late 2004 and died in early 2005 of neuroblastoma. He had just turned 5 years old. He was a brave little boy and often amazed his grandmother in his unwavering certainty that he would get better. In fact, he often comforted his family. Dylan needed extensive treatment that the Wind River Service Unit could not provide him. By the time resources were made available through private sector partnerships and charitable giving, Dylan was in advanced stages of the disease. He entered a children's cancer

treatment facility where one of his friends was a little girl that was diagnosed with the same disease about the same time as Dylan. She was able to access treatment earlier than Dylan and was healthy at the time of our reporting.

In 2005, the Wind River Service Unit was unable to provide chemotherapy as part of the treatment plan for cancer patients. There simply was not enough money. There were 6 cancer patients in FY 2005. Two of those patients did not make it through the year – Dylan Whiteplume was one of them.

Cancer is devastating to Tribal communities. The cancer patient is not the only one that suffers. The family, friends and community suffers as well and continues to long after the cancer patient who could not be cured is gone. Cancer treatment can drain the limited income of most AI/AN families, to further strain the energy needed to address their family member's illness. Treatment resources are limited, and prevention is a challenge in a decreasing Indian Healthcare budget.

### **Emerging Diseases: Methamphetamine Abuse – Marcella Hope Yellow Bear**

This is Marcella Hope Yellow Bear; she was 22 months old when her parents were charged with her death. When Marcella was brought to the emergency room unresponsive, the medical staff examined her and saw evidence of several broken bones that had mended without attention, new and old cuts and bruises all over her body, burns on the soles of her feet. She died of suffocation. She had been found hanging in a closet by the suspenders of her clothing. It was obvious to the medical staff that examined Marcella that she had been sustaining a brutal level of physical abuse for some time in her short life. Marcella's parents were long time meth abusers.

The Indian Healthcare budget is strained and funding to address emerging diseases is limited to non-existent. Meth is the scourge of my reservation. Marcella's death is one that my community will never forget. We all share a responsibility in her death. Knowing that, I share her story with you today, so that we are more vigilant in addressing the impacts of meth abuse, and we are more aggressive in demanding funding to address mental health issues, alcohol & substance abuse issues and emerging diseases in the Indian healthcare budget. We need to be more persistent in securing the legislation that will ensure our health, our children's health...children like Marcella are counting on us.

The reauthorization of the Indian Healthcare Improvement Act will ensure that AI/ANs will have the healthcare that is needed in order to ensure that our children have a future. I thank you for this opportunity to present testimony.